

**MINUTES OF MEETING OF SINGLETON COUNCIL HELD IN THE COUNCIL CHAMBERS QUEEN STREET SINGLETON ON TUESDAY 1 FEBRUARY 2022, COMMENCING AT 5.30PM.**

**PRESENT:**

Cr S Moore (Mayor and Chairperson), Crs G Adamthwaite, B Charlton, S George, H Jenkins, M McLachlan, T McNamara, T Jarrett, V Scott and D Thompson.

**APOLOGIES**

Nil.

**IN ATTENDANCE**

Jason Linnane, General Manager; Vicki Brereton, Director Organisation & Community Capacity; John Harding, Coordinator Information Systems; Briony O'Hara, Coordinator Communication & Engagement and Larissa Britton, Coordinator Governance. Mark Wiblen, Acting Director Business & Community Services and Justin Fitzpatrick-Barr, Director Infrastructure and Planning attended the meeting via audio visual link. There were no representatives of the media and no members of the public present in the gallery.

**CONFIRMATION OF MINUTES**

1/22 **RESOLVED** that the minutes of Meeting of Singleton Council held on Monday 15 November 2021, be confirmed.

**ADAMTHWAITE/GEORGE**

**DISCLOSURES AND DECLARATIONS OF INTEREST**

Nil.

**WITHDRAWAL OF ITEMS AND LATE ITEMS OF BUSINESS**

Item PR1/22 – Appreciation of Contribution to the Singleton Community was withdrawn from the Agenda.

*Presentations*

**PR1/22      Appreciation of Contribution to the Singleton  
                  Community**

**FILE:21/00043**

This item was withdrawn from the Agenda.

*General Manager's Report (Items Requiring Decision)***GM1/22 Councillors Oath or Affirmation of Office****FILE:18/00270/007**

A report was provided for all elected Councillors to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*.

Councillors took an oath or made an affirmation of office before the General Manager outdoors immediately preceding the Council Meeting to allow for Covid safe practices for attendees and observers.

2/22 **RESOLVED** that all Councillors take an oath of office or make an affirmation of office before the General Manager as follows:

**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 the Singleton Local Government Area and Singleton 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 judgement.

**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 the Singleton Local Government Area and Singleton 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 judgement.

The Oath was taken by Crs Moore, Adamthwaite, Charlton, Jarrett, Jenkins, McLachlan and Scott.

The Affirmation was made by Crs George, McNamara and Thompson.

**JENKINS/THOMPSON****GM2/22 Council Meeting Dates and Times****FILE:21/00144**

A report was provided for Council to consider scheduling arrangements for Ordinary Council Meetings for the coming term of Council.

3/22 **RESOLVED** that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.

**MCLACHLAN/JARRETT**

**GM3/22 Countback to Fill Casual Vacancies****FILE:18/00270/007**

A report was provided for Council to consider using a countback of votes to fill casual vacancies that may occur in the office of Councillors in the first 18 months after the ordinary election held on 4 December 2021.

4/22 **RESOLVED** that:

1. Pursuant to section 291A(1)(b) of the *Local Government Act, 1993* (the Act) Singleton Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.

**ADAMTHWAITE/SCOTT****GM4/22 Election of Deputy Mayor****FILE:21/00170**

A report was provided for Council to elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024. The Deputy Mayor assumes all duties and powers of the Mayor in the Mayor's absence. The *Local Government (General) Regulation, 2021* (the Regulation) outlines the process to be undertaken in electing a Deputy Mayor and this report details that process.

5/22 **RESOLVED** that Council:

1. Elect a Deputy Mayor for the period 1 February 2022 until the day of the next ordinary election for Singleton Council in September 2024.
2. Determined that the method of election for the Deputy Mayor be by ordinary ballot.
3. Proceed to conduct the election of Deputy Mayor in accordance with the determined method and the requirements of the *Local Government (General) Regulation, 2021*.

Valid nominations were received from Crs Charlton and Jarrett.

A vote was held by ordinary ballot. Cr Charlton received 2 votes and Cr Jarrett received 8 votes.

Councillor Jarrett having the higher number of votes was declared as Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2024.

**MCNAMARA/THOMPSON**

**GM5/22 Determination of Committees, Advisory Groups and Appointment of Delegates**

**FILE:21/00077**

A report was provided to appoint Councillors to the various Committees and organisations and consider the term of these appointments.

6/22 **RESOLVED** that by show of hands, Councillors be appointed to the following various Committees and organisations for the period until the Local Government Election in September 2024:

<b>Committee</b>	<b>Delegate/s</b>	<b>Alternate/s</b>
<b><i>Section 355 Committees</i></b>		
Australia Day Committee (1)/alt	Thompson	Moore
Singleton Sports Council (2)	McLachlan Thompson	-
<b><i>Council Committees</i></b>		
Audit, Risk & Improvement Committee (2)	Charlton George	-
Complaints Review Panel Committee (2)	George Charlton	-
Floodplain Management Committee (3)	Adamthwaite Charlton Moore	-
General Managers Performance Review Panel (Mayor & 1 & 1 appointed by GM)	Mayor Charlton	-
Local Traffic Committee (1)	George	-
Mount Thorley Warkworth VPA Community Committee (Mayor)	Mayor	-
Roads Committee (Mayor & 2)	Mayor Jarrett Jenkins	-
Singleton Aboriginal Reconciliation Committee (2)	Charlton Scott	-
Singleton Arts & Culture Advisory Group (2)	Charlton Thompson	-
Singleton and District Disability Advisory Committee (2)	Scott McLachlan	-
Singleton Community Economic	Mayor	-

Development Fund Joint Management Board (Mayor & 2)	George Adamthwaite	
Singleton Heritage Advisory Committee (1)	Scott	-
Singleton Interagency Committee (1)/alt	Scott	Jarrett
Sustainability Advisory Committee (2)	Charlton Adamthwaite	-
United Wambo VPA Community Committee (1)	George	-
Wambo Coal Singleton Hall of Fame Committee (2)	Adamthwaite Moore	-
Weeds Advisory Committee (1)/alt	Moore	Charlton
<b>External Organisations</b>		
Arts Upper Hunter Inc. (1)	Thompson	-
Combined Rural Halls Committee (1)	George	-
Hunter Joint Organisation (The Mayor & GM)	Mayor & General Manager	-
Hunter Resource Recovery (GM & DI&P)	General Manager & Director Infrastructure & Planning	-
Hunter Valley Wine & Tourism Alliance (The Mayor & GM)	Mayor & General Manager	-
Regional Planning Panel (2)/2alt	George Moore	Charlton McLachlan
Local Health Advisory Committee (1)	Jarrett	-
Public Libraries NSW Council (1)/alt	Jarrett	George
Hunter Valley Bush Fire Management Committee (1)	George	-
NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt	Mayor	Charlton
Upper Hunter Air Quality Monitoring Network (1)/alt	Thompson	Charlton
Upper Hunter County Councils – UHWA Committee (2)	Charlton McNamara	-
<b>Community Consultative Committees</b>		
AGL CCC (Appointment by State Government) (1)	Director Infrastructure & Planning	-
Ashton Mine CCC (1)	Adamthwaite	-
Bowmans Creek Wind Farm CCC (1)	Adamthwaite	
Bulga/Beltana Mine CCC (1)	Adamthwaite	-
Food Processing CCC (1)	McNamara	-

Hunter Valley Operations CCC (1)	Jenkins	-
Liddell Coal Operations CCC (1)	Jarrett	-
Mt Owen Complex (1)	George	-
Mt Thorley/Warkworth (1)	Jenkins	-
Ravensworth Mine CCC (1)	Adamthwaite	-
Redbank Power Station CCC (1)	Charlton	-
Rix's Creek CCC (1)	McLachlan	-
United Wambo Joint Venture Project CCC (1)	Adamthwaite	-

**JENKINS/ADAMTHWAITE**

7/22 **RESOLVED** that Council endorse the Committee appointments.

**ADAMTHWAITE/JENKINS**

**GM6/22 Review of Delegations of Authority - Mayor, Deputy Mayor and Section 355 Committees** **FILE:21/00651/003**

A report was provided for Council to consider and adopt delegations for the Mayor, Deputy Mayor and Section 355 Committees in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

8/22 **RESOLVED** that Council issue the following delegations:

**Mayor**

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
  - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
  - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
  - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
  - To represent the Council, in conjunction with the General Manager, in

deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.

- To represent and promote Council in the community.
  - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
  - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
  - Authority to approve the General Manager's applications for leave.
  - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
- a. The requirements of the relevant legislation;
  - b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

### **Deputy Mayor**

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
  - a. At the request of the Mayor; or
  - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
  - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
  - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
  - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
  - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.

- To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
  - To represent and promote Council in the community.
  - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
  - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
  - Authority to approve the General Manager's applications for leave.
  - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
- a. The requirements of the relevant legislation;
  - b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

### **Section 355 Committees**

1. All previous delegations of Functions to section 355 Committees be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate authority to exercise and/or perform on behalf of the Council the Council's functions to section 355 Committees as set out in Schedules 1 and 2 below.
3. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;
  - b. Any conditions or limitations specified; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
4. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

### **Schedule 1 Australia Day Committee**

In respect of the Council function in the provision and undertaking of activities appropriate to celebrating Australia Day, the Singleton Australia Day Committee is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*.



1. To facilitate, organise and carry out, within approved budget limits, appropriate activities and events to recognise Australia Day.
2. To invite nominations and selection of annual recipients of the "Citizen of the Year" and "Young Achiever of the Year" Awards.
3. To advise Council on initiatives for properly recognising Australia Day.

**Schedule 2**  
**Singleton Sports Council Committee**

In respect of the Council function of the provision of sporting services, the Singleton Sports Council is a body set up under Section 355 of the *Local Government Act, 1993* with the functions set out hereunder delegated by Council in accordance with Section 377 of the *Local Government Act, 1993*:

1. To initiate increased communication between the sporting public and Singleton Council in order that the existing and future needs and requirements of those participating and those administering sports are accurately identified and brought to the attention of Singleton Council.
2. To identify for the appropriate organisation, those areas that may be suitable for sporting and recreational development. This identification could take place in respect of existing needs, but perhaps the greatest value would be in the identification of sites in relation to a future demand.
3. To co-operate with Singleton Council to ensure that sporting and recreational facilities are provided and maintained at an agreed standard.
4. In co-operation with Singleton Council, Government Departments and other bodies/organisations, to ensure that wherever possible optimum use is made of existing facilities.
5. To recommend to Singleton Council priorities in respect of development projects which may be competing for funds.
6. To assist with the promotion of local sporting events.
7. To endeavour to co-operate with other agencies in order to keep the community fully informed of those facilities and clubs that exist within the Local Government Area.
8. To make recommendations to Singleton Council on all winter and summer allocations of sporting facilities.
9. To make recommendations to Singleton Council from time to time of fees and charges for the use of sporting facilities.

10. To raise funds from any sources whatsoever to further the objectives of the Sports Council.
11. To promote and acknowledge the Sports Persons of the Year.

**SCOTT/GEORGE**

**GM7/22 Review of Delegation of Authority to the General Manager**

**FILE:21/00651/003**

A report was provided for Council to consider and adopt delegations for the General Manager in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

9/22 **RESOLVED** that:

1. All previous delegations of Functions to the General Manager be revoked.
2. The person who from time to time holds the position of General Manager of Council (General Manager) be delegated authority under section 377 of the *Local Government Act, 1993*, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
  - a. Subject to the following conditions and limitations:
    - i. Determination of Development Applications that are required to be reported to the elected Council in accordance with the Determination of Development Applications by Council Policy.
    - ii. The writing off of bad debts greater than \$5,000 in accordance with clause 131(1) of the *Local Government (General) Regulation, 2021*.
    - iii. Authorise and accept tenders in accordance with the limitations set out in the Tender Determination Criteria and to the limit of \$1 million ex GST.
  - b. Excluding those Functions:
    - i. That are expressly prohibited from delegation as listed under section 377 of the *Local Government Act, 1993*.
    - ii. Which are expressly required by legislation to be exercised by a resolution of Council.
3. The General Manager be delegated any Function which is taken to be conferred or

imposed on the Council pursuant to section 381(1) of the *Local Government Act, 1993*.

4. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
  - a. The requirements of the relevant legislation;
  - b. Any conditions of limitations set out above; and
  - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of Council.
7. The Mayor be authorised to sign the Instrument of Delegation to General Manager on behalf of Council.

**ADAMTHWAITE/GEORGE**

**GM8/22 Local Government NSW Special Conference 2022 FILE:21/00043**

A report was provided to advise that the Local Government NSW Annual Conference will be held at the Hyatt Regency Sydney, from Monday, 28 February 2022 to Wednesday, 2 March 2022.

10/22 **RESOLVED** that:

1. The Mayor and two Councillors be nominated:
  - a. To attend the Local Government NSW Annual Conference 2022; and
  - b. As voting delegates for the Conference.
2. Council determine that Crs Jarrett and Jenkins be nominated to attend.
3. Expenses be reimbursed in accordance with Councillors Expenses and Facilities Policy.

**SCOTT/MCLACHLAN**

*General Manager's Report (Items for Information)*

**GM9/22 Matters Approved by General Manager and/or Mayor  
During the Election and Christmas Period FILE:18/00270/007**

A report was provided to advise Council of decisions made by the General Manager and/or Mayor in the absence of Council Meetings during the period 5 November 2021 to 31 January 2022.

**NOTED**

**The meeting closed at 6.15pm and the minutes pages 1 to 12 were confirmed on 15 February 2022 and are a full and accurate record of proceedings of the meeting held on 1 February 2022.**

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Mayor/Chairperson

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General Manager