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Samuel Griffith
Principal Council Officer
Upper House Committees
Legislative Council
Parliament of New South Wales

Dear Samuel

Please find attached the letter from Eurobodalla Shire Council's (ESC) lawyers (Sparke Helmore) in response to the Environmental Defender's Office correspondence with regard to Huntfest in Narooma.

This document was requested on page 48 of the 'uncorrected proof' of the Inquiry into Crown Land, at the Shoalhaven meeting on Friday 29 July 2016. I have attached a copy of that page with the request highlighted.

Heather Irwin
SAFE Inc. President

21 August 2016

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.

Ms WEBB: In 2018.

Mr BRIGHT: The last event would be in June of 2017—the June long weekend. The actual formal period of approval was up to 31 May 2018.

Mr DAVID SHOEBRIDGE: So the council for some reason in March 2016 decided that they wanted to give a five-year approval which will be effective from June of 2018 at the earliest—is that right?

Mr BRIGHT: Yes.

Mr DAVID SHOEBRIDGE: Did they explain why the current council thought it was appropriate or democratically justifiable to seek to bind the hands of a future council—in fact, probably two future councils—that had not even been elected?

Mr BRIGHT: Amazingly, that question has been asked time and time again at public forums and in various other ways and the Eurobodalla Shire Council has not responded.

Mr DAVID SHOEBRIDGE: When you say not responded, it is a clear question the community would be asking. I assume you have asked it. Is that right?

Mr BRIGHT: Yes, it has been in numerous written and oral submissions to the council.

Mr DAVID SHOEBRIDGE: The council must have attempted to justify their position in some way, or have they just ignored you?

Mr BRIGHT: No, they have ignored that and many other key points that are contained in the submissions here. I think this council has decided we do not have the financial means to mount a legal challenge or whatever to anything and they just ignore us.

Mr DAVID SHOEBRIDGE: One of your concerns in your submission is that the development application [DA] that was approved in 2012-2013 was for a photographic competition and structures associated with it and since then the use has changed fundamentally to be an arms fair. When I put that proposition to council their response was that the approval was only for the structures and that the nature of the event was not part of the original DA approval. Have you had separate legal advice on this point?

Ms WEBB: We have had separate legal advice that challenges that view, the very idea that it was just for the structures. We have had advice from the Environmental Defenders Office [EDO] that says that the structures that were approved are not the structures that are now being used such as steel shipping containers for archery and things like that. The advice is they are not the structures that were approved and a separate, new DA is required. I have copies of the EDO advice.

Mr DAVID SHOEBRIDGE: Do you want to provide that to the Committee?

Ms WEBB: Yes.

Mr DAVID SHOEBRIDGE: Have you provided that advice to council?

Ms WEBB: This is a copy of a letter written from the Environmental Defenders Office to the council in May 2015.

Mr DAVID SHOEBRIDGE: Have you had a response from council?

Ms WEBB: I do not have the response with me but I understand that the response was that council had legal advice that argued to the contrary.

Mr DAVID SHOEBRIDGE: Could you provide what you have got there and then on notice I would ask you to provide the council's response if you can find it.

Ms WEBB: Yes.

The Hon. MICK VEITCH: Essentially we are talking about the appeals process against the council decision and the subsequent council decision to extend. Were you made aware of an appeals process at any stage?

Mr BRIGHT: Sorry, could I have that question again?

The Hon. MICK VEITCH: I am talking about the process that would be followed if you wanted to appeal the council decision.

29 May 2015

Ms Elaine Johnson
EDO NSW
Level 5, 263 Clarence Street
Sydney NSW 2000

Also by email
edonsw@edonsw.org.au

Dear Ms Johnson

Huntfest 2015

Your ref: 1522177

Our ref: HKL/ESC450-00154

We act for Eurobodalla Shire Council in this matter.

We have reviewed and considered your letter to Council dated 21 May 2015 in relation to HuntFest 2015. We note your client's request at paragraphs 4 and 34 of the letter that Council issue an Order under section 121B of the *Environmental Planning and Assessment Act 1979 (EPA Act)* on the proponent of HuntFest, South Coast Hunter's Club (Inc) (**the Club**), requiring the Club to comply with the conditions of Development Consent 51/13.

In accordance with Part 6, Division 2A of the EPA Act, the process for issuing an order in the present circumstances would be as follows:

- (a) Notice of the proposed order would need to be given to the Club.
- (b) The Club would be entitled to make representations in response to this notice. Council would need to allow sufficient time for the Club to make representations in relation to the notice (which is usually a period of 28 days). We assume that the Club would take the opportunity to make representations, given that any proposed Order would impact on HuntFest 2015.
- (c) Council would need to consider any representations made by the Club.
- (d) Council would need to decide whether to issue the Order. The Order would need to give the Club a "reasonable period" to comply with the terms of the Order.
- (e) Council would then need to wait until the period for compliance with the Order ends, and could only commence proceedings in the Land and Environment Court if the Order is not complied with by that time.
- (f) The Club would have appeal rights in relation to the Order. In our view, it is likely that the Club would appeal, as the Order would impact on HuntFest 2015.
- (g) If Council commenced proceedings for non-compliance with the Order, or if the Club appealed the Order, the matter would proceed to a hearing. It is unlikely that the matter would be listed for hearing until at least September this year.

Newcastle

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
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HuntFest 2015 will take place on the June long weekend this year (i.e. 6 and 7 June 2015). The practical effect of Council issuing an Order under section 121B of the EPA Act (if it were minded to do so) is that the process for issuing an Order, as outlined above, will not be complete before HuntFest 2015 takes place. For this reason, we respectfully advise that your client's request for Council to issue an Order under section 121B of the EPA Act on the Club will not serve any purpose.

Yours faithfully 

Partner responsible:

Daryl Gray 

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Received 25/8/16

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Samuel Griffith
Principal Council Officer
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Dear Samuel

Please find attached copies of the correspondence that has passed between SAFE and Ministers Toole, Blair, Stokes and Constance.

Since the Inquiry hearing in Shoalhaven, SAFE received an undated response from Minister Toole's office on 3 August 2016. SAFE's response to this letter (dated 18 August) has also been included.

SAFE has still not received a response from Minister Constance, our local member. A request to meet with Minister Constance has also not been granted.

I have also included correspondence to and from the Premier.

These documents were requested on page 49 of the 'uncorrected proof' of the Inquiry into Crown Land, Shoalhaven meeting on Friday 29 July. I have attached a copy of that page with the request highlighted.

Heather Irwin
SAFE Inc. President

21 August 2016

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Mr BRIGHT: I am not sure that there is an appeal available to us about this council decision. We might have been able to mount a legal challenge against some aspects of their decision but I am not aware that we have some form of appeal against this decision.

The Hon. MICK VEITCH: That is fine. I think you just answered what I was after.

Mr DAVID SHOEBRIDGE: Because the Minister's sign-off is the last step in approving a licence on Crown land you made submissions to the Minister seeking for him not to sign off on the licence. Is that the process?

Mr BRIGHT: Yes.

Ms WEBB: Yes.

The Hon. PETER PRIMROSE: I note on page 9 you indicate that you wrote to four Ministers and a couple of them on a number of occasions. You were not satisfied with the replies that you received from two and two others have not replied at all. Is it still the case that you have not received a response from those two other Ministers?

Mr BRIGHT: There has been no response yet from the Minister for Local Government, Paul Toole, and no response from local member Andrew Constance.

The Hon. PETER PRIMROSE: I was wondering whether you could make available to the Committee a copy of those letters and the responses that you have received just so the Committee is aware of them.

Ms WEBB: Certainly.

Mr DAVID SHOEBRIDGE: At the core of this is a frustration from you that what you see as pretty clear statements in guidelines, legislation and manuals are not being applied appropriately by the Crown land manager, in this case the council. Do you think one of the solutions would be to give the community standing to apply to somewhere like the NSW Civil and Administrative Tribunal for a determination on this, to actually give you a legal right to have these matters determined and clarified and to enforce the Act and the regulations?

Ms WEBB: I think that would be an appropriate step. It would remove the barrier that SAFE struck in regard to following up the advice we had from the Environmental Defenders Office. Without scope to take the matter to court we had nowhere else to go when the council simply refused to respond meaningfully. I agree that what you are suggesting may be a positive way to go.

Mr DAVID SHOEBRIDGE: Because without some sort of remedy that you can get your hands on you can be ignored by Ministers or be palmed off with form letters from Ministers and there is nothing you can do. That must be terribly frustrating for you.

Mr BRIGHT: I can certainly confirm that. You can see that an enormous amount of work has gone into almost a forensic analysis of what has gone on, where the council has completely failed to follow Department of Primary Industries Crown land guidelines. We take that to all sorts of people—Ministers, officials—and just get some very general response which does not even attempt to respond to any one of our series of problems that we have identified. That is a very, very difficult situation to be in.

The Hon. MICK VEITCH: This Committee is essentially looking at the environment in which a new Crown Lands Act will be introduced into the Parliament in about October. Am I hearing that in that new Act you would like some sort of an administrative appeals process for decisions that affect the operation of Crown land?

Mr BRIGHT: There certainly seems to be a need for some more effective process than there is at the moment from our perspective, yes.

Mr DAVID SHOEBRIDGE: Regardless of which side you fall on the argument about whether an arms fair is right or wrong, the fact that you have informed, capable, intelligent members of the community coming together, making detailed submissions that are supported by detailed research and those people are effectively ignored shows that there is something deeply wrong in how Crown land is being managed, does it not?

Mr BRIGHT: Or certainly with the trustees.

Mr DAVID SHOEBRIDGE: Indeed, at the end of the day a huge amount of community concern, effort and time could be saved if there was a quick and ready review mechanism where you could have these matters determined by an appropriate tribunal which had all the facts in front of it.



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29 March 2016

The Hon Paul Toole MP
Minister for Local Government
52 Martin Place
Sydney NSW 2000

Dear Minister

I write to alert you to a number of breaches of the *Local Government 1993* and associated matters. My letter is on behalf of many in our local community and requests that you urgently inquire into the circumstances of these breaches by the Eurobodalla Shire Council. The principal issues of concern to us surround the Council's decision on 22 March 2016 to approve an annual event involving the sale of guns on Crown Land in Narooma until and including 2022.

In August 2014, the operators of Huntfest applied to the Council for permission for the sale of guns at their annual event for the period from 2015 to 2017 (inclusive). Despite the overwhelming (over 80%) negative responses from Eurobodalla Shire residents during the subsequent community consultation process, at its November 2014 meeting, the Council proceeded to approve that application from the South Coast Hunters Club. In August 2015, the Club, seemingly emboldened by the success of its previous application, submitted a further application to hold the Huntfest event, together with gun sales, for the five years from 2018 to 2022, despite that period not commencing until almost three years into the future.

At the 8 December 2015 Council meeting, the Council's staff presented a report indicating that two days later, on 10 December, the Council would be calling for expressions of interest for the hire of the Narooma Sporting and Leisure Centre (the Huntfest venue) on each June long weekend for the five years from 2018 to 2022. Despite requests at that meeting, and subsequently, by community members and some councillors for an explanation for the urgency associated with this matter, no explanation has ever been provided.

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The report by the Council staff also indicated that, in the event of multiple applications being received for the same dates and venue, all such situations would be resolved by the use of the local government tendering process. In response to numerous subsequent queries to the mayor and other officials as to why a tendering process, which involves significant secrecy and no opportunity for community participation and input, had been chosen, the consistent answer has been that it is a "legal requirement". Incredibly, the mayor and staff have continued to maintain this position despite having had their attention brought to the fact that paragraph (e) of sub-section 55(3) of the *Local Government Act 1993* specifically exempts the processing of this type of application from any requirement to be undertaken within the terms of the statutory tendering scheme.

In response to the Council's public advertisement seeking expressions of interest for the hire of the Narooma venue for the period in question, an application was also received from a second 'not for profit' organisation.

At the 22 March 2016 Council meeting, many members of the packed public gallery put oral submissions to the Council requesting the lifting of the secrecy surrounding the details of the two applications. A number of those submissions also pointed to the criteria that are required to be satisfied under section 10A of the LG Act before the meeting could legally be closed to the public by a resolution of the councillors present. (Even the newspaper journalist in attendance was so concerned about the Council's attitude that she also elected to make an oral submission under s.10A(4) in support of non closure.) Some of the submissions also pointed to the obvious inappropriateness of imposing tendering requirements and confidentiality in a situation that simply involved two 'not for profit' organisations applying to hire a council venue for the purpose of conducting their respective events.

During the 22 March meeting, the General Manager was pressed to outline the argument and the circumstances that might satisfy the 'commercial-in-confidence' (s.10A) and 'public interest' (s.10B) prerequisites under the Act for any decision to close a meeting, but declined to do so. When one of the councillors present attempted to put a motion to the council seeking a resolution that the meeting not be closed to the public, the acting chair (Clr. Pollock) ruled that such a motion was out of order.

Without any attempt by Clr. Pollock to explain how the closure criteria in s.10A and the public interest test in 10B(1) could be met in the circumstances, he then closed the meeting to the public without the necessary resolution being put to and passed by the councillors. Such action by Clr. Pollock was clearly in breach of s.10A(1) of the LG Act and contrary to the meeting closure guidelines issued under s.10B(5).

In response to Clr. Pollock's actions and despite his threat to call the police, almost the entire public gallery understandably refused to vacate the Council chambers – an event probably without precedent in this Shire. Eventually Clr. Pollock reconvened the council meeting in another part of the building where access for the public was denied by council staff.



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Not only has this matter involved a litany of breaches under the LG Act, but the Council's actions have also flown in the face of all contemporary practices and policies within this State relating to transparency of, and community involvement in, public sector decision making.

Given the inexplicable priority and inappropriate secrecy that has been applied to this council's decision on the hiring out of this event venue for the period from 2018 to 2022, it is of course easy to understand how many in our community are seeing this as nothing other than a cynical attempt to circumvent the democratic process. The controversial issues of Huntfest and the use of community owned facilities for the promotion and facilitation of gun ownership are matters that should properly be addressed as part of the upcoming council elections in just a little over five months' time.

To further exacerbate the seriousness of this situation, it has now been discovered that the minutes of the 22 March meeting, that are posted on the Council's website, falsely record on page 7 that the councillors passed a motion to close the meeting before their consideration and decision of this matter. No such motion was ever passed as an examination of the archived recording of the webcast of the meeting can readily verify. It should also be noted that the terms of that motion, which was neither put nor carried, still fail the requirements of paragraphs (b) and (c) of s.10D(2)

This apparent falsification of the record of the meeting represents another quite disturbing development in this affair and clearly emphasises the need for an urgent intervention by yourself as the responsible Minister.

As the Narooma venue in question is on Crown Land, I have provided a copy of this letter to your colleague, the Hon Niall Blair MLC, the Minister for Primary Industries.

Given the seriousness of this matter, I look forward to your urgent response.

Yours sincerely

Heather Irwin

President

SAFE Inc.



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The Hon Paul Toole MP
Minister for Local Government
52 Martin Place
SYDNEY NSW 2000

15 April 2016

Dear Minister

Eurobodalla Shire Council

Further to my letter of 29 March, I write to advise you of further breaches of the *Local Government Act 1993* (the Act) by the Eurobodalla Shire Council, and again seek your urgent intervention.

My previous letter advised you, inter alia, of a falsification of the minutes of the Council's meeting of 22 March 2016. The minutes posted on the Council's website following that meeting indicated that a motion was carried to close the meeting to the public for a particular debate. That motion was never proposed, put or carried.

When, at the subsequent council meeting on 12 April 2016, two councillors raised their objection to this inclusion of this motion in the minutes, on the basis that it never occurred, the Council nevertheless went on, via a majority vote, to confirm the minutes as an accurate record. No attempt was made to check the webcast of the previous meeting, even though that recording would have settled the matter definitively (and shown that the motion in question did not occur).

This raises two issues of concern:

1. The Council recklessly disregarded the requirement placed on councillors by S375(1) of the Act to ensure that full and accurate minutes are kept of the proceedings of council meetings.
2. The failure of the Council to carry the motion to move into closed session breached S10B(5), S10D(1) and S10D(2) of the Act.

I believe that the breaches of the Act detailed above, in addition to the information provided to you in my previous letter in regard to the inappropriate use of a tender process, call into question the decision made by the Council as a result of the debate which took place after its illegal exclusion of the public. That decision was to award a new five-year licence to an event at which guns are promoted and sold.



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The degree of arrogance displayed by the Council is quite extraordinary, if one takes into account not only a disdain for the law and for the wishes of shire ratepayers, but also the right of a new council – due for election in September – to make the decision on whether or not to renew a licence which has two more years to run. Moreover, the decision to lock in place an arms fair for the next seven years was taken in the 20th anniversary year of the Port Arthur massacre. Only days ago, former Prime Minister John Howard said Australia's gun laws needed to be tightened.

Given this context, I am sure you will agree that the illegal actions of the Eurobodalla Shire Council are a serious concern, and I look forward to your urgent attention to this matter.

Yours sincerely

Heather Irwin
President
SAFE Inc.



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The Hon Paul Toole MP
Minister for Local Government
52 Martin Place
SYDNEY NSW 2000

26 April 2016

Dear Minister

Eurobodalla Shire Council

I write to follow up my previous correspondence of 29 March and 15 April 2016, in which I detailed to you breaches of the *Local Government Act 1993* (the Act) by the Eurobodalla Shire Council.

I have already advised you of the Council's failure, at its meeting of 22 March 2016, to meet the requirements of the Act when moving to a closed session. The minutes of that meeting nevertheless showed that a motion was put and carried prior to the Council closing the meeting to the public. That motion, as recorded, went some way towards meeting the requirements of the Act under S10D. The motion, however, did not occur, even though the next Council meeting, on 12 April 2016, confirmed the false minutes despite two councillors raising objections.

At the conclusion of the debate about the accuracy of the minutes at the 12 April meeting, the General Manager, Ms Catherine Dale, made the comment that, even if the motion to move into closed session had not occurred, it was a "procedural matter" and did not invalidate the decision made by Council as a result of that closed session debate. Ms Dale cited S374 of the Act in support of her claim.

Ms Dale seems to be relying on S374(e) of the Act for her claim. You would be aware that subsection (e) states that "a failure to comply with the code of meeting practice" does not invalidate council decisions. Ms Dale is perhaps confused by the fact that Eurobodalla Shire Council's Code of Meeting Practice quotes extensively from Sections 10A, 10B, 10C and 10D of the Act. It seems very odd, however, to argue that a breach of the law can be excused on the basis that the legal wording is reproduced in another document.



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Moreover, and more importantly I would suggest, is the detail provided by the Minister who oversaw the introduction into Parliament of what became the Local Government Act, Mr Gerry Peacocke, who was Minister for Local Government during 1992-93.

In his second reading speech on the Local Government Bill, on 27 November 1992, Mr Peacocke said:

“The philosophy underlying the provisions in the Bill is that all the minimum safeguards to ensure that meetings satisfy the basic democratic principles of fairness and openness in procedures should be included in the Bill itself. The other meeting procedures, which can be more discretionary, would be contained in the council’s code of meeting practice”.

This quote makes clear what common sense would dictate: that legislated requirements must be adhered to. Given that, in this case, the Eurobodalla Shire Council failed to comply with the legislated requirements in dealing with a matter before it, the validity of the decision the Council subsequently made must be called into question. If not, what is the purpose of mandatory procedures? Can they be ignored at will with no consequences?

Finally, in support of the view that S374(e) does not apply in this case is S360(2) of the Act which states:

“A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.”

Clearly, then, a council’s code of meeting practice is designed to contain discretionary procedures and relevant regulatory provisions, not parts of the Act itself. Therefore, Eurobodalla Shire Council’s decision which was made following a series of breaches of the Act is certainly of questionable validity.

Openness and transparency in decision-making are important elements of council operations. As stated in the 2013 Director-General’s Guidelines *The Closure of Council Meetings to the Public*:

“Meetings are the key forum in which councils make strategic and policy decisions on behalf of their communities. As elected institutions, councils are ultimately accountable to their communities for their decisions. It is therefore important that council meetings are open and can be attended by members of the community.”



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Eurobodalla Shire Council has failed to live up to this requirement. In closing to the public the debate on a controversial issue, it has breached both the spirit and the letter of the law, and shown contempt for its constituents. A decision made under such circumstances is surely legally invalid and without doubt ethically questionable. I ask for your urgent inquiry into this matter.

Given that the licence in question is for the period 2018-2022, and that a local government election in Eurobodalla Shire is due in September, you may perhaps regard it as appropriate to set this decision aside and allow the newly-elected council to deal with it later in 2016.

Yours sincerely

**Heather Irwin
President
SAFE Inc.**



Office of Local Government

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Ms Heather Irwin
President
Stop Arms Fairs Eurobodalla Inc
PO Box 359
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Dear Ms Irwin

Thank you for your emails and letters of 29 March, 15 and 27 April, and 9 June 2016 to the Minister for Local Government, the Hon Paul Toole MP, and the Member for Bega, the Hon Andrew Constance MP. These letters outlined your concern that Eurobodalla Shire Council breached the *Local Government Act 1993* (the Act) when granting a licence to allow South Coast Hunters Club to hold 'Huntfest' at NATA Oval. The Minister has asked me to respond on his behalf and I apologise for the delay in doing so while the Office of Local Government made enquiries into your concerns.

The Office of Local Government takes the integrity and transparency of council decisions very seriously. We have carefully considered the matters you have raised, including viewing the webcast of the relevant meeting. We have also been in contact with Council's General Manager to clarify what occurred.

I acknowledge that this is a locally contentious issue and that the Council's decision to grant the licence to hold 'Huntfest' was one that did not enjoy unanimous support among the local community. Ultimately however, as a locally elected body, the Council is accountable to its electors for its decisions. The local community will have an opportunity to demonstrate its support or dissatisfaction with the decisions and performance of individual councillors or the Council as a whole when voting at the upcoming council elections in September.

I turn now to your concerns about the tender process followed by the Council in awarding the licence and the closure of its meeting of 22 March 2016 to consider the matter.

Tender process

The Office understands that on 10 December 2015, the Council called for Expressions of Interest to grant a licence for the use of the NATA Oval (including associated buildings) in Narooma (being a crown reserve). Two submissions were received for the use of the NATA Reserve on the long weekend in June over a period of five years commencing in June 2018. The Council undertook a selective tendering process with the two tenderers which closed on 29 February 2016.



While this is not a statutory requirement, it is requirement under the Council's *Licensing of Council-controlled public reserves and associated buildings code of practice*. This requires the following:

- That the Council annually call for expressions of interest from parties interested in using public reserves and associated buildings under Council control, for the purpose of running markets, holding events and conducting commercial activities;
- Where a venue is requested by more than one party for the same date and time, the applicants are to submit a tender for their activity including information to address the selection criteria specified in the code of practice.

These requirements are designed to ensure a process for the granting of licences for the use of Council-controlled public reserves and associated buildings that is timely, meets legislative requirements and establishes a consistent and fair framework to deal with requests for the use of public land.

The Office is also aware of concerns raised by some in the community that the code of practice was not formally adopted by a resolution of the Council at its meeting of 8 December 2015 and was simply noted. However, I would observe that there is no statutory requirement for policies of this nature to be formally adopted by Council resolution.

The closure of the meeting of 22 March 2016

The Office notes from the minutes of the meeting of 22 March 2016 that the Council closed the meeting to consider the grant of the licence for use of the NATA oval under the grounds specified under section 10A(2)(d)(i) of the Act because the report relating to the item contained commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

It is not unusual for councils to close meetings on these grounds to consider the outcome of a tender evaluation. The Council's code of practice requires tenders for use of venues to be accompanied by supporting information and documents including a description of the proponent's management experience, financial viability and other relevant experience and profit and loss statements, balance sheets, and financial projections. The need to consider this information in making a decision on whether to grant a licence would, on its face, constitute prima facie grounds for closure of the meeting under section 10A(2)(d)(i).

It is clear that the manner in which the Council closed its meeting to the public fell short of what could be considered to be best practice. However, on the Office's assessment, this can be attributed more to the chaotic environment in which the meeting was held and in particular to disorderly conduct of the gallery than it can to any deliberate actions by the Council.

As far as the Office can ascertain, the following was the sequence of events that occurred during the consideration of the item:

- A Public Forum was held in which eight members of the public addressed the Council in respect of the licence item. A motion was subsequently passed to bring the licence item forward.
- The General Manager advised the meeting of the intention of moving into closed session including providing the reasons why and stating that it would be contrary to the public interest not to do so. The public were invited to make verbal submissions on whether the meeting should be closed. Twenty-two members of the public made submissions that the meeting should not be closed.
- Following the public submissions, the Chair outlined the reasons why it was necessary to move into closed session. A number of questions were asked by councillors about the matter which were answered by the General Manager and the Director Financial and Business Development.
- A motion was moved by Councillors Harding and Leslight that the meeting should not move into closed session. The motion was not allowed by the Chair on the basis that the licence item could only be debated in closed session due to its confidential nature.
- The Chair advised that the meeting would move into closed session. The Chair requested the gallery to be vacated. Persons in the gallery refused to vacate so the meeting was adjourned at about 12.53 pm.
- The meeting resumed at 1.03 pm and there was further discussion and questions regarding the closing of the meeting.
- A motion of dissent on the Chair's ruling was moved and was lost.
- A motion to defer the licence item was moved and was lost.
- During this time, members of the public in the gallery became increasingly agitated to the point where a councillor had a point of order that he could not hear due to the noise of people in the gallery talking.
- The Chair again asked the gallery to vacate the chamber so that the Council could move into closed session.
- As it became clear that the public was not going to vacate the chamber, regardless of any Council motion to move into closed session, the Chair adjourned the meeting to reconvene to the Committee Room.
- The councillors and staff vacated the chamber and reconvened in the Committee Room (next door to the chamber). This room was set up to cater for any overflow from the chamber. It was determined it would not be appropriate to use the Committee Room and the Chair moved the meeting to the "glass room". This room was accessible to the public.

This motion was passed and is recorded in the minute secretary's note book. At no time did any member of the public seek to enter the "glass room" either before or after the motion that the meeting be reconvened in closed session was passed.

- The licence item was discussed and voted on. Following the passing of the resolution, the meeting reconvened in the chamber. The successful tenderer was announced and the breakdown of the vote on the Item was also announced.

On the above facts, it would seem that the resolution to close the meeting was made in the "glass room" at a time that it was accessible to the public, (though no members of the public sought to enter the room). The resolution would also therefore not necessarily have been observed by members of the public or captured on the webcast of the meeting. However, as noted above, the resolution was recorded in the minute secretary's note book.

On the Office's assessment of the above sequence of events, it is satisfied that the Council has broadly complied with the Local Government Act in closing its meeting to the public.

I hope this information will clarify the situation. Thank you again for bringing this matter to our attention.

Yours sincerely

Tim Hurst
Acting Chief Executive
Office of Local Government



PO Box 359
Narooma NSW 2546
AUSTRALIA
safeinc4@gmail.com

The Hon Paul Toole MP
Minister for Local Government
52 Martin Place
Sydney NSW 2000

Dear Minister

On 29 March, 15 and 27 April 2016 I wrote to you, on behalf of SAFE, regarding a number of breaches of the *Local Government Act 1993*, as well as breaches of various other relevant State Government instructions and guidelines, by the Eurobodalla Shire Council in connection with its meeting of 22 March 2016. On 9 June, I forwarded further detailed information about our claims to relevant officials within the Office of Local Government.

On 3 August, I received an undated letter from the acting Chief Executive of OLG, Mr Tim Hurst, in response to the above-mentioned correspondence.

Our organisation has noted, with considerable concern, the contents of that correspondence. Of particular and significant concern to us are some statements in Mr Hurst's letter regarding OLG's understanding about what happened on 22 March in connection with the Council's decision to move into a closed session of its meeting. We are astounded by the assertion contained in his letter that the Council had in fact not closed its meeting to the public until, as required by the Act, after it had passed the necessary closure motion.

This assertion by OLG is deeply worrying to us as it is absolutely and demonstrably incorrect.

If Mr Hurst's assertion is based on information that has been given to OLG by ESC officials, it is difficult to see it as anything other than a conscious and deliberate attempt by those officials to misinform and mislead the relevant State Government authorities and officials in relation to this matter.

Let me make it absolutely clear that members of the public were not in any way able or allowed to be present at the Council's meeting after it had been adjourned to the 'glass room'. In this regard, members of the public gallery were clearly told by ESC officials that they were not permitted to attend the adjourned meeting and, in one case, a member of the public was physically prevented by senior ESC officials from proceeding to the 'glass room'. I have attached a statutory declaration from that person which sets out a detailed account of what actually occurred on that day.

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.

Statutory Declaration
OATHS ACT 1900, NSW, NINTH SCHEDULE

I, JAMES WILLIAM BRIGHT of
[name of declarant] [residence]

do hereby solemnly declare and affirm that

SEE ATTACHED STATEMENT

[the facts to be stated according to the declarant's knowledge, belief, or information, severally]

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made – and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: NAROOMA on 26 JULY 2016
[place] [date]

.....
[signature of declarant]

in the presence of an authorised witness, who states:

I, a
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply]

1. *I saw the face of the person ~~OR~~ *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. *I have known the person for at least 12 months ~~OR~~ *I have confirmed the person's identity using an identification document and the document I relied on was

[describe identification document relied on]

.....
[signature of authorised witness] 26.7.16.
[date]

On 14 March 2016, I wrote to the Mayor and all Councillors of the Eurobodalla Shire Council advising them, inter alia, of what was legally required of the Council, under section 10A of the *Local Government Act 1993*, before the Council could pass a motion to move into a closed session. This advice was provided to them in the context of the Council's announced intention of deciding, at its meeting of 22 March, the issue of which of two applicant organisations would be granted approval to hire the Narooma Sporting and Leisure Centre on the June long weekends during the period from 2018 to 2022 (inclusive).

During the Public Forum session at the commencement of the Council meeting of 22 March 2016, I made similar oral submissions to the Council.

Later in that meeting, without adequately addressing the requirements of section 10A and without passing the necessary closure motion, the acting chair (Councillor Pollock) announced that the Council was moving into closed session and would be adjourning to the adjacent Committee Room for that purpose.

Being acutely aware of the fact that the Council had not satisfied the requirements of section 10A and that therefore members of the public were not able to be legally excluded from the deliberations that were to occur in the Committee Room, I immediately entered that room in order to continue to exercise my rights under section 10(1) to observe the Council's proceedings.

Despite being chastised by senior council staff, subjected to derogatory comments by some Councillors and advised that the Police would be summoned to deal with me, I continued to press my entitlement to be in attendance at the Council's meeting and refused to vacate the Committee Room.

After some time, I was advised by council staff that, because of my actions, it had been decided to relocate the meeting to another room. When I attempted to follow the Councillors and council staff to that other room, I was physically prevented from doing so by the Director of Planning & Sustainability Services, Mr Lindsay Usher, and the Director of Finance & Business Development, Mr Anthony O'Reilly.



PO Box 359
Narooma NSW 2546
AUSTRALIA
safeinc@outlook.com.au

29 March 2016

The Hon Niall Blair MLC
Minister for Primary Industries
52 Martin Place
Sydney NSW 2000

Dear Minister

I am writing to you in relation to the recent decision by the Eurobodalla Shire Council to seek your consent to the grant of a licence to hold an annual event on Crown Land in Narooma on each June long weekend from 2018 to 2022. The Council's proposal is to grant the licence to the South Coast Hunters Club for its annual Huntfest event.

Today my organisation has written to your colleague, the Hon Paul Toole MP, the Minister for Local Government seeking his urgent intervention due to the seriousness of a number of the legal and procedural problems associated with the Council's decision. I have enclosed a copy of that letter.

On the question of how to decide between competing applications, we note and completely endorse the stated view of the Crown Lands Division that opportunities for the hire of Crown reserves should be progressed by way of open and transparent competitive processes wherever possible.

In this regard, you will note that one of the issues raised in our letter to Mr Toole relates to our concerns about the decision by our Council to conduct its consideration of any competing applications for sites in this Shire as a tender process. This inexplicable decision has resulted in the farcical situation of council officials refusing on some occasions even to mention the names of applicant organisations let alone any detail of their respective proposals.

In the particular situation that is the subject of our representations, what the Council had before it was nothing more than the need to make a 'public interest' decision on which of two 'not for profit' organisations should be allowed to hire a particular venue. There was not a single characteristic of this situation that was relevant to any rational need to undertake this process within the statutory tendering framework. In this regard, we note that the Division's guidelines entitled 'Standard lease and licence templates for reserve trusts' specifically recognise that "competitive proposals" rather than "competitive tenders" will be appropriate depending on the circumstances.

In this case, the inappropriate use of that tendering option has had the totally unnecessary effect of preventing any possibility of transparency and community input.

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Beyond the use of a tendering process, which was demonstrably unnecessary in the circumstances, are the breaches of the *Local Government Act 1993* which occurred during the Council meeting which decided upon the successful tenderer. These breaches are detailed in the attached letter to Mr Toole, and, presumably, are matters for your consideration before you endorse the Council's decision.

Finally, in the context of the disenfranchisement of the community which this process has entailed, I would also draw your attention to the grave concerns that we have raised with Mr Toole about any decision, on the hire of the facility for the five years from 2018, being taken by the current council rather than the one that will be elected by the local community in only a little over five months' time.

I would greatly appreciate your early examination and consideration of the concerns that we have raised.

Yours sincerely

Heather Irwin
President
SAFE Inc.



PO Box 359
Narooma NSW 2546
AUSTRALIA

chirwin@internode.on.net

The Hon Niall Blair MLC
Minister for Primary Industries
52 Martin Place
SYDNEY NSW 2000

16 April 2016

Dear Minister

Eurobodalla Shire Council – Approval of Licence for use of Crown Land

Further to my letter of 29 March 2016, I have attached my most recent correspondence with your colleague, the Hon Paul Toole MP, Minister for Local Government, outlining serious issues in regard to a recent decision by Eurobodalla Shire Council to grant a five-year licence for an event to be held on Crown Land.

As previously advised, the Council engaged in a series of breaches of the *Local Government Act 1993* in making that decision, and, as detailed in the attached letter, has since compounded its offence by falsifying the minutes of the relevant meeting.

I would ask, therefore, that you give consideration to these matters before endorsing the Council's decision regarding the use of Crown Land.

Yours sincerely

Heather Irwin
President
SAFE Inc.

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The Hon Niall Blair MLC
Minister for Primary Industries
52 Martin Place
SYDNEY NSW 2000

27 April 2016

Dear Minister

Eurobodalla Shire Council – Approval of Licence for use of Crown Land

Further to my previous correspondence, I attach for your information and relevant action a copy of my letter of 27 April to your colleague, the Hon Paul Toole MP, Minister for Local Government, expanding on my concerns, outlined in earlier correspondence with yourself and Mr Toole, about the illegal behaviour of Eurobodalla Shire Council in regard to its recent decision to grant a five-year licence for an event to be held on Crown Land.

You will note from the attached letter that the Council and the General Manager are relying on S374(e) of the *Local Government Act 1993* (the Act) to maintain the validity of their decision, which was made amid a series of breaches of the Act. My view, and that of my colleagues in SAFE Inc., is that S374(e) does not uphold a decision's validity in the face of breaches of the Act, and our letter to Mr Toole goes into significant detail to support that view.

I again request that you withhold your approval of the Council's decision until this matter has been properly investigated.

Yours sincerely

Heather Irwin
President
SAFE Inc.

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Department of
Primary Industries
Lands

LMF16/3015

Ms Heather Irwin
President
SAFE Inc
PO Box 359
NAROOMA NSW 2546

Dear Ms Irwin

Thank you for your letter of 29 March 2016 to the Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water regarding Eurobodalla Shire Council's proposal to grant a licence extension to the South Coast Hunters Club for its annual Huntfest event. The Minister has asked me to respond to you on his behalf.

As you are aware, Eurobodalla Shire Council (ESC) is the Reserve Trust Manager charged with the care, control and management of Crown Reserve 63051 for Public Recreation. The Reserve Trust is an autonomous body with the right to control and determine uses of the reserve.

Consent to the licence agreement for this event was granted under the provisions of the *Crown Lands Act 1989*, as the licence agreement is an activity that is a lawful use of a Crown reserve, was properly granted, met the guidelines for reserve trust licence agreements and contained appropriate terms and conditions.

The Department of Primary Industries – Lands understands that the recent Council proposed extension to the licence for the Huntfest was undertaken as a competitive tender process. The Department is satisfied that this is consistent with the requirements for a competitive process.

The Department of Primary Industries – Lands will again assess the merits of the proposed licence extension within the provisions of the *Crown Lands Act 1989*.

I trust this information is of assistance. Should you wish to discuss this matter further, I have asked Mr Mark Edwards, Group Leader South Coast, be available to assist you. He can be contacted on (02) 4428 9101.

Thank you for your interest in this matter.

Yours sincerely

1/5/16

DAVID MCPHERSON
A/DEPUTY DIRECTOR GENERAL
LAND AND NATURAL RESOURCES

437 Hunter Street Newcastle NSW 2300
PO Box 2185 Dangar NSW 2309
Tel: 02 4920 5001 www.dpi.nsw.gov.au ABN: 72 189 919 072



PO Box 359
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safeinc4@gmail.com

Mr David McPherson
A/Deputy Director General
Land and Natural Resources
Department of Primary Industries
P O Box 2185
DANGAR NSW 2309

Dear Mr McPherson

Thank you for your letter of 1 May 2016 in response to mine regarding the Eurobodalla Shire Council's recent decision to recommend that your Minister give his consent to the extension of the licence for the conduct of the annual Huntfest event (including an arms fair) on Crown land in Narooma until 31 May 2023.

Following the receipt of your letter, I contacted Mr Mark Edwards in your Department's Nowra office and proposed that he might meet with a delegation from our organisation to discuss the many issues around the Council's recommendation in more detail. Unfortunately, he was not in a position to agree to my suggestion. As a consequence, our committee has prepared the attached document for your Department's consideration.

Our document goes into considerable detail about a number of significant problems that we have with the Council's recommendation and with its processing of the South Coast Hunters Club's application for an extension to its licence. The document has been prepared in the context of the various administrative instructions and guidelines that have been developed by your Department to ensure appropriate management of Crown lands.

Should your officers wish to discuss or clarify any aspect of this submission, please do not hesitate to contact me

Yours sincerely

Heather Irwin

President

23 May 2016

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.



Department of
Primary Industries
Lands

Our Reference: DOC16/103132

Ms Heather Irwin
President SAFE
PO Box 359
NAROOMA NSW 2546

Dear Ms Irwin,

Thank you for your correspondence of 23 May 2016 regarding South Coast Hunters Club's Huntfest event licence extension at Nata Oval and the Sport and Leisure Centre at Narooma.

Consent to the licence agreement for this event was properly granted under the provisions of the *Crown Lands Act 1989*. The licence conforms to the guidelines for Reserve Trust licence agreements and contains terms and conditions appropriate for the use of the reserve.

Eurobodalla Shire Council is the Reserve Trust Manager charged with the care, control, management, use and development of Crown reserve 63051 for Public Recreation. The Reserve Trust is an autonomous body with the right to control and determine uses of the Reserve.

The Department of Primary Industries - Lands do not have power to intervene and direct Council in meeting its requirements under the *Local Government Act 1993* or exercising its planning responsibilities, as the consent authority under the provisions of the *Environmental Planning and Assessment Act 1979*.

I understand that the recent Council proposed extension to the licence for Huntfest was undertaken as a competitive tender process. I am satisfied that this is consistent with the requirements for a competitive process.

The probity and process matters you have raised are matters for consideration by Council and the Office of Local Government. It is not appropriate for DPI Lands to provide comment.

Thank you for your interest in this matter. If you wish to discuss this matter further, Mr Mark Edwards, Group Leader South Coast Area with DPI Lands, can be contacted on telephone (02) 4428 9101.

Yours sincerely

David McPherson
Group Director Regional Services
21 June 2016



PO Box 359
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AUSTRALIA
safeinc4@gmail.com

The Hon Rob Stokes MP
Minister for Planning
GPO Box 5341
SYDNEY NSW 2001

16 May 2016

Dear Minister

Eurobodalla Shire Council Development Consent 51/13

I write in regard to the Development Consent 51/13, dated 12 October 2012, by which the Eurobodalla Shire Council (the Council) granted approval for the South Coast Hunters Club (SCHC) to conduct an event called "Huntfest", involving "hunting, camping, photo/DVD competition, food stalls" on crown land each June long weekend for five years, commencing in 2013.

On 25 November 2014, the Council approved a second variation to the SCHC event licence to cover the display and sale of firearms and ammunition, an air rifle range, hunting simulators, archery courses and animal skinning; with the earlier variation allowing the display but not the sale of firearms.

The 2015 event was conducted over the whole of NATA Oval and Southern Bluewater Reserve (Narooma Sports and Leisure Centre), and covers Lot 7011 in DP 1055108 and Lot 1 Sec 17 in DP 758754, which is a much larger area than was authorised by the 2012 Consent.

On 22 March 2016, the Council voted to approve a further five years of Huntfest, despite the current licence having two years to run, and with disregard for the upcoming local government election, scheduled for September 2016 in the case of this shire. This means that Huntfest is now locked in place until 2022.

The organisation of which I am president, Stop Arms Fairs in Eurobodalla (SAFE Inc.), has received advice from the NSW Environmental Defenders' Office (EDO) regarding this matter. We understand that the location of the event in 2015, and proposed for the 2016-2022 events, is zoned as RE1 – Public Recreation. According to the EDO, the only development permitted without consent within RE1 zones is environmental protection works. Therefore, the Huntfest event clearly requires development consent.

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The EDO advice states that, under Part 2, Division 3 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Exempt Development SEPP), certain temporary uses and structures are classified as exempt development and do not require consent. Subdivision 7 prescribes tents, marquees or booths for community events as exempt development. The EDO considers that mobile air rifle ranges and steel shipping containers for archery courses do not constitute tents, marquees or booths within the meaning of Subdivision 7.

And, clearly, the substantial Narooma Sports and Leisure Centre, in which an Arms Fair is conducted, cannot be considered as a temporary structure. This also requires development consent.

On behalf of SAFE, the EDO wrote to the Council on 21 May 2015, advising of our concerns regarding these matters, and pointing out that, in the view of the EDO, Huntfest 2015 was so materially different to the development authorised by the 2012 Consent as to require a separate approval. The conclusion of the EDO is that the Huntfest event is either development that requires consent, which has not been obtained, or is prohibited development in Zone RE1.

The Council refused to act in response to the EDO's correspondence, and the expanded Huntfest event duly occurred on the June long weekend in 2015, with no separate approval having been granted. In extending the licence for Huntfest for the years 2018-2022, the Council again took no steps to address the issue of the event having changed from a photographic competition to an Arms Fair without a new Development Consent.

In our view, this recent decision by Council to prematurely grant a five-year extension to a controversial event, which has not received the requisite approval, demonstrates contempt for the legal and ethical responsibilities placed on councillors.

As Minister responsible for the legislation, which is being breached, we are seeking your intervention to ensure that this event only proceeds when and if it has been properly approved.

Yours sincerely

Heather Irwin
President, SAFE Inc.

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.



Planning & Environment

Ms Heather Irwin
President
Stop Arms Fairs in Eurobodalla Inc (SAFE)
PO Box 359
Narooma NSW 2546

16/07543

Dear Ms Irwin

I refer to your letter of 16 May 2016 to the Hon Rob Stokes MP, Minister for Planning, regarding the Huntfest event held annually at Narooma. Minister Stokes has asked that I respond on his behalf.

The responsibility for planning in New South Wales is shared between councils, which deal with the local matters, and the Department of Planning and Environment, which is responsible for matters of State and regional significance. Accordingly, this is a local planning matter which is the responsibility of Eurobodalla Shire Council.

In order to clarify the current position, the Department's Southern Region planning team in Wollongong has contacted Eurobodalla Shire Council. Eurobodalla Shire Council advised that development consent was not required for the activity. Development consent was required for the erection of temporary structures associated with the activity and Council approved this on a five year basis.

It is the Department's understanding that Council has taken legal advice confirming that proper process was adhered to in relation to the licencing and approval of this activity. This has also been the finding of a subsequent independent audit committee review.

I appreciate that this activity and the local planning process by which it has been authorised are matters of concern to you and to SAFE. I encourage you and your group to engage with Council to gain an appreciation of the local steps that have been followed and how these relate to planning legislation.

Should you require any further assistance in relation to this matter, please contact Ms Linda Davis, Acting Director Regions, Southern, at the Department by telephone on 4224 9450.

Yours sincerely

Stephen Murray
Acting Executive Director, Regions
Planning Services



PO BOX 359
NAROOMA NSW
AUSTRALIA 2546

safeinc4@gmail.com

The Hon Andrew Constance MP
Member for Bega
Minister for Transport and Infrastructure
122 Carp Street
BEGA NSW 2550

20 April 2016

Dear Andrew

As background to our requested meeting with you I would like to alert you to recent repeated breaches of the *NSW Local Government Act 1993* (the Act) by councillors and council staff of the Eurobodalla Shire Council (ESC).

The community group, Stops Arms Fairs in Eurobodalla Inc. (SAFE Inc.) as you are aware (having met with representatives from our group previously) is a group of concerned citizens who are against the holding of an Arms Fair on Crown Land in the main street of Narooma by the South Coast Hunter's Club (SCHC).

At the March 22 2016 ESC meeting this event, known as Huntfest, was granted a licence by the ESC for an additional 5 years ie from 2018 – 2022. This is despite the fact that the SCHC still has another two years of the current licence to run and despite presentations from residents against this.

During this meeting Deputy Mayor Rob Pollock, who was presiding, moved the council meeting into closed session inappropriately, as none of the provisions for such a move, as set out in S10A of the Act were applicable.

Under Councillor Pollock's direction, members of the public were excluded from the ensuing debate, without a vote, and, indeed, with no motion being put to the Council. This action unquestionably breached S10A(1) and S10D(1) S10D(2) of the Act.

The minutes of this meeting, posted shortly afterward on the Council's website, showed that a motion had been put and voted on, although this never occurred. The supposed motion includes a limited explanation of why the meeting was proposed to be closed to the public, citing commercial considerations. This reason was invalid because the matter to be discussed was a once-a-year event licence, which was being sought by two not-for-profit organisations.

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.

The Hon Andrew Constance MP
Member for Bega – Minister for Transport and Infrastructure
Meeting Disclosure Form

Public Disclosure: To increase transparency, NSW Government Policy requires certain details of meetings held with the Minister to be publicly disclosed on a quarterly basis. The policy (*Publication of Ministerial Diaries*) is available at www.dpc.nsw.gov.au.
 To comply with this policy, we require this form to be completed and submitted prior to the date of the meeting.
 The information provided in those parts of the table below marked with an asterisk may be disclosed; the other information will not be published and is requested to help us to organise the meeting.

Proposed Date of meeting: * Office use only	ASAP please	
Name of attendee/s or Organisation (if applicable):*	Stop Arms Fairs in Eurobodalla Inc. (SAFE Inc.)	
Name/s Contact details of individual/s attending and Position with organisation:*	Heather Irwin President Louise Webb Committee Member Peter Cormick Committee Member	
Registered lobbyist/Name of Lobbying Firm:*	Yes/No	Details:
Purpose & Topic of meeting:*(Attach separate page if necessary)	Recent breaches of the <i>NSW Local Government Act (1993)</i> by Eurobodalla Shire Council Councillors and staff. See Attached document for details.	
Point of Contact to arrange/confirm meeting:	Name: Heather Irwin Phone: Email: safeinc4@gmail.com	

If the purpose of the meeting is to discuss government policy, legislation or decision-making, you must complete the declarations below.

• I understand that the information contained in this form and marked with an asterisk is published in a quarterly list of meetings held by the Minister on the Department of Premier and Cabinet website in accordance with NSW Government Policy.	<input type="checkbox"/>
• I agree this information does not contain market sensitive information or other information for which there is an overriding public interest against disclosure as defined in the <i>Government Information (Public Access) Act 2009</i> .	<input checked="" type="checkbox"/>
• I/we agree to abide by the attached Ethical Standards.	<input checked="" type="checkbox"/>

By accepting this meeting, I/my organisation and its representatives consent to the public release of the information contained in this form and marked with an asterisk. I am authorised to complete this form on my organisation's behalf. (if applicable)

Name: _____ Heather Irwin _____

Position: _____ SAFE Inc. President _____

Signature: _____

Date: _____ 20 April 2016 _____



PO Box 359
Narooma NSW 2546
AUSTRALIA
safeinc4@gmail.com

The Hon Mike Baird

Premier of NSW

52 Martin Place

Sydney NSW 2000

23 May 2016

Dear Premier

On behalf of SAFE Inc. (Stop Arms Fairs in Eurobodalla) I am writing to you to **request your intervention** into the granting of a lease on crown land by the Eurobodalla Shire Council (ESC) to the South Coast Hunters Club (SCHC).

At their meeting on 22 March 2016 the ESC granted another 5 year lease (from 2018 to 2022) to the SCHC to conduct an arms fair know as 'Huntfest' (including the sale of guns and ammunition) on the premises of the Narooma Sports and Leisure Centre and adjacent NATA oval. This was despite the SCHC still having another two years to run on their current lease.

The local community was not consulted about the original lease and many vehemently opposed this extension. This application for an extension of the lease should have been delayed until the new council is elected on September 10 2016.

Please find attached copies of correspondence that has passed between SAFE Inc. and Ministers Toole, Blair and Stokes since March 2016.

I have also attached for your information a Background Paper and Chronology of events related to the 'Huntfest' saga.

I look forward to your positive response to our request.

Yours sincerely

Heather Irwin

President SAFE Inc.

Attachments:

Letters to Hon. Paul Toole MP dated 29 March 2016, 14 April, 2016, 27 April 2016

Letters to Hon Niall Blair MP dated 29 March 2016, 16 April 2016, 27 April 2016

Letter to Hon Rob Stokes MP dated 16 May 2016

Huntfest Background Paper and Chronology

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Stop Arms Fairs in Eurobodalla Inc. (SAFE) is a group of concerned citizens alarmed about the proliferation of arms in Australia.



Reference: A1669745

Ms Heather Irwin
President
SAFE Inc.
PO Box 359
NAROOMA NSW 2546

2 JUN 2016

Dear Ms Irwin

Thank you for your correspondence regarding the lease of crown land to the South Coast Hunters Club. The Premier has asked me to reply on his behalf.

The issues you have raised fall within the area of portfolio responsibility of the Hon Niall Blair MLC, Minister for Lands and Water and I have forwarded a copy of your letter to him for consideration.

If you have any further enquiries about this matter please contact the Minister's office directly. For your information the phone number for Minister Blair's office is (02) 8574 7190.

Thank you for bringing this matter to the Premier's attention.

Yours sincerely

Gayle Mitchell
Correspondence Manager



Premier of New South Wales
Minister for Western Sydney

Reference: 2016-A1666495

Ms H Irwin
President
SAFE Inc.
83 Flying Fox Road
Narooma, NSW 2546

27 JUN 2016

Dear Ms Irwin

Thank you for your email on 24 May 2016, following our discussion during my visit to Narooma the day before. I appreciate that Eurobodalla Shire Council's recent decision to extend the Huntfest event licence for a further five years is an important issue for your organisation, Stop Arms Fairs in Eurobodalla (SAFE).

Eurobodalla Shire Council is the Reserve Trust Manager for NATA Oval. It is an independent body responsible for determining the use of the space, as long as it is consistent with public recreation.

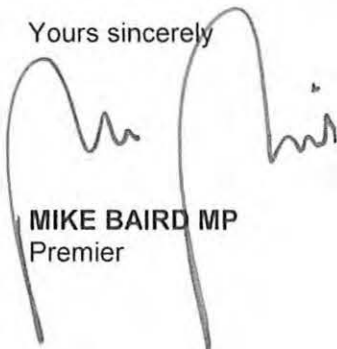
I understand that the Department of Primary Industries (DPI) reviewed the Council's decision and found the licence agreement for Huntfest was properly granted in accordance with the *Crown Lands Act 1989*.

As the Council's decision was made in accordance with the relevant laws, there is no basis for the NSW Government to intervene.

If you need further information, please contact Mr Mark Edwards, Group Leader South Coast with DPI on (02) 4428 9101. Mark will be happy to discuss DPI's review process with you.

Thank you for taking the time to raise this matter with me.

Yours sincerely



MIKE BAIRD MP
Premier