

# NOTICE OF MEETING

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993* that a **Meeting of Singleton Council** will be held in the **Council Chambers, Queen Street Singleton**, on **Tuesday 15 March 2022**, commencing after the Public Forum at **5.30PM**.

# **Emergency Evacuation - Council Chambers**

In case of an emergency, for example a fire, please evacuate the building via the marked exit doors (*Mayor points to the doors*). The order to evacuate may be signified by an alarm siren or by a Council officer or myself. Please proceed to the green "emergency assembly area" signs either near the cycleway on Queen Street (*Mayor points in direction of Queen Street*) or at the other side of the carpark towards the Gym & Swim (*Mayor points again*). An instruction to evacuate to a marked area should be followed without delay to assist Council in ensuring the Health and Safety of all staff and visitors.

# Privacy/Webcasting

In accordance with the NSW *Privacy & Personal Information Protection Act, 1998*, you are advised that all discussion held during the Open Council Meeting is public information. This will include any discussion involving the Mayor, a Councillor, staff member or a member of the public. All persons present or attending via audio-visual link should withhold from making public comments about another individual without seeking the consent of that individual in the first instance.

Please be aware that Council webcasts its Open Council Meetings via its website. All persons should refrain from making any remarks that could potentially be considered defamatory. Council accepts no liability for any defamatory remarks made during the course of the Council Meeting. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so.

# General

All persons present either in the Council Chambers or via audio-visual link are requested to turn their mobile devices to silent during the course of the Council Meeting. Any persons attending via audio-visual link are required to have their camera on at all times.

# **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath or Affirmation of Office made at the beginning of the Council term to undertake their civic duties in the best interests of the people of the Singleton community and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their ability and judgement.

Council Officials are also reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

## AGENDA

PAGE

## **Opening of Meeting**

## Acknowledgement of Country

I would like to begin by paying my respects to Elders past and present of the Wanaruah, Wonnarua people and acknowledge their custodianship of the land on which we are meeting today. I also pay my respects to all Aboriginal people from other nations that are here today and live in Wanaruah, Wonnarua country.

# Apologies and applications for a leave of absence by Councillors

## **Confirmation of Minutes**

1. 15 Feb 2022

## **Matters Arising from Minutes**

**Disclosures of Interests** 

## Withdrawal of Items/Late Items of Business

Mayoral Minute(s)

# Presentations

## **Notices Of Motion**

NM1/22	Notice of Motion - Ravensworth Homestead	6
--------	--	---

## General Manager's Report (Items Requiring Decision)

GM11/22	Appointment of Acting General Manager - 1 April to 31	
	December 2022	
GM12/22	Draft Code of Meeting Practice53	

GM13/22	Draft Councillors Expenses & Facilities Policy	111
GM14/22	Support for Australian Local Government Association (ALGA) - 2022 Federal Election Campaign13	
GM15/22	National General Assembly 2022	140
GM16/22	NSW Australian Local Government Women's Association (ALGWA) Conference 2022	142
GM17/22	2022 Destination and Visitor Economy (DVE) Conference - 17 to 19 May 2022	145
GM18/22	Draft Minutes - United Wambo VPA Community Committee - 03/11/2021	150
Corporate an	d Commercial Services Report (Items Requiring Decision	)
DCCS7/22	Road Naming - Wedgetail Close Lambs Valley	160
DCCS8/22	Road Naming - High Country Rise Lambs Valley	164
DCCS9/22	Draft Corporate Credit Card Policy	168
<b>- - - -</b>		
-	and Community Capacity Report (Items Requiring Decisi	•
DOCC8/22	Draft Internal Audit Policy	
Intrastructure	e & Planning Report (Items Requiring Decision)	
DI&P4/22	Water Restrictions	
DI&P4/22	Water Restrictions Finalisation of Planning Proposal for Proposed	196
DI&P4/22 DI&P5/22 DI&P6/22	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719	196
DI&P4/22 DI&P5/22 DI&P6/22 General Mana	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719	196
DI&P4/22 DI&P5/22 DI&P6/22	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719	196 200
DI&P4/22 DI&P5/22 DI&P6/22 General Mana	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719	196 200 226
DI&P4/22 DI&P5/22 DI&P6/22 General Mana GM19/22	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719	196 200 226 229
DI&P4/22 DI&P5/22 DI&P6/22 GM19/22 GM20/22 GM21/22	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719 ager's Report (Items for Information) Councillors Expenses & Facilities - 01/07/2021 to 31/12/2021 Minutes - Australia Day Committee - 15/12/2021 Minutes - Mount Thorley Warkworth Voluntary Planning	196 200 226 229
DI&P4/22 DI&P5/22 DI&P6/22 GM19/22 GM20/22 GM21/22	Water Restrictions Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 DP 1248719 ager's Report (Items for Information) Councillors Expenses & Facilities - 01/07/2021 to 31/12/2021 Minutes - Australia Day Committee - 15/12/2021 Minutes - Mount Thorley Warkworth Voluntary Planning Agreement Community Committee - 03/02/2022	196 200 226 229 233

# Infrastructure & Planning Report (Items for Information)

DI&P7/22	Local Roads and Community Infrastructure Grant Program	
	Phase 3250	0

DI&P8/22	Employment Zones Translation Detail Information254			
Questions Given				
QG1/22	Questions of Which Notice Has Been Given257			

# **Questions with Notice**

Jason Linnane GENERAL MANAGER

# **MEETING PRINCIPLES**

Council and Committee meetings should be:

- *Transparent:* Decisions are made in a way that is open and accountable.
- Informed: Decisions are made based on relevant, quality information.
- *Inclusive:* Decisions respect the diverse needs and interests of the local community.
- *Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- *Trusted*: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- *Respectful*: Councillors, staff and meeting attendees treat each other with respect.
- *Effective*: Meetings are well organised, effectively run and skilfully chaired.
- Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Notices Of Motion - NM1/22

# NM1/22. Notice of Motion - Ravensworth Homestead

FILE: 21/00177

Councillor McNamara has given notice of his intention to move the following motion:

"That Singleton Council recommends that the Ravensworth Homestead be relocated to McNamara Park at Broke as part of the Glendell Mine Extension Approval and that the General Manager of the Singleton Local Government Area prepare and deliver to the Independent Planning Commission a verbal and written submission supporting the proposal to relocate the Ravensworth Homestead to McNamara Park at Broke."

# Report

A copy of the Notice of Motion request form which includes background information provided by Councillor McNamara, funding information and a response from the General Manager is shown as **Attachment 1**.

# Attachments

AT-1 Notice of Motion - Councillor Tony McNamara -Ravensworth Homestead - 01/03/2022



# NOTICE OF MOTION

#### **CLAUSE 3.9 CODE OF MEETING PRACTICE**

I <u>Cr Tony McNamara</u> give notice this I wish for the following business to be considered at the next ordinary meeting of Council:

That Singleton Council recommends that the Ravensworth Homestead be relocated to McNamara Park at Broke as part of the Glendell Mine Extension Approval and that the General Manager of the Singleton Local Government Area prepare and deliver to the Independent Planning Commission a verbal and written submission supporting the proposal to relocate the Ravensworth Homestead to McNamara Park at Broke.

#### Background

Glencore submitted a concept and design for the relocation of the Ravensworth Homestead to McNamara Park at Broke as part of their submission for the extension of the Glendell coal mine. During preparation of the submission considerable stakeholder engagement was carried out in relation to the proposed relocation to Broke. An alternative proposal to relocate the Homestead within the Glendell Mining Lease area was also submitted.

The NSW Planning Department in its recommendations for approval of extension of the Glendell Coal Mine have overlooked the social and economic benefits of relocating the Ravensworth Homestead to Broke and have consequently recommended that the homestead be relocated a short distance from the existing and future mining operations. This recommendation appears to have been made purely on the basis of minimising heritage impact and avoiding secondary approval requirements for the site at Broke.

The recommendations of the NSW Department of Planning have been referred to an Independent Planning Commission that will be accepting submissions on the 18<sup>th</sup> and 21<sup>st</sup> March 2021.

It is contended that the relocation of the Homestead within the mining lease does not provide any social or economic benefit to the local community and an opportunity to create potentially significant benefit to the community will be lost as the Homestead will remain isolated within the Mining Lease Area.

Can you identify a source of funding (If the motion requires expenditure of funds on works and/or services other than those already provided for in Council's current adopted Operational Plan)?

No additional funds are required

Provide details: the implementation of the motion, if carried, will not incur any new costs on the organisation. However, it needs to be noted that any future relocation of the asset will incur significant costs that are not budgeted for and will require resource allocation by the mining company. This is articulated in the back provided by the General Manager

Councillor

01/03/2022	
Date	

Note: This notice must be submitted no less than 10 business days before the meeting is to be held.

#### Staff response/report:

On 22 February 2022, the Department of Planning and Environment referred the Glendell Mine Extension Project to the Independent Planning Commission (IPC) for determination. This is the final step in the assessment of the proposed development and is carried out by the IPC due to the significant number of objecting submissions. The IPC met with Council staff and Councillors on 8 March 2022 to discuss Council's submissions made into the Project.

All meetings with the IPC are recorded and transcripts are published on the IPC website. The IPC will be holding a public hearing on the matter on 18 March, 21 March and 25 March (if required). Members of the community who made submissions, or would like to speak, will be given the opportunity to do so at this hearing.

Council has made a number of submissions on the projects which are shown as **Attachments 1** and **2**. These submissions were endorsed by Council at the meetings of 16 March 2020 and 19 April 2021. Council was briefed on the matter by the NSW Heritage Council in February 2021.

The Department has recommended the proposed mine be approved, subject to conditions. Conditions of approval relevant to Council's submissions include:

- Relocation of Ravensworth Homestead to the Ravensworth Farm location.
- The applicant will have until they mine within 500m of the old Hebden Road to close and remove it as per the requirements of the Roads Act and to Council's satisfaction.
- The applicant will be required to prepare dilapidation reports for the new Hebden Road, with costs to repair being undertaken by Council and invoiced to the applicant.
- Prior to relocating Hebden Road or within 24 months of commencement of mining operations (whichever is sooner) the applicant will be required to enter into a Planning Agreement. If they don't, they will have to pay \$5.15M to Council under a 7.11 contribution all of which goes to the CEDF in accordance with the CEDF policy.

Several other matters were raised in Council's submissions. Council staff are reviewing the Department's Assessment Report and draft Conditions of Approval ahead of meeting with the IPC to determine how these matters have been addressed.

Council has not formally considered the matter of the homestead. Therefore, it has not formally declared a position on the matter.

In prior submissions, meetings with the mining company and meetings with community members regarding progressing the proposed relocation to Broke, we have raised a range of issues which include but may not be limited to:

- 1. Potential native title.
- 2. Potential NSWALR Act claims.
- 3. Plan of management requirements and local community engagement requirements.
- 4. Crown land status and their support.
- 5. Zoning and flooding.
- 6. DA process.
- 7. Long term management and maintenance responsibilities and funding of such.

None of the abovementioned issues means that Council opposes the proposal, however, makes it clear they need to be acknowledged, carefully considered and resourced.

Attachment 1



20 March 2021

Mr Joe Fittell Senior Environmental Assessment Officer Resource Assessments - Planning Services GPO Box 39 Sydney NSW 2001

Dear Joe

#### DPIE request for Advice - Glendell Continued Operations Project - SSD 9349

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Part A and Part B Response to Submissions Report (Part A and Part B RTS Report) for the Glendell Continued Operations Project (SSD9349).

Council notes that the original due date for its submission was 30 September 2020. Since that time, council staff have continued to discuss the Project with both the Applicant and the DPIE. The Applicant, in October 2020, requested an opportunity to brief council staff on the Part A RTS Report. Council staff identified council's disappointment in the Applicant's response to council's submission, and extended the opportunity to do so. Council advised a briefing on the following matters, as specifically identified in the SEARs, would be beneficial to inform future submissions:

- the likely interactions between the development and any other existing, approved or proposed mining development or power station in the vicinity of the site.
- a description of final landform design objectives, having regard to achieving a natural landform that is safe, stable, non-polluting, fit for the nominated postmining land use and sympathetic with surrounding landforms;
- a detailed description of the proposed rehabilitation and mine closure strategies for the development
- an assessment of the compatibility of the development with other land uses in the vicinity of the development
- feasible alternatives to the development (and its key components), including the consequences of not carrying out the development

The Applicant has not proceeded with the requested briefing.

Council has also sought, as part of its review process, a briefing from the NSW Heritage Council on its submission into the Project. This briefing was held with councillors on the 1<sup>st</sup> February 2021.Council staff advised the Department that its submission would be finalised following this briefing.

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#### The Proposed Glendell Continued Operations Project (the Project)

The Glendell Mine forms part of the Mount Owen Complex, consisting of mining operations at Glendell Mine, Mount Owen Mine, Ravensworth East Mine as well as a coal handling and preparation plant, water management infrastructure, waste reject and tailings disposal, coal handling and transport infrastructure including rail load out facilities.

Council understands that the Project is needed to continue the operational life of the mine. Current mining will cease in 2023. The consent expires in 2024. The Project is seeking approval for a further 20 years of mining. The run of mine production schedule sets out how production across the two operations will take place (**EIS Main Text Figure 3.1**). The components of the Project include:

- Extraction of 135 million tonnes of Run of Mine (ROM) coal, equating to 86 million tonnes of saleable product;
- Increasing production from 4.5 million tonnes per annum to 10 million tonnes per annum;
- An additional 750 hectares of land clearing and disturbance;
- Realignment of Hebden Road (a local road subject to management and control of Singleton Council);
- Realignment of York's Creek;
- Relocation of the locally listed, yet State significant, Ravensworth Homestead;
- A construction workforce of up to 350 full time equivalent staff, and an operational workforce of up to 690 full time equivalent staff (an increase in staff of 390); and
- One final void to the north of the Glendell Mine.

The Project is proposed to expend over \$500M in capital, and contribute significantly to the local, regional and State economies.

In addition, components of the Project will require modification of the Mount Owen consent, including:

- Extended use of the Mount Owen approved Coal Handling and Processing Plant, Mine Infrastructure Area, rail loop and loading facility to 2045;
- Emplacement of overburden to 2045;
- Extension of time to complete the final landform at Mount Owen (to cater for the overburden, reject and tailings material from Glendell), although no date is specified;
- Delayed landform shaping by up to eight (8) years;
- Change in landform catchments, whereby Swamp Creek catchment will reduce, and Bettys Creek and Yorks Creek will increase;
- Use of the North Pit as a mine water storage, which will eventually become the final void; and
- Increased emplacement height to up to 200m (from approved 160m).

The Greater Ravensworth Area Water Transfer Scheme (**GRAWTS**) will also require some degree of modification, and an application to Singleton Council is proposed, but as yet not submitted.

#### The Applicant's Response to Council's Submission

#### **General Comments**

#### 1. Water Licensing

The RTS references section 2.1.4.2 of the EIS in response. This section describes the GRAWTS and its linkages, however, it does not provide information on the water licensing requirements related to the scheme, particularly:

- Whether adequate licenses are held for mine water generation, nor how the scheme reduces reliance on 'raw water from licensed external sources'. Nor does it describe how the Project does or will rely on the Hunter River Salinity Trading Scheme (HRSTS) to operate.
- Figure 7.5.9 does not provide detail on storages used by the Project, nor does it provide evidence to support a decrease in impact on raw water users
- The EIS states that the Project is expected to increase the volume of catchment runoff into the mine, resulting in the generation of mine water, this water will report to the GRAWTS, decreasing available water supply to other users in the catchment.

Since council's submission and the preparation of the Part A RTS Report, Hunter Valley Operations (HVO) has submitted a request for SEARs for continuation of mining activities at the HVO North and HVO South Operations. The Scoping Report supporting the request identifies ongoing and future interactions with the GRAWTS.

The RTS does not address these issues.

#### 2. Timing of Water Licensing Requirements

The RTS refers to Appendix 17 of the EIS as addressing this issue. Whilst Appendix 17 provides a list and quantity of licenses held, it does not discuss when water licenses will be required by the Project, and whether these licensed volumes would be needed by other participants in the GRAWTS. Table 3-1 of Appendix 17 identifies the licenses but not the operation that uses the license, nor whether the licenses are sufficient to manage requirements for the operation and importantly, the impact that holding these licenses has on downstream water users under the Water Sharing Plan.

#### 3. Overburden Emplacement Schedule

Overburden emplacement has a direct impact on final landform, both design and height. It is not uncommon for mining operations, shortly into their approved life, to seek a modification to the approved design and/or height of overburden emplacement, often to meet operational needs. However, these modifications break a contract with the community that was established when the original project was approved, and incrementally increases the impacts to the community and the environment. These changes are often considered 'minor', however, result in longer mine life (and therefore longer duration of impact) and altered landforms (and therefore changes in the potential final land use outcomes).

Glendell is an existing mining operation with over 30 years of mining history. Council is seeking assurance that there is an adequate operational understanding of the nature

of overburden creation, its placement and the consequences of inadequate estimation of volume and design on community and environmental impacts.

The RTS refers to section 3.2.3.2 and Figures 3.2 to 3.5 of the EIS to address this issue. Figure 3.2 to Figure 3.5 lack clarity on the relationship of overburden emplacement between each operation (Ravensworth, Liddell, Mount Owen and Glendell). The EIS does not provide a mass balance of overburden across the operations, to enable a determination on whether the volume of overburden produced across the complex will meet the proposed landform outcomes and anticipated final landform height.

Council identified in its input to the SEARs that:

Whilst it is correct that the consent authority is not required to reassess the likely impact of the continued development of the Glendell Mine, as approved under DA80/952; the consent authority '*may modify* the manner of the continued development for the purposes of consolidation of the development consents applying to the land concerned' (clause 4.63 (3)(c)).

The proposed project includes complex interactions with other approved, and yet to be approved, operations in the vicinity of the proposal. These complex interactions will require careful consideration within the Environmental Impact Statement, particularly in the areas of final landform and final land use, set within the local and regional context.

The Project is proposing to rely on the approved (and yet to be approved) operations of other neighbouring mines to operate in the manner proposed in the Application. It is important that the impact assessment for the Project includes how these interactions and inter-relationships will occur.

The EIS states that overburden will be emplaced in various locations, including Glendell Mine Emplacement Areas, Ravensworth East (whose approved operations will cease in 2023), in pit, out of pit, Yorks Creek Alignment and to be used for the capping of tailings at the Mount Owen Complex. The EIS does not include the volume, timing or sequencing of these activities and the relationship with the other operations. Nor does the EIS consider the cumulative production of overburden across the operations, and the capacity of the final proposed landform design and height to cater for this. The Emplacement Strategy and its relation to final landform and closure outcomes across the complex is vague and poorly described.

#### 4. Reject and tailings generation

Council requested clarification on:

Reject and tailings production from the Project, and the impact of this production on the capacity of storages and rehabilitation timing of tailings and emplacement areas at the Mount Owen Mine

Council considers that its question regarding the generation of reject and tailings has not been answered in the RTS. The RTS does not provide information on the capacity of the Mount Owen approved operations to store, handle, dispose, emplace or rehabilitate the combined reject and tailings volumes from the Mount Owen Complex, including the predicted volumes from Glendell.

### 5. Schedule of construction, mining, decommissioning and rehabilitation

Council requested clarification on:

Scheduling of construction, mining, decommissioning and rehabilitation activities across the Greater Ravensworth Area, which impact not only approved production limits for the respective mining operations, but also approved workforce numbers, water licensing requirements (as identified above), and cumulative amenity impacts to be felt by the community for a longer period of time.

The RTS refers to the Project Schedule that was included in the EIS as a response to this question. However, the Project Schedule does not include the relationship of these activities with other approved, or yet to be approved operations, in the Greater Ravensworth Area.

The Project will rely on sequencing activities with these operations in order to reduce, mitigate or offset its impacts, as such the schedule of activities should be clear to determine whether the combined impacts can be mitigated.

#### 6. The inter-relationships between the operations

Council sought inclusion of a figure that depicts the inter-relationships, flow pathways and volumes of each flow pathway for all input and outputs related to the interdependencies.

The RTS refers to Figure 2.3 as showing these inter-relationships. Figure 2.3 does not include Glendell transfers between the various operations.

#### Hebden Road

Council notes the different methodology for calculating road delay impacts and notes that, should the project be approved, these impacts will be in perpetuity (not for the life of the Project) and that there are both large and light vehicle users of the road.

#### 1. Long term road maintenance

The RTS disputes council's assessment of road condition and states that scheduled maintenance requirements will be re-set with the construction of a new road, resulting in less maintenance required in the first years following road construction. The RTS does not provide an alternative condition assessment of the existing road, nor does it acknowledge the significant spend council has incurred in current maintenance costs.

The proposed Hebden Road will result in extra length, additional assets and liabilities for council, and additional depreciation costs to be incurred by council and the

community. These costs affect the fit for the future ratios for which local council's are held accountable to by both the NSW Audit Office and the Office of Local Government. These considerations are significant for council when entering discussions on acquiring new road assets.

Council and the Applicant have commenced discussions regarding the costs of longterm maintenance of the new Hebden Road, should the project be approved. No agreement has been reached regarding closure and acquisition of the road. Should the Department recommend approval, council requests a condition that requires the Applicant to close Hebden Road in accordance with the requirements set out in the *Roads Act 1993*.

## 2. Closure of Old Hebden Road

The RTS acknowledges that any road closure of old Hebden Road will be undertaken in accordance with Part 4 of the Roads Act 1993.

Council and the Applicant have commenced discussions regarding the possible closure of Hebden Road and the subsequent acquisition of the land parcel created by the closure.

To date, no agreement regarding the closure of old Hebden Road has been reached. Should the department and Independent Planning Commission be of a mind to approve the Project, council would ask that the department/IPC impose a condition of approval requiring the Applicant to undertake appropriate road closure processes under the *Roads Act 1993*.

#### 3. Impact of not realigning Hebden Road

Council, in its submission, requested clarification on:

The impact of not realigning Hebden Road, including transparent costs and lost coal value, and the consequent environmental, social and economic impacts and benefits of not relocating the road.

The RTS refers to the assessment of options included in Appendix 1 to the EIS. Appendix 1 to the EIS considers options regarding Hebden Road, however, all options were to realign the road. Appendix 1 to the EIS does not include an assessment of the impact of not re-aligning Hebden Road, nor does it include the costs and lost coal value and the consequent environmental, social and economic impacts and benefits of not relocating the road.

On 26<sup>th</sup> March 2021 council was provided with a report titled *Review of Glendell Continued Operations Project Mine Plan and Mine Plan Options*. Council staff have not completed a review of this report to date, and will provide a subsequent submission once a review has been completed.

#### Ravensworth Homestead

Council has reviewed the Applicant's response in relation to clarification sought through its submission and considers that, with the exception of the actions proposed

6

to ensure appropriate investigation is undertaken for buried remains, and the actions that would be taken in the event additional remains (archaeological and human) are located across the entire Estate area none of the remaining points of clarity have been answered in the RTS. Council specifically sought clarity on:

1. approval requirements, current and future land ownership (as well as outcomes of consultation with current land owners), future Homestead ownership and maintenance, should relocation to McNamara Reserve be approved;

This question has not been answered in Part A of the RTS.

2. permissibility of Option 1 and Option 2 in the respective zoning, including a description of the intended final land use approval being sought for the Homestead under each option;

This question has not been answered in Part A of the RTS.

Council notes that whilst dwellings, farm buildings, roads, rural industries and agriculture are permissible uses in the RU1 zone, commercial premises are not. The proposed relocation of Ravensworth Homestead to Ravensworth Farm for the purposes of mining offices would likely not be permissible under the *Singleton Local Environment Plan 2013*.

Given the Project is seeking future approvals for the relocation of the Ravensworth Homestead under both Option 1 and Option 2, it is likely that these approvals will be additional, not ancillary, to the Project. As such the assessment requirements set out in the *Singleton Local Environmental Plan 2013* will apply.

3. the broader community support or otherwise for the management of the Homestead in a scenario where the Project is not approved, including consideration of a post mining use of the Homestead in both its current location and at Ravensworth Farm

This question has not been answered in Part A of the RTS. Council notes that on page 72 of the RTS, the Applicant is prepared to spend \$20M to relocate the Homestead for economic gain, but is prepared to spend very little, if anything, to maintain the Homestead in situ should the Project be refused.

4. the management actions and controls that would be implemented to ensure appropriate investigation is undertaken for buried remains, and the actions that would be taken in the event additional remains (archaeological and human) are located across the entire Estate area

Council considers this clarification has been answered with detail provided in the RTS on the actions to be taken should buried remains be located on site.

5. the feasibility of McNamara Reserve, in the context of clause 2.14 of the Crown Land Management Act 2016, the Biodiversity Conservation Act 2016, the Roads Act 1993, the Local Government Act 1993 and any other

Act/Regulation/Environmental Planning Instrument where an approval or assessment of the impact of such a proposal would be required;

The Applicant maintains a position of deferring these issues to a later approval process. Council, in its submission provided details on the process for securing McNamara Reserve as a potential location for the relocated Homestead. Any assessment of the Project should require the Applicant to secure tenure for Option 2.

Given the Project is seeking future approvals for the relocation of the Ravensworth Homestead under both Option 1 and Option 2, it is likely that these approvals will be additional, not ancillary, to the Project. As such the assessment requirements set out in the *Singleton Local Environmental Plan 2013* will apply.

6. social and economic impact and consequences of such a facility on the Broke community, including future maintenance costs of facilities and infrastructure required to support the relocation that will be borne by the community or any other party, and transparently quantifying these in a revised Economic Impact Assessment;

This question has not been answered in Part A of the RTS. The Applicant is proposing to defer the assessment of such impacts to a secondary approval process, not associated with the Project. However, the impacts of relocating the Homestead are directly related to the Project and, as such, how such a facility will be secured and maintained in the future requires assessment.

7. persons or entities responsible for completing the relocation to McNamara Reserve, including the capacity of the identified persons or entities to undertake such actions as are required to complete the relocation (some of which are identified in points 1 to 3 above), a timeline for completion of points 1 to 3 above and a contingency plan in the event the relocation to McNamara Reserve becomes unsustainable; and

This question has not been answered in Part A of the RTS.

8. long term, in perpetuity arrangements that will be imposed and implemented to ensure the Homestead is accessible, sustainable in the long term and reused for an appropriate purpose (in other words, meets the required public interest test), for both Option 1 and Option 2.

This question has not been answered in Part A of the RTS.

#### Mine Closure

The Applicant has provided detail regarding the internal mine closure planning process undertaken by Glencore. Whilst council commends the development of internal closure protocols, council maintains the position that a detailed mine closure plan for a Project that has an existing mine life of less than 2 years, and an operational life of over 30 years, is not an unreasonable expectation to include in the EIS for the Project.

In its submission, council specifically sought clarification on:

8

- 1. Timing of detailed closure planning for the existing operation, should the Project not be approved, including the actions needed to be taken to achieve a post mining land use that is suitable, and does not result in a negative socioeconomic impact to the community. This analysis must include:
  - a. Potential areas of the mining lease (or mine owned land) where these land uses could be applied;
  - b. Relationship between the proposed final land uses and the final landform;
  - c. The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
  - d. Whether any or all of these options will be safe, stable, non-polluting and sustainable in the context of the final landform; and
  - e. A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.

These issues have not been addressed in the RTS.

The RTS refers to a conceptual mine closure plan for both the existing operation and the Project, which has not been included in the Part A RTS Report and reiterates the Applicant's post approval commitment to develop a Mine Closure Strategy.

2. Role of both council and the community in the post mining land use options assessment and analysis, including the extent to which such consultation has occurred and its outcomes;

The RTS acknowledges that the Council and community play an important and integral role in mine closure planning.

Council is not aware of any consultation undertaken with the community regarding the proposed mine closure options for the Project. Council has not been consulted on the proposed mine closure options. Council refers the Applicant to its recently exhibited Draft Local Strategic Planning Statement, which provides future direction for land use planning in the Singleton Local Government Area.

3. The relationship between post mining land use and the principles of strategic land use planning, including the extent to which the Applicant has consulted with council on the future strategic land use planning outcomes for the local government area;

This question has not been answered in the RTS. The Applicant has not consulted with council on the final land use options, or future strategic land use planning outcomes for the local government area. Council considers consultation on post mining land use planning post approval is an inadequate time to commence such discussions.

Council has commenced a project that seeks a whole of LGA approach to post mining land use to provide a strategy for spatial connectiveness and land use that supports environmental and socio-economic sustainability outcomes, pathways and actions to

enable the beneficial reuse of post mining land. Council acknowledges that the Applicant's parent company has participated in some initial discussions on this Project.

4. Final void management actions that will be taken to ensure highwall stability during and post mining, including contingencies for final landform design and rehabilitation outcomes should the highwall destabilise during and/or post mining;

The RTS refers to the Glencore Mine Closure Planning Protocol, requiring all Glencore mining operations to develop closure plans at various stages of mine life. The RTS states, on page 77 that '*highwalls retained in the final landform will be designed to be geotechnically stable for the long-term having regard to a range hydrostatic scenarios*'.

However, council noted in our submission that:

**Appendix 24** identifies that highwall stability will be dependent on performance during mining, however, there is no discussion on how stability will be monitored and to what condition, nor is there discussion on the actions that will be taken in the event of highwall failure and its subsequent impact on rehabilitation outcomes and performance. **Appendix 24** also states that highwall stability will improve as the void fills, however, given the timeframe for this to occur and stabilise, and that equilibrium will be 160 metres below natural ground level, this does not appear to be a sufficient or manageable control.

Neither the RTS nor Appendix 24 of the EIS describe the adaptive measures that will be taken to ensure highwall stability will be ensured and maintained until equilibrium is met or addressed in the event highwall stability is lost.

5. Assessment of the suitability, permissibility and sustainability of the final land use(s) proposed by area or domain, including actual feasibility and economic viability, as well as linkage between final landform and final land use(s) (that is, will be landform proposed actual provide for the uses identified);

This question has not been answered in the RTS, as neither the EIS or the RTS has identified where on the mine the proposed final land uses could be applied, and therefore the feasibility and viability of such application cannot be determined.

6. Analysis of the climate changing risks (temperature, rainfall, fire) on the success of rehabilitation, including the contingency measures that would be implemented in the event rehabilitation fails;

This question has not been answered in the RTS.

7. Viability of the proposed final land uses, including where on the lease or buffer areas these uses could be applied, the relationship between the proposed final land uses and final landform, the integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;

This question has not been answered in the RTS. The EIS identifies a number of final land uses:

- 1. Ancillary mining activities
- 2. Power generation, including solar, gas and pumped hydro storage
- 3. Industrial/manufacturing uses
- 4. Active recreation/extreme sports
- 5. Waste, recycling, reuse and product development
- 6. Aquaculture
- 7. High value carbon forestry, nature based education, ecological restoration, low impact recreation, training and research

The RTS does not include an assessment of the viability of these land uses post mining as requested.

The RTS discusses the rehabilitation outcomes of vegetation and biodiversity and does not consider the relationship of these with the proposed list of final land uses.

8. The consequences of the final land use options, including the final use of the void, on the principles of ecologically sustainable development, in particular, inter-generational equity;

This question has not been answered in the RTS. No analysis of final void land use has been included in the EIS or RTS that considers the viability, permissibility, or integration with other proposed final uses in the vicinity and region.

The principle of intergenerational equity requires consideration of these issues to be projected into the future where the final void reaches equilibrium and can be used for a final intended purpose.

9. safety, stability, pollution potential and sustainability of the proposed final land uses in the context of the final landform; and

In the absence of the analysis requested in items 3, 4, 5, 7, and 8 above, this question has not been answered in the RTS.

10. Timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility, including a post mining use for the Ravensworth Homestead, in the event Option 1 is implemented.

In the absence of the analysis requested in items 3, 4, 5, 7, and 8 above, this question has not been answered in the RTS.

#### Voluntary Planning Agreement

Council and the Applicant commenced negotiations on a Planning Agreement in 2019. On 18 June 2020 the Applicant wrote to council with a formal planning agreement offer of \$2.24M.

Council has spent significant time reviewing the contributions made to the Singleton community by the mining industry and in November 2017, Council resolved to apply a

1% levy on capital investment value to all future mining planning agreements or to apply a cents/tonne rate (where tonne is the estimated saleable product for the project), to be determined through negotiation with applicants.

In determining the capital investment value for the Proposed Project, both Council and the Applicant rely on Planning Circular PS10-008 to determine the capital investment value. This Planning Circular states that the capital investment value of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment.

Council also relies on the definition of *capital investment value* in the *Environmental Planning and Assessment Regulation 2000,* as:

a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs—

- (a) amounts payable, or the cost of land dedicated or any other benefit provided, under a condition imposed under Division 7.1 or 7.2 of the Act or a planning agreement under that Division,
- (b) costs relating to any part of the development or project that is the subject of a separate development consent or project approval,
- (c) land costs (including any costs of marketing and selling land),
- (d) GST (within the meaning of A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth).

The Response to Submissions for the Glendell Continued Operations Project states (page 81):

The capital amount of \$515.3 million (discounted) or \$869.6 million (undiscounted [sic]) in the Economic Impact Assessment is the total capital requirement for the life of the Project and includes the infrastructure works captured in the CIV <u>as well as capital associated</u> with the purchase of replacement mobile mining equipment and other <u>sustaining capital spend required to support the mining operation</u>. [our emphasis]

The Project Capital Investment Value Report prepared for the Project, refers to another planning circular issued by the then Department of Planning PS13-002 – Calculating the genuine estimated cost of development. This planning circular applies to consent authorities when determining the cost of a project for the purposes of setting an application fee. This circular applies to development application fees under Part 4 of the *Environmental Planning and Assessment Act 1979*, other than State significant development and is not a relevant reference when determining the capital investment value of a project of State significance.

Taking into consideration the Applicant's RTS Report and the application of relevant planning circulars issued by the Department of Planning, Industry and Environment, the appropriate capital investment value for the Proposed Project lies somewhere between \$515M and \$869M. Applying Council's adopted methodology, the voluntary contribution is valued between \$5.15M and \$8.69M. On that basis, the Initial Offer of \$2.24M was not accepted.

Council notes that council staff and the Applicant are continuing discussions in relation to an outcome for the Planning Agreement. Council also notes that the Applicant has indicated a preference for the Independent Planning Commission to determine an appropriate value for the Planning Agreement. Council has no objection to third party mediation, subject to the DPIE assessment process.

Should the Department recommend approval subject to conditions, council requests that the development not be approved until in principle agreement on the Planning Agreement has been reached with the Applicant.

#### Social Impact and Community Loss

Council's submission identified that the Project's amenity impacts will largely be mitigated through the acquisition clauses contained within the approvals of other adjacent mining operations, as such, the Glendell Project is not required to consider its impacts or acquisition as a result of its impacts. Council does not agree that this is an appropriate control measure to mitigate impacts associated with amenity loss, that will result in community loss and social impacts.

#### Biodiversity

The RTS does not provide an answer to the questions raised by Council in its submission. Instead, these matters will be addressed through the assessment phase of the Project. Council disagrees with this approach, as it lack transparency or an opportunity to review the potential impact of locally acquired offsets on council. Council is seeking to understand:

- 1. The preferred option(s) for securing the offsets required for the Project;
- 2. Where the land-based offsets would or could be, including its current and future tenure;
- 3. The area and location of proposed ecological rehabilitation and communities to be reinstated;
- 4. The long-term tenure of ecological rehabilitation; and
- 5. Whether the required credits are available for purchase.

#### Greenhouse Gas Emissions

The RTS does not provide an answer to the questions raised by Council in its submission. The NSW Government has a published Climate Change Policy Framework, which is underpinned by a Net Zero Emissions Policy and a Stage 1 Plan (2020-2030) to meet the goal of 35% reduction in emissions by 2030. This Policy and Plan requires action from all levels of government, industry and the community.

Appendix 29 of the EIS and the RTS identify actions undertaken by Glencore to offset the impacts of its global emissions, including participation in such programs as Coal21. However, the report does not quantify the reductions achieved, the reduction in impact that resulted from the action, nor does it establish whether these actions would mitigate the emissions from the Project.

The RTS makes no reference to the NSW Government Policy for Net Zero Emissions, nor does it provide alignment to the Net Zero Plan Stage 1.

The RTS does not provide evidence to demonstrate how *the project* will achieve the outcomes identified in Glencore's published climate change position.

#### Air Quality

The RTS acknowledges the impacts of climate change within the Hunter region, and the effect that this change will have on air quality. The RTS acknowledges that material handling is the primary contributor to particulate matter emissions from mining operations, with wind erosion from disturbed areas the most significant contribution. Given the lack of closure planning, and the disparity between disturbed areas and rehabilitated areas, and the lack of information in the EIS regarding the volume of overburden to be displaced and moved by the Project, the RTS has not considered the consequences of known climate change impacts on the success (or otherwise) of rehabilitation, nor proposed an adaptive management response.

Council's submission suggested that, for example, inclusion of an assessment of the air quality impacts associated with a projected decrease in rainfall during spring and winter months, where PM10 and PM2.5 have been identified as having greatest impact would be a useful assessment to determine the long term effects of real and known climate change impacts on air quality and rehabilitation outcomes. The Project cites rehabilitation as a key mitigation measure for reducing air quality impacts, however climate modelling shows that rainfall is predicted to decrease in spring (a key planting season for rehabilitation works).

The RTS provides a summary of the management actions that may be taken when an alarm is triggered for poor air quality. However, the RTS does not discuss how effective these management controls are in eliminating, minimising or mitigating the impacts that may result from the action being taken.

#### Waste

The Project proposes to dispose of reject and tailings materials to the Bayswater North Pit and the North Pit. Council notes that at page 153 of the Part A RTS Report the Project intends to use the Bayswater North Pit and the North Pit as pit lakes and further identifies the Bayswater North Pit for tailings disposal. It is not clear from the EIS or the Part A RTS Report the capacity of these facilities to accommodate the tailings expected from the processing of both Mount Owen and Glendell Mine coal.

In addition, learnings in relation to the rehabilitation of tailings across the complex and industry should be incorporated into the impact assessment, including contingencies for how to manage should rehabilitated tailings landforms fail.

Council considers the issues raised in relation to disposal of demolition waste have been addressed in the Part A RTS Report.

#### **Building compliance matters**

The RTS proposed to defer building related requirements to the submission of construction certificates and other certificates that may be required post approval. However, Schedule 1, Part 1, Clause 2 of the EP&A regulation sets out the matters to be included in a development application, including, but not limited to:

In the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of the Regulation),

(a) if the development involves any subdivision work, preliminary engineering drawings of the work to be carried out,

The proposed Project will require subdivision works to be undertaken for both the Option 1 relocation of the Ravensworth Homestead and the relocation of the Hebden Road. No details have been provided in relation to these works.

(b) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development,

Indicative locations have been provided.

(c) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building,

No floor plans have been provided for the proposed Mine Infrastructure Area or the relocated Ravensworth Homestead.

(d) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures),

No elevations and sections have been provided for the proposed Mine Infrastructure Area or the relocated Ravensworth Homestead.

(e) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule),

No information has been included to determine whether temporary structures are proposed during or post construction.

(f) proposed finished levels of the land in relation to existing and proposed buildings and roads,

15

Council notes that the Applicant has provided some indicative finished levels in relation the proposed relocation of Hebden Road. No finished levels have been provided for other buildings proposed as part of the Project.

(g) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate),

Council notes that the Applicant has provided some indicative vehicle arrangements in relation the proposed Mine Infrastructure Area, however, no details have been provided in relation to parking and internal site movements for the relocated Ravensworth Homestead or the Mine Infrastructure Area.

(*h*) proposed landscaping and treatment of the land (indicating plant types and their height and maturity),

A landscaping plan for the Mine Infrastructure Area has not been provided.

(i) proposed methods of draining the land,

A drainage plan in relation to the Mine Infrastructure Area has not been provided.

(j) in the case of development to which clause 2A applies, such other matters as any BASIX certificate for the development requires to be included on the sketch,

A BASIX certificate for the Mine Infrastructure Area and relocated Ravensworth Homestead options has been provided.

- (k) in the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other matters as any BASIX certificate for the development requires to be included on the sketch.
- (I) BASIX certificate, or if one is not required, a justification for not requiring one (given potential final land use of the Ravensworth Homestead could be a dwelling, an assessment of how the development will meet or exceed the requirements of BASIX should be included)

Council raised this matter in its submission to the EIS. Nothing in clause 11 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007 (Mining SEPP) allows the construction of the Mine Infrastructure Area and relocated Ravensworth Homestead to be exempt or complying development for the purposes of clause 10 or clause 11 of the Mining SEPP. As such, these requirements are not post approval requirements that can be deferred.

#### **Concluding Comments**

I would like to thank you for the opportunity to provide comment on the Glendell Continued Operations Part A and Part B RTS Report for the proposed Project. Please contact me on 02 6578 7290 if you have any questions.

Yours sincerely

Mary-Anne Crawford Manager Development and Environmental Services

25

Attachment 2



12 February 2020

MS Lauren Evans Environmental Assessment Team Leader Resource Assessments - Planning Services GPO Box 39 Sydney NSW 2001

Dear Lauren

#### DPIE request for Advice - Glendell Continued Operations Project - SSD 9349

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Environmental Impact Statement for the Glendell Continued Operations Project (**SSD9349**), as follows:

The Department invites Council to comment on the proposal (including the associated modification), by the due date. The Department notes that the next meeting of Council is not scheduled to occur until February 2020. The <u>Department requests that Council provide initial comments during the exhibition period</u>, with supplementary comments to follow after the first meeting of Council.

Council is welcome to comment on any aspect of the proposal, however, the Department requests that Council give particular consideration to:

- impacts on Council's infrastructure and the proposed Voluntary Planning Agreement;
- the proposed relocation of Ravensworth Homestead; and
- strategic planning and post-mining land use issues. [our emphasis]

Council notes that the original due date for submissions was 31<sup>st</sup> January 2020. An extension to this timeframe was granted on 31<sup>st</sup> January for a further two weeks, with submissions due 14<sup>th</sup> February 2020. Whilst council appreciates the additional time, it has come too late in the process.

Given the timing of exhibition council's submission is preliminary in nature until a meeting of Council formally endorses the submission. Council has a very tight timeframe to review the documents, develop a submission, undertake a site visit, hear from the proponent, review the submission prepared by council staff and form a view on the proposal. This timeframe for considered review of the proposed Project is considered too short. Council has previously committed to providing a report to the February 2020 Council Meeting, and subject to the review of council's submission is working towards achieving that timeframe. Council reserves its right to defer the submission to the meeting on 16<sup>th</sup> March 2020, if required, to provide Councillors with

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adequate time for review of the proposal and the staff submission. It should be noted that amendments to council's submission, or a subsequent submission, may occur as a result of this process.

Council would like to strongly highlight the inadequacy of the timing of exhibition for this Project. The Application consists of an Environmental Impact Statement that is over 600 pages long, with an additional 30 appendices, of which one appendix (**Appendix 23 – Heritage**) runs to 10 volumes. The resources required to adequately assess an application of this scale and significance have not been considered by either the Applicant or the Department when determining the timing and duration of the exhibition period.

The ability of council let alone the community, to review and assess the impacts and consequences of such a significant Project on our region in such a short timeframe over the Christmas period, is not only limited, it creates unnecessary stress for communities already stressed through drought and, now, bushfires. Prior to exhibition, Council strongly requested both the Department and the Applicant delay and extend exhibition to allow adequate time for review.

On the basis that council's request was not met, this submission can, at best, be preliminary in nature. The submission focusses on those issues, concerns and questions that are, on first review, considered by council to be of concern to the future of our community. The extent of our submission is directly impacted by the time available to complete a fulsome assessment.

On that basis, the following advice is provided for consideration.

#### The Proposed Glendell Continued Operations Project (the Project)

The Glendell Mine forms part of the Mount Owen Complex, consisting of mining operations at Glendell Mine, Mount Owen Mine, Ravensworth East Mine as well as a coal handling and preparation plant, water management infrastructure, waste reject and tailings disposal, coal handling and transport infrastructure including rail load out facilities.

Council understands that the Project is needed to continue the operational life of the mine. Current mining will cease in 2023. The consent expires in 2024. The Project is seeking approval for a further 20 years of mining. The run of mine production schedule sets out how production across the two operations will take place (**EIS Main Text Figure 3.1**). The components of the Project include:

- Extraction of 135 million tonnes of Run of Mine (ROM) coal, equating to 86 million tonnes of saleable product;
- Increasing production from 4.5 million tonnes per annum to 10 million tonnes per annum;
- An additional 750 hectares of land clearing and disturbance;
- Realignment of Hebden Road (a local road subject to management and control of Singleton Council);
- Realignment of York's Creek;

- Relocation of the locally listed, yet State significant, Ravensworth Homestead;
- A construction workforce of up to 350 full time equivalent staff, and an operational workforce of up to 690 full time equivalent staff (an increase in staff of 390); and
- One final void to the north of the Glendell Mine.

The Project is proposed to expend over \$500M in capital, and contribute significantly to the local, regional and State economies.

In addition, components of the Project will require modification of the Mount Owen consent, including:

- Extended use of the Mount Owen approved Coal Handling and Processing Plant, Mine Infrastructure Area, rail loop and loading facility to 2045;
- Emplacement of overburden to 2045;
- Extension of time to complete the final landform at Mount Owen (to cater for the overburden, reject and tailings material from Glendell), although no date is specified;
- Delayed landform shaping by up to eight (8) years;
- Change in landform catchments, whereby Swamp Creek catchment will reduce, and Bettys Creek and Yorks Creek will increase;
- Use of the North Pit as a mine water storage, which will eventually become the final void; and
- Increased emplacement height to up to 200m (from approved 160m).

The Greater Ravensworth Area Water Transfer Scheme (**GRAWTS**) will also require some degree of modification, and an application to Singleton Council is proposed, but as yet not submitted.

The interactions of the various approvals within the Greater Ravensworth Area are complex. In council's submission to the SEARs in June 2018, council highlighted the complexity of these interactions and the need for careful consideration within the Environmental Impact Statement, particularly in the area of final landform and final land use. Council seeks further clarification from the Applicant on the inter-relationship between the operations of the Greater Ravensworth Area, particularly around:

- The role of the GRAWTS in ensuring adequate water licenses are held for the Project, and the Mount Owen Complex as a whole, including whether additional water licenses will be required for other participants in the GRAWTS as a result of this Project and therefore the impact that current and additional licensing might have on downstream and Water Sharing Plan users;
- 2. The timing of water licensing needs across the Greater Ravensworth Area, as well as the volume and location for internal water transfers, particularly mine water and its associated storage locations as generated by the Project;
- 3. Overburden emplacement across the operations, including scheduling;
- 4. Reject and tailings production from the Project, and the impact of this production on the capacity of storages and rehabilitation timing of tailings and emplacement areas at the Mount Owen Mine;
- 5. Scheduling of construction, mining, decommissioning and rehabilitation activities across the Greater Ravensworth Area, which impact not only

approved production limits for the respective mining operations, but also approved workforce numbers, water licensing requirements (as identified above), and cumulative amenity impacts to be felt by the community for a longer period of time; and

6. The provision of a figure that depicts the inter-relationships, flow pathways and volumes of each flow pathway for all input and outputs related to the inter-dependencies.

#### Proposed Hebden Road Realignment

The proposed realignment of five (5) kilometres of Hebden Road will result in an increase in road pavement and travel distance of 1.2 kilometres. Approximately two (2) kilometres of the road is within the extraction footprint for the mine. Realignment of the road is scheduled for Year 2 of the Project. The realignment will also require a new bridge crossing of York's Creek, as well as subdivision and transfer of the new Hebden Road to Singleton Council.

The EIS has determined that the only option in order for the Project to proceed is the realignment of Hebden Road. Council, in its submission to the SEARs, requested that the EIS undertake an assessment of all options, including the no relocation option. The EIS does not include an assessment of the consequences of not relocating Hebden Road.

The proposed realignment of Hebden Road will result in a significant increase in annual travel time, the equivalent of 80 days<sup>1</sup> additional travel time per annum across all road users. In addition, the Project proposes blasting delays of up to 15 minutes per vehicle per blast, resulting in lost time of 4.5 days per year for road users. The costs associated with these delays are estimated to be \$6.07M<sup>2</sup>. The impact to road users, including local bus and school bus services and other commercial users, is therefore significant.

Council, as the road authority, currently monitors and maintains Hebden Road. Hebden Road is a rural road, with minimal bends and no existing bridge crossing over Yorks Creek. The road is divided into pavement and road assets (for example, culverts, bridges etc). Each section of road is assessed for its condition and useful life, based on its existing or improved condition. Broadly speaking, the condition of Hebden Road is fair, with the following asset life:

- Road surface asset life of 15 years;
- Pavement asset life of 60 years;
- Culverts/headwalls/bridges asset life of 100 years; and
- Subbase asset life of 120 years.

<sup>&</sup>lt;sup>1</sup> Calculated as 364 vehicles per day, with 15 minutes additional travel time resulting in 5.5 hours additional travel time per day.

<sup>&</sup>lt;sup>2</sup> Calculated using information derived from Table 16 of Appendix 30 Economic Impact Assessment and an hourly cost of \$85.50 (combined light and heavy vehicles hourly costs).

The earthworks are considered to have an infinite life. A preliminary assessment indicates that the current road assets are likely to be at half-life, noting the variability above. Maintenance costs for the existing Hebden Road over the last three years were \$3.5M. Hebden Road is therefore a high value asset in fair condition that does not require replacement.

Should the Project be approved, the Applicant is proposing to construct a new Hebden Road alignment designed to meet council's asset design standards. This new Hebden Road will remain for the life of the road asset, which is beyond the life of the proposed Project. The new Hebden Road will be transferred to Council and will become an asset requiring long term maintenance.

The proposed relocation of Hebden Road will result in a redundant road asset and a new road and bridge asset for which Singleton Council holds ownership and responsibility. In addition to maintenance costs, council is required to account for the depreciation value of road assets on its balance sheet. The Applicant has not made any allowance for the impact of a new asset on council, stating in **Appendix 5** (**Mitigation Measures**) no long-term management and/or maintenance actions or outcomes for the new Hebden Road, other than a Road Closure Management Plan to be implemented during blasting activities and a Construction Traffic Management Plan.

In order for the Project to proceed, once the new Hebden Road has been constructed, the existing Hebden Road will be decommissioned and a formal road closure process will need to be initiated for the old Hebden Road. Hebden Road is a road for which the provisions of the *Roads Act 1993* apply. The provisions of the *Roads Act 1993* state that the council of a local government area is the roads authority for all public roads within the local government area (except freeways or Crown roads and where the regulations declare any other public authority to be the roads authority). In this case, Hebden Road is a road for which Singleton Council is the road authority, as such the functions of a road authority under the *Roads Act 1993* in relation to Hebden Road confer to Singleton Council.

The Applicant does not currently own Hebden Road, it is a road reserve under the *Roads Act 1993* and the provisions of Division 3 of the Act apply. In particular, council would draw attention to clause 38E (2) of the *Roads Act 1993*, which states:

#### The land comprising a former road -

(a) In the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place) – remains vested in the council, and …

And clause 43 of the *Roads Act 1993*, which provides the process for disposal of land comprising a former public road that is owned by council. Clause 43 states:

- 1. This section applies to land vested in a council and forming part of a former public road.
- 2. Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the

council, the council resolves that it is to be community land, in which case the land is community land.

- 3. If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.
- 4. Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

The Environmental Impact Statement for the Project does not consider how the old Hebden Road closure would be undertaken as per the requirements of the *Roads Act 1993*. The EIS does not include the requirement for the Applicant to enter into an agreement with council for treatment of both the new and old Hebden Roads.

#### Summary – Proposed Hebden Road Realignment

Council seeks further clarification from the Applicant on:

- 1. How the Applicant intends to provision for the long term (in perpetuity) maintenance of the new Hebden Road to meet the asset life requirements;
- 2. How the Applicant intends to progress the closure of the old Hebden Road alignment, having regard to the provisions of the *Roads Act 1993*; and
- 3. The impact of not realigning Hebden Road, including transparent costs and lost coal value, and the consequent environmental, social and economic impacts and benefits of not relocating the road.

#### Ravensworth Homestead

In Council's submission to the SEARs for the Project, council identified that:

The Ravensworth Homestead is listed on Council's Local Environment Plan as an item of local heritage significance. The community interest in the proposed relocation of the Ravensworth Homestead cannot be understated. The Applicant has proposed one option for the management of the Homestead. This option will result in the maximum benefit to the Applicant. Council recommends that the SEARs include <u>a requirement for the Applicant to consider all options regarding the long term, in perpetuity management and maintenance of the Ravensworth Homestead, including (but not limited to) relocation, alternative mining methods that will avoid or minimise impacts to the Homestead and its surrounds, and not relocating the Homestead. <u>These options should include a full and detailed social and economic analysis, including a local effects analysis, specific to the proposed impacts on Ravensworth Homestead.</u> [our emphasis]</u>

The EIS for the Project concludes that the Ravensworth Homestead, including the outbuildings and landscaping is of significant heritage value, and council notes that the NSW Heritage Office is currently reviewing its status for State Heritage Listing. The EIS acknowledges that the proposed Project will result in a significant impact on the setting and buildings of the Ravensworth Homestead, and as such, should the Project be approved, the only reasonable and feasible option is to relocate the Homestead, its surrounding buildings and landscaping. The EIS proposes two options for relocation:

Option 1: Relocate 1.2 kilometres from the existing site, within Glendell owned land, and utilise the buildings as mine and administrative offices for the life of the Project.

Option 2: Relocate the Homestead complex and association outbuildings to McNamara Park in Broke, noting that approval is only being sought for the relocation of the Homestead and not for its final intended location or use.

Council has reviewed the heritage assessment provided in **Appendix 23** and referred the assessment to its Heritage Advisor for comment. An initial analysis of the assessment is provided in **Attachment 1** to this submission. Notably, the analysis refers to the need for clarification on several matters, including:

- Post closure land use options for the Ravensworth Farm proposal;
- The Applicant's preferred option for the relocation of Ravensworth Homestead;
- The proposed treatment of Ravensworth School<sup>3</sup>, which has been identified in the EIS and associated appendices as a significant linkage between the Homestead and education; and
- The completeness of buildings to be relocated under both Option 1 and Option 2, it appears that Option 1 will be inclusive of outbuildings, whilst Option 2 will not.

**Appendix 1** (**Mine Options Assessment**) presents the relocation of Ravensworth Homestead as an 'either/or' scenario. In the event relocation to Broke does not meet the timeframes set out by the Applicant to continue mining operations, the Homestead will be relocated on site to a location at Ravensworth Farm.

The Applicant has not identified a preferred relocation option, instead deferring the preferred outcome to the community, and Council, through the making of submissions into the Project. Council strongly objects to this approach. Whilst the community provides valuable input into the decision for relocation of the Homestead, it is ultimately the consent authority who will decide, within the framework of clause 4.15 of the *Environmental Planning and Assessment Act 1979*, the application and its fate. This decision is merit based, drawing on the impact assessment included in the Environmental Impact Statement, and relies on the completeness of that assessment to inform its decision.

**Appendix 1** (**Mine Options Assessment**) identifies that, if the 'do nothing' option is adopted, then the homestead will *remain isolated, unoccupied and inaccessible while mining and rehabilitation are undertaken*. The Applicant acquired the Glendell Project and its associated tenements, including Ravensworth Homestead, in 1997 and undertook some restoration works in 2008/2009, with no substantive management or maintenance actions undertaken since that time<sup>4</sup>. In addition, the ability for the community to access the complex, including members of the Aboriginal community, has been limited. The Applicant has not actively provided or promoted access, and this is reflected in the survey responses reported in the Social Impact Assessment.

<sup>&</sup>lt;sup>3</sup> It should be noted that council is currently assessing a local development application for the demolition of Ravensworth School (DA 8.2019.152).

<sup>&</sup>lt;sup>4</sup> Appendix 23e, section 3.2, provides a description of the current setting and state of the Homestead complex.

As the owner of a heritage item, the Applicant is responsible for the management and maintenance of the item. Under the *Heritage Act 1977* the Minister can authorise councils to make interim heritage orders for items of local heritage significance (clause 5), where council considers the local heritage item is at risk of harm or is being harmed. Further, the application for State Significant Development does not preclude council from issuing a development control order at any time under Schedule 5 of the *Environmental Planning and Assessment Act 1979* if council is of the view that there is a risk to safety, including fire safety.

Further, Article 9 of the Burra Charter states that:

- the physical location of a place is part of its cultural significance. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- some buildings, works or other elements of places were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate; and
- if any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.

The EIS and associated assessments provide one outcome for Ravensworth Homestead and that is relocation, because the economic consequences of not proceeding with the proposed Project outweigh the impacts of relocation. However, the EIS does not identify any current potential reuse or restoration actions or options that could satisfy a conclusion contrary to Article 9 of the Burra Charter, particularly in the scenario that the Project does not obtain approval.

The social impact assessment surveyed the broader community seeking feedback on the proposed Project. The Singleton community highly values heritage and seeks its conservation. However, the social impact assessment limited the survey results to an outcome where relocation is the only viable way to ensure its long-term security, because the assumption is that the Project will be approved. It does not consider what will happen to the Homestead if the Project is not approved, and the views of the broader community around its reuse potential in that scenario, nor does it allow community consideration of a post mining use of the Homestead should it be relocated to Ravensworth Farm.

#### Existing Tenure and Management Arrangements for McNamara Reserve

McNamara Park is a Crown Land Reserve, as such is subject to the provisions of the *Crown Land Management Act 2016* and in particular, Part 2 Division 2.4 of that Act. Clause 2.12 provides that the use of an existing Crown Reserve can only be undertaken where specified in a Plan of Management for that reserve.

Singleton Council is the manager of the reserve, as conferred through clause 3.3 of the *Crown Land Management Act 2016*. McNamara Reserve is managed through the

current Plan of Management for Village Parks. Whilst this Plan of Management is dated, and does not reflect the current requirements of the *Crown Land Management Act 2016*, the objectives outlined in the Plan provide insight into the current allowable uses of the Reserve as well as the current level of service. The objectives include, but are not limited to:

- 1. encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities; and
- 2. provide for passive recreational activities or pastimes and for the casual playing of games; and
- 3. improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management; and
- 4. develop various possible levels of maintenance for the parks so as to select and appropriate level of service at an acceptable cost; and
- 5. develop recreational facilities suitable for the village parks; and
- 6. protect and enhance the scenic amenity of the parks; and
- 7. protect the environment of the parks, especially in relation to vegetation; and
- 8. ensure that the community can contribute to the operation and development of village parks and the implementation of the plan; and
- 9. provide a planning document that can be updated as additional land is dedicated as Council Village Park.

Whilst these objectives do not necessarily preclude a future land use that includes the Ravensworth Homestead, the Environmental Impact Statement does not assess the implications of its relocation in the context of these objectives. In addition, the Plan of Management identifies that the current level of maintenance service for McNamara Reserve lies in the Standard category. This category applies relatively passive maintenance treatments, including regular mowing, limited landscaping and preservation of vegetative amenity. The Reserve is not irrigated. Any change to this level of service will require careful consideration, community consultation and will result in cost implications to the land manager.

The Environmental Impact Statement does not include an assessment of impact of the relocation of the Homestead against the objectives and levels of service detailed in the current Plan of Management, nor does it identify who would be responsible for maintaining the Homestead to the standard outlined in the current, or revised, Plan of Management.

Should the proposed relocation to McNamara Reserve become the most viable option, and be approved, clause 2.14 of the *Crown Land Management Act 2016* provides a process for allowing additional purposes/uses under the Plan of Management. Importantly, these purposes must be in the public interest and must not materially harm the use of the land for any existing purpose for which the land is reserved, this includes, but is not limited to, consideration of the:

- proportion of land that may be affected by the additional purpose,
- degree of permanence of likely harm, and whether that harm is irreversible,
- current condition of the land,
- geographical, environmental and social context of the land.

The EIS has not considered the consequences of the proposed relocation of Ravensworth Homestead to McNamara Reserve within the constraints of the *Crown Land Management Act 2016.* 

The consideration of these matters is an important and critical one for Council, as the current land manager of McNamara Reserve. The EIS has not contemplated the process for which McNamara Reserve could be subdivided, transferred in ownership or privately acquired to provide for certainty in land ownership. This is considered a significant consideration in the long term, in perpetuity management of the Homestead, should relocation to McNamara Reserve be approved. Council's submission to the SEARs required the EIS to include the long term, in perpetuity management and maintenance requirements for the relocated Homestead, which can only be done in the context of the current land tenure arrangements and future obligations that would be incurred by the land owner or manager. This assessment is applicable to both options.

#### Additional Approvals Required for the Relocation of Ravensworth Homestead

The EIS contemplates the need to obtain additional approvals to secure the relocation of Ravensworth Homestead to McNamara Reserve. Notwithstanding the concerns raised by Council above, the EIS does not identify what these approvals might be, nor the timeframe or process for obtaining such approvals. Council considers that there will likely be approval requirements under the *Environmental Planning and Assessment Act 1979, Roads Act 1993, Crown Land Management Act 2016, Local Government Act 1993, Biodiversity Conservation Act 2016, the Water Management Act 2000, Aboriginal Land Rights Act 1983, Native Title Act 1992 and the Singleton Council Development Control Plan 2014.* 

#### Summary: Ravensworth Homestead Relocation

Council seeks further clarification from the Applicant on the:

- 1. approval requirements, current and future land ownership (as well as outcomes of consultation with current land owners), future Homestead ownership and maintenance, should relocation to McNamara Reserve be approved;
- 2. permissibility of Option 1 and Option 2 in the respective zoning, including a description of the intended final land use approval being sought for the Homestead under each option;
- 3. the broader community support or otherwise for the management of the Homestead in a scenario where the Project is not approved, including consideration of a post mining use of the Homestead in both its current location and at Ravensworth Farm;
- 4. the management actions and controls that would be implemented to ensure appropriate investigation is undertaken for buried remains, and the actions that would be taken in the event additional remains (archaeological and human) are located across the entire Estate area;
- 5. the feasibility of McNamara Reserve, in the context of clause 2.14 of the *Crown* Land Management Act 2016, the Biodiversity Conservation Act 2016, the Roads Act 1993, the Local Government Act 1993 and any other

Act/Regulation/Environmental Planning Instrument where an approval or assessment of the impact of such a proposal would be required;

- social and economic impact and consequences of such a facility on the Broke community, including future maintenance costs of facilities and infrastructure required to support the relocation that will be borne by the community or any other party, and transparently quantifying these in a revised Economic Impact Assessment;
- 7. persons or entities responsible for completing the relocation to McNamara Reserve, including the capacity of the identified persons or entities to undertake such actions as are required to complete the relocation (some of which are identified in points 1 to 3 above), a timeline for completion of points 1 to 3 above and a contingency plan in the event the relocation to McNamara Reserve becomes unsustainable; and
- 8. long term, in perpetuity arrangements that will be imposed and implemented to ensure the Homestead is accessible, sustainable in the long term and reused for an appropriate purpose (in other words, meets the required public interest test), for both Option 1 and Option 2.

#### Rehabilitation and Mine Closure

The EIS identifies that cessation of mining and/or development for the three operations within the Mount Owen Complex will be at different times, with Glendell Mine cessation in 2024 and the Mount Owen Mine cessation in 2037. Council notes that the modification application for the Mount Owen Mine includes continuation of rehabilitation related activities for a further eight (8) years to accommodate the proposed increase life of the Glendell Mine.

The Glendell Mine is within five (5) years of mine closure. As such, detailed mine closure planning for the Glendell Mine should have commenced in accordance with its current conditions of approval, in particular conditions 41 and 42 of DA80/952. This detailed mine closure planning should include consultation with Singleton Council.

In New South Wales, mine closure planning is regulated through both the *Environmental Planning and Assessment Act 1979*, generally as a condition of approval, and the *Mining Act 1992* in the form of a Mining Operations Plan (**MOP**) conditioned on an authorisation issued under the Act. The NSW Resource Regulator has issued guidelines for the preparation of a Mining Operations Plan that state the *MOP is intended to fulfil the function of both a rehabilitation plan and a mine closure plan. It should document the long term mine closure principles and outcomes whilst outlining the proposed rehabilitation activities during the MOP term.* 

All mining operations are required to have an approved MOP in place prior to the commencement of any significant surface activities, which are further defined as any disturbance to the surface within a Mining Lease and includes exploration, clearing of vegetation, construction of roads, building water storages and preparing operational areas. The guidelines further state that *mine closure should be considered as a whole-of-mine-life process with planning for mine closure commencing at feasibility stage of an operation.*
Council was recently asked to provide comments on a revised Mining Operations Plan for the Mount Owen Complex. Council's comments are included at **Attachment 2** to this submission. In council's comments, we identified that detailed mine closure planning for the existing operations at Glendell had not commenced as required. We noted that the MOP states, *Glencore are currently preparing an application for the GCOP which will seek approval to extend open cut mining operations north from the Barrett Pit extracting approximately 140 Mt ROM Coal and extending the mine life to 2044. Should the GCOP not be approved, Glendell would commence detailed closure planning.* 

Council considers that reliance on the potential for a new Project approval is not an adequate justification to delay mine closure planning for the current operations. In addition, given the short time frame until the current approval expires, Council considers that it would be imperative to include detailed mine closure planning within not only a revised Mining Operations Plan, but within the EIS for the continuation of mining, and that both must include a timetable for completion of a detailed mine closure plan and a stakeholder engagement plan to underpin closure planning outcomes, under both scenarios – if the Project gains approval, and if it does not.

**Appendix 24** of the EIS states that mine closure planning at Glencore is *integrated as part of the life of mine planning process* and that Glencore's Mine Closure Planning Protocol<sup>5</sup> provides *guidance for developing, implementing and reviewing mine closure plans taking into consideration social, economic and environmental factors so that each of Glencore's operations meet statutory requirements and achieves sustainable post closure land use.* These statements imply that at any stage of the mining operational life, a detailed plan for closure has been prepared and integrated into ongoing mine planning.

However, **Appendix 24** provides only conceptual mining landforms and land uses. It does not provide any detail on construction methods, quantifiable performance criteria or adaptive changes necessary should performance criteria not be met. With over 30 years of current mining and rehabilitation performance to draw on, a robust and detailed closure plan should already be in place. The logic presented in **Appendix 24** is that, because closure will be so far into the future, some 20 years or more, planning for closure now is not appropriate. Council disagrees with this premise. Closure for the Glendell Mine is imminent, <u>unless</u> this Project is approved. If closure planning was undertaken in accordance with the requirements of DA80/952, Mining Lease and Glencore's own internal Protocol, then the future for Glendell is now. A detailed landform design, along with a detailed final void design and management plan do not appear to be unreasonable expectations at this stage of Glendell Mine's life. The fact that this planning has not occurred casts doubt over whether it will in fact occur at all.

The EIS predicts that the Project will meet the final land use, however, a final land use is not defined by area (or domain) within the final rehabilitated landform, has not been assessed for suitability, permissibility or sustainability, does not provide any linkage between the final landform and any of the final land use options, all of which is proposed to be deferred to a plan of management post approval. For the reasons set

<sup>&</sup>lt;sup>5</sup> Glencore's Mine Closure Planning Protocol was not included in the EIS and is not publicly available.

out above, and further below, Council requires further clarification and justification for this rationale.

#### Risks to the success of rehabilitation and mine closure outcomes

There are a number of risks identified in the EIS that could impact mine closure outcomes, one of which is a safe, stable, non-polluting and sustainable final void. It is noted that equilibrium of the final void is expected to reach 60mAHD, which will be 160 metres below the natural ground level, the final void will cover a catchment area of 321 hectares and will incorporate slope angles of between 10 and 18 degrees with retained highwalls. Equilibrium of the final void is not expected to be reached for 450 years and is predicted to have a TDS of 5000 to 6000 mg/L.

Equilibrium is the point at which inflows into the void and outflows from the void are balanced and the void water level has stabilised. This time to equilibrium is significantly into the future, and no consideration of management action and control during this time has been contemplated in the EIS. **Appendix 24** identifies that highwall stability will be dependent on performance during mining, however, there is no discussion on how stability will be monitored and to what condition, nor is there discussion on the actions that will be taken in the event of highwall failure and its subsequent impact on rehabilitation outcomes and performance. **Appendix 24** also states that highwall stability will improve as the void fills, however, given the timeframe for this to occur and stabilise, and that equilibrium will be 160 metres below natural ground level, this does not appear to be a sufficient or manageable control. The consequences of this on the inter-generational equity principle of ecologically sustainable development has not been assessed.

There are a number of other risks that have the potential to influence and impact rehabilitation and mine closure outcomes that have not been considered in the EIS. These risks relate primarily to how a Project will be designed to adapt to the changing environmental conditions that are projected to occur, not only for the duration of the mining operation, but for the life of the rehabilitated landform (and in this case, the significant timeframe to final void equilibrium). The NSW Government, through AdaptNSW has prepared a Climate Change Snapshot of the Hunter Region (2014) that identifies, amongst other things:

- maximum temperatures are projected to increase in the near future by 0.4 to  $1.0^{\circ}\text{C}$
- Minimum temperatures are projected to increase in the near future by 0.5 to  $0.9^{\rm 0}{\rm C}$
- Maximum temperatures are projected to increase in the far future by 1.6 to  $2.6^{\circ}\text{C}$
- Minimum temperatures are projected to increase in the far future by 1.5 to 2.5°C
- The number of hot days will increase, the number of cold nights will decrease
- Rainfall is projected to decrease in spring and winter
- Rainfall is projected to increase in autumn
- Average fire weather is projected to increase in summer, spring and winter

- Severe fire weather is projected to increase in summer and spring<sup>6</sup>.

It should be noted that AdaptNSW define near future as 2030 and far future as 2070.

These changes in weather patterns are likely to have a significant impact on the future success of rehabilitation activities across the Hunter Region, including at the Glendell Mine. For example, with a likely decrease in availability of water during peak growing seasons for newly established rehabilitation, and a commitment to re-establish native vegetation communities that rely on spring rainfall, it is not clear in the rehabilitation strategy how these consequences of climate change will be managed.

## Proposed final land uses

The EIS includes a number of final land uses:

- 1. Ancillary mining activities
- 2. Power generation, including solar, gas and pumped hydro storage
- 3. Industrial/manufacturing uses
- 4. Active recreation/extreme sports
- 5. Waste, recycling, reuse and product development
- 6. Aquaculture
- 7. High value carbon forestry, nature based education, ecological restoration, low impact recreation, training and research

No assessment of the potential for any of these options to be viable final land uses has been undertaken, including:

- Potential areas of the mining lease (or mine owned land) where these land uses could be applied;
- Relationship between the proposed final land uses and the final landform;
- The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
- Whether any or all of these options will be safe, stable, non-polluting and sustainable in the context of the final landform;
- A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.

Council also notes that Ravensworth Homestead final uses are not included in the mine closure options for the Project, for either Option 1 or Option 2.

## Summary: Rehabilitation and Mine Closure

Council seeks further clarification from the Applicant on the:

1. Timing of detailed closure planning for the existing operation, should the Project not be approved, including the actions needed to be taken to achieve a post

<sup>&</sup>lt;sup>6</sup> NSW Office of Environment and Heritage (2014) *Hunter Climate Change Snapshot* sourced from <u>https://climatechange.environment.nsw.gov.au/Climate-Projections-for-NSW/Climate-Projections-for-your-region/Hunter-Climate-Change-Downloads</u>

mining land use that is suitable, and does not result in a negative socioeconomic impact to the community. This analysis must include:

- a. Potential areas of the mining lease (or mine owned land) where these land uses could be applied;
- b. Relationship between the proposed final land uses and the final landform;
- c. The integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
- d. Whether any or all of these options will be safe, stable, non-polluting and sustainable in the context of the final landform; and
- e. A timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility.
- 2. Role of both council and the community in the post mining land use options assessment and analysis, including the extent to which such consultation has occurred and its outcomes;
- The relationship between post mining land use and the principles of strategic land use planning, including the extent to which the Applicant has consulted with council on the future strategic land use planning outcomes for the local government area;
- Final void management actions that will be taken to ensure highwall stability during and post mining, including contingencies for final landform design and rehabilitation outcomes should the highwall destabilise during and/or post mining;
- Assessment of the suitability, permissibility and sustainability of the final land use(s) proposed by area or domain, including actual feasibility and economic viability, as well as linkage between final landform and final land use(s) (that is, will be landform proposed actual provide for the uses identified);
- 6. Analysis of the climate changing risks (temperature, rainfall, fire) on the success of rehabilitation, including the contingency measures that would be implemented in the event rehabilitation fails;
- 7. Viability of the proposed final land uses, including where on the lease or buffer areas these uses could be applied, the relationship between the proposed final land uses and final landform, the integration of these uses with other existing and proposed land uses in the region, including the compatibility and viability of potentially competing uses;
- 8. The consequences of the final land use options, including the final use of the void, on the principles of ecologically sustainable development, in particular, inter-generational equity;
- 9. safety, stability, pollution potential and sustainability of the proposed final land uses in the context of the final landform; and
- 10. Timeframe/timetable for investigation and implementation of one or more option(s) through to feasibility, including a post mining use for the Ravensworth Homestead, in the event Option 1 is implemented.

#### Other Matters

#### Voluntary Planning Agreement

Council and the Applicant began discussions on a proposed Voluntary Planning Agreement (**VPA**) for the Project in 2019. To date, no agreement has been reached between the Council and the Applicant on a Voluntary Planning Agreement for the Project.

Council has spent significant time reviewing the contributions made to the Singleton community by the mining industry and in November 2017, Council resolved to apply a 1% levy on capital investment value to all future mining voluntary planning agreements. The application of this levy is consistent with the provisions of Council's existing Development Contributions Plan, section 4.10, which states:

Whether as a result of a Minister's consent or council consent, these contributions will take the form of monetary contributions or inkind contributions and be determined through negotiation between the applicant and Council. The proposed contributions agreed between the applicant and Council will be detailed in a voluntary planning agreement in accordance with s93F of the Environmental Planning and Assessment Act 1979.

Council is currently reviewing its Development Contributions Plan.

The capital expenditure of the Project as reported in the Economic Impact Assessment is \$515.3M, or \$869.6M undiscounted (where most capital expenditure is expected in Year 2). **Appendix 23e** states that the capital expenditure for the proposed Project will be \$230M. Council would like clarity on the actual value of capital investment required to realise the proposed Project.

Further, Council, at its meeting of December 2019 resolved to create the Singleton Community and Economic Development Fund using VPA monies from mining and other major Projects. The intent of this Fund is to preserve the capital and use investment returns to fund programs that will facilitate the future security, prosperity and wellbeing of our community. These programs would include undertaking investigations to understand the impact of mining on our community, research and development in Projects that build resilience and improve liveability of Singleton during and post mining. Council believes this approach allows the provision of a longer term view on the use of VPA funds.

On 19 June 2017, a notice of motion regarding voluntary planning agreements was put to the Council. This motion, resolved by Council, requires *that, in future discussion with mining companies over Voluntary Planning Agreements, include a clause that will ensure that as the mine expands and they take on trainees/apprentices the majority (if not all) these trainees/apprentices come from the Singleton Local Government Area.* Council will continue to raise this in VPA negotiations with the Applicant.

To date, no agreement has been reached on a VPA quantum, as such council would ask that the Project not be determined until such time as an agreement is reached and endorsed by Council.

## Social Impacts and Community Loss

The social impacts and benefits of the proposed Project have been assessed at **Appendix 11.** This assessment concludes, amongst other things, *impacts that may be* experienced include a reduction in sense of community, community participation, cohesion and service delivery due to property acquisition and population change over time. This may result in people feeling displaced and detached from their networks and community structures/associations (**Appendix 11, section 5.4.4**). The opposite effect is that mining development has the potential to stimulate local economies, attract new and younger populations to an area and boost local spending and purchasing.

This loss of community and changing landscape of villages is evidenced in the social impact assessment which included an analysis of the population dynamics and growth in the Singleton region and concludes that *population numbers in the Camberwell Area have declined by 13% between 2011 and 2016, compared to an increase of 18% in the Bridgman Area, and 1% increase in Singleton* (Appendix 11, section 5.5.5.1).

There is a desire, at a local community level, for village communities to maintain their rural and social values, protect amenity and provide for resources to support village lifestyle and growth, such as local access to retail and other services. The presence of mining and the number of property acquisitions has impacted these basic needs and values. This is confirmed in the Project social impact assessment. The village of Camberwell has clearly been impacted by a history of impact and acquisition, to the extent that 81% of property in the village is now mining owned.

These issues have historically been, and are proposed to be, addressed solely through property acquisition (by other approved operations) and rental agreements that require tenants to acknowledge and understand the potential impacts the surrounding mining activities might have on them.

The social impact assessment does not consider the affordability impacts of property acquisition. Acquisition does not equate to equitable relocation. That is, the intrinsic values identified in the social impact assessment of any individual whose property has been acquired because of a mining related impact may not be accessible due to cost, loss of connection or availability. In a world where a social licence to operate is essential for Project approval, if acquisition is the only option to enable mining, then it should be complemented with relocation in a manner that is sympathetic to the intrinsic values being sought. The consequences of this are not assessed in the social impact assessment.

## Biodiversity

Council has not undertaken a detailed review of the biodiversity assessment, however notes that the EIS provides a confusing analysis of the existing disturbance areas across the two operations. The EIS would benefit from quantifying the area of

disturbance, approved or otherwise, that is attributable to both the Mount Owen Complex and the Glendell Mine.

The EIS identifies four options for offsetting the biodiversity impacts of the proposed Project:

- 1. Land based offsets through the purchase of land by Glencore to retire credits; or
- 2. Ecological rehabilitation of disturbed mine land; or
- 3. Credit purchases; or
- 4. Payment to the Biodiversity Conservation Trust (which has been quantified in the Economic Impact Assessment at \$16.6M).

However, the EIS does not identify:

- 1. The preferred option(s) for securing the offsets required for the Project;
- 2. Where the land-based offsets would or could be, including its current and future tenure;
- 3. The area and location of proposed ecological rehabilitation and communities to be reinstated;
- 4. The long-term tenure of ecological rehabilitation; and
- 5. Whether the required credits are available for purchase.

It is important to note that in perpetuity conservation of land has an economic impact on the community wherever that offset is secured. Offset land is not rateable and the impact on council's with significant offset land can be significant, and outside the area of immediate benefit. That is, offsets can be secured in other council areas where the benefits of the project are not realised.

Council is seeking clarification on the total area of existing disturbance at both the Mount Owen and Glendell Mine, where the offsets would be located, including the tenure of land offsets, the areas of ecological rehabilitation proposed on site, the long-term tenure of ecological rehabilitation and whether the required credits are available for purchase.

## Greenhouse Gas Assessment and Climate Change

Notwithstanding the consequences of climate change on successful mine closure identified above, the greenhouse gas assessment has identified that there will be an increase in emissions (scope 1, scope 2 and scope 3) as a result of the Project. The fact that the global climate is changing, and that there is a need to address reduction in emission sources is a commitment made at an international level, through the Paris Agreement, is not a matter for assessment at a local level. How and where the emissions are accounted is irrelevant to the impacts of the proposed Project. The impact of these emissions, regardless of where they occur, is a consideration that is reflected in the NSW Climate Change Policy Framework, which has seen the development of Climate Change Adaptation Plans for a majority of regions in NSW.

Clause 14(2) of the *State Environmental Planning Policy (mining, Petroleum Production and Extractive Industries)* 2007 requires the consent authority to consider

the greenhouse gas emissions of any mining development, in the context of any State or national policies, programs or guidelines. The NSW Climate Change Policy Framework is one such policy.

The EIS refers to the NSW Climate Change Policy Framework as an important means of identifying and measuring policy outcomes. Council sees alignment of development objectives with the Policy Framework as an important step in understanding the actions that have been, or could be, taken by a Project to mitigate its impacts, whether they be local or global. However, whilst reference is made to the NSW Policy Framework, the Greenhouse Gas Assessment and Glencore's *Observations on Recent Climate Change and GHG Emissions Litigation* (Appendix 29) do not provide any detail on how the Project will support the policy framework in the following areas:

- The Project's contribution towards achieving (or otherwise) the NSW target of net-zero emissions by 2050, including any quantifiable actions that can (or have been) taken to support this objective;
- The measures proposed by the Applicant to ensure that the Project will be more resilient to a changing climate;
- How the 9MT of Scope 1 emissions proposed for the life of the Project will be reduced so as to not contribute to the current increasing trend in annual scope 1 emissions in NSW<sup>7</sup> (where half of all NSW emissions are from stationary energy sources with transport emissions the second largest component of NSW greenhouse gas emissions); and
- The impact of alternative scenarios for the Project on the framework objectives.

The extent to which this Project aligns with the Framework, and contributes to meeting the Framework's objectives, is likely to be an important public interest consideration for any decision maker.

Additionally, **Appendix 29** identifies actions undertaken by Glencore to offset the impacts of its global emissions, including participation in such programs as Coal21. However, the report does not quantify the reductions achieved, the reduction in impact that resulted from the action, nor does it establish whether these actions would mitigate the emissions from the Project.

## Air Quality

The EIS for the Project includes an assessment of air quality impacts in **Appendix 13**. This assessment identifies that there are several local and regional contributions to air quality in the vicinity of the Project. These include reduced rainfall leading to increased drought conditions, increased smoke from bushfires and the contribution of woodsmoke, particularly during winter. The assessment notes that there are significant seasonal variations in air quality, where  $PM_{10}$  is greater in spring, and  $PM_{2.5}$  is greater in winter. The prevailing wind direction is north-west, north-north-west and aligns with the shape of the Hunter valley.  $PM_{2.5}$  regularly exceeds the EPA criteria at Camberwell and Singleton.

<sup>&</sup>lt;sup>7</sup> AdaptNSW https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climateprojections-for-your-region/Hunter-Climate-Change-Downloads

As identified in **Figure 7** of **Appendix 13**, the assessment notes that, over the previous six years, the 24-hour PM<sub>10</sub> has exceeded the EPA criteria on an increasing number of days. It is not clear whether these increases are seasonal in nature. Given the expected life of the proposed Project, the relationship between the air quality observations and the climate change indicators published by AdaptNSW has not been established, including the Project's role in either improving or exacerbating the impact. For example, inclusion of an assessment of the air quality impacts associated with a projected decrease in rainfall during spring and winter months, where PM<sub>10</sub> and PM<sub>2.5</sub> have been identified as having greatest impact.

The Project proposes several existing management controls to address the potential air quality impacts and justifies this through adoption of a 'worst case scenario' assessment, resulting in a conservative estimation of impact. The EIS and air quality assessment do not quantify the effectiveness of these controls under such conditions. Primary sources of PM<sub>10</sub> include traffic on haul roads, overburden removal and wind erosion of exposed areas, and the proposed controls for the Project include:

- minimising the area of disturbed land at any one time, in line with the approved Mining Operations Plan
- continued implementation of timely progressive rehabilitation and the use of temporary rehabilitation and stabilisation measures on disturbed land

Both controls assume a mining operation that is progressively working towards closure and reducing the potential for  $PM_{10}$  generation. As noted above, the rehabilitation and mine closure planning for the current and proposed operation is lacking detail. Additionally, the air quality impact assessment does not quantify how successful these measures are in reducing the impact of the existing operation, to enable certainty regarding the impact of the proposed Project.

The air quality assessment concludes that the impacts of the proposed Project can be largely mitigated through the existing acquisition rights that are held for those that will be directly affected, concluding that there is no predicted exceedance of PM<sub>10</sub> where a property has no acquisition rights. However, most acquisition rights are held through conditions of approval for other neighbouring operations, including Rix's Creek Mine, Ashton Coal Mine and Mount Owen Mine, not the Glendell Mine. The air quality assessment proposes to confer the consequences of the proposed Project's air quality impacts to other parties. Whilst the Voluntary Land Acquisition and Mitigation Policy (VLAMP) sets out the circumstances under which acquisition could occur, it does not provide an avenue for this acquisition to be conferred onto other operations.

In the context of the proposed Project, the EIS lacks clarity on the Applicant's responsibilities for not only acquiring but mitigating the impacts of air quality on private residents who hold acquisition rights under other approvals.

## Summary: Air Quality

Council seeks further clarification from the Applicant on the:

1. impact of a changing climate (as per AdaptNSW projections) on air quality impacts for the life of the proposed Project, including post closure; and

2. the effectiveness of existing controls in reducing impacts of air quality, in particular the generation of  $PM_{10}$  and  $PM_{2.5}$ .

#### Waste Management

The Project proposes to manage waste generated by the development as per the current approval. The volumes of waste material generated by the current operation and proposed to be generated by the Project are not quantified, including projected volumes of tailings (and the subsequent impact of this on management and rehabilitation of tailings disposal areas). The EIS does not consider the objectives of the NSW EPA Waste Strategy and the targets set within the Strategy, nor does it identify waste streams and how the management of these waste streams will contribute to meeting State and local waste targets.

The EIS does not consider how demolition waste will be managed, including asbestos and other contaminated materials. Demolition waste will be generated from Hebden Road and the Mine Infrastructure Area. The Applicant does not have approval to dispose of any waste on site, including waste tyres. Council is seeking clarification on the current and future waste management volumes generated at the Project (including, but not limited to, reject and tailings materials and their management), as well as how waste tyres are proposed to be managed.

#### Building Related Matters

The Project proposes to demolish existing buildings, construct new ones and relocate a locally significant heritage item that includes buildings and out buildings. In order to do so, the Applicant will require, amongst other things, construction certificates, fire safety certificates and an approval to install and operate on site sewerage management systems. No details have been provided in the EIS on the buildings proposed as part of the Mine Infrastructure Area or the Ravensworth Homestead, or the associated waste water treatment. As such it is not possible for council to assess whether the proposed buildings meet the relevant statutory requirements.

## **Concluding Comments**

I would like to again reiterate council's significant disappointment in the timing of exhibition of the Environmental Impact Statement for this Project. The ability of council let alone the community, to adequately review and assess the impacts and consequences of such a significant Project on our region in such a short timeframe over the Christmas period, is not only limited, it creates unnecessary stress that should have been avoided.

Council's commitment to ensuring it meets the submission timeline should not be taken to be support or objection to the Project. Council considers that, without the clarifications required as outlined in this letter, and subject to a Council resolution, it would be premature to form a view on the proposed Project's merit at this stage of the assessment.

I would like to thank you for the opportunity to provide comment on the Glendell Continued Operations Environmental Impact Statement for the proposed Project. Please contact me on 02 6578 7290 if you have any questions.

Yours sincerely

Mary-Anne Crawford Manager Development and Environmental Services

# 11. Appointment of Acting General Manager - 1 April to 31 FILE: 21/00651/003 December 2022

# Executive Summary

The purpose of this report is for Council to consider the appointment of an Acting General Manager for the period 1 April to 31 December 2022 to ensure continuity of Council's functions during periods of absence by the General Manager.

# **RECOMMENDED** that:

- 1. For the period 1 April to 30 June 2022:
  - a. That the person holding the position of Director Infrastructure & Planning be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
  - b. If the person specified in point 1 above is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Corporate & Commercial Services be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
  - c. If the persons specified in points 1 and 2 above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Organisation & Community Capacity be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
- 2. For the period 1 July to 30 September 2022:
  - a. That the person holding the position of Director Corporate & Commercial Services be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
  - b. If the person specified in point 1 above is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Organisation & Community Capacity be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon

the return to work of the General Manager or other resolution of the Council.

- c. If the persons specified in points 1 and 2 above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Infrastructure & Planning be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
- 3. For the period 1 October to 31 December 2022:
  - a. That the person holding the position of Director Organisation & Community Capacity be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment is to cease upon the return to work of the General Manager or other resolution of the Council.
  - b. If the person specified in point 1 above is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Infrastructure & Planning be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
  - c. If the persons specified in points 1 and 2 above are unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Corporate & Commercial Services be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave for a period in excess of two consecutive days. Such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
- 4. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.

# Report

Council last considered a report on 20 September 2021 to appointment an Acting General Manager during periods of absence in excess of two consecutive days. The current resolution will expire on 31 March 2022.

To ensure continuity of Council's functions and in keeping with best practice procedures, Council should make a regular resolution for the appointment of an Acting General Manager.

The General Manager's Instrument of Delegation provides that "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".

It is proposed that each of the three Directors be appointed for a period of three months as Acting General Manager for the remainder of the calendar year.

# Community Strategic Plan

This report relates to the following strategies contained within the Community Strategic Plan:

# Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

# **Delivery Program/Operational Plan**

The adoption of the recommendation will ensure that Council meets the requirements of the Delivery Program and Operational Plan.

# Council Policy/Legislation

Pursuant to section 351 of the *Local Government Act, 1993* if the General Manager's position is vacant or the holder of such a position is suspended from duty, sick or absent, only the Council may appoint a person to the position temporarily for a period of not more than 12 months.

Section 377 of the *Local Government Act, 1993* provides that Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than those function restricted by this section.

# Financial Implications

There are no direct financial implications associated with the recommendation.

# **Consultation/Social Implications**

This matter has been discussed by Council's Executive Leadership Team prior to consideration by Council.

Prior to planned periods of leave, the General Manager will generally discuss suitable acting arrangements with the Executive Leadership Team. However, it is important that Council has a resolution in place for the appointment of an Acting General Manager to ensure continuity of Council's functions in the event of sudden or unforeseen leave by the General Manager.

Council will consider a report annually for the appointment of an Acting General Manager to cover periods of absence.

# **Environmental Consideration**

There are no environmental considerations associated with the recommendation.

# **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not be able to meet its operational requirements in the absence of the General Manager which may lead to service delivery and reputational implications.	High	Adopt the recommendation.	Low	Yes
There is a risk that Council will have periods with no appointed General Manager which may lead to staff uncertainty and ongoing implications for our people.	High	Adopt the recommendation	Low	Yes
There is a risk that the person appointed is not able to act as General Manager when an absence occurs which may lead to service delivery and people implications.	High	Adopt the recommendation	Low	Yes

# Options

The following options are available to Council:

- 1. Adopt the recommendation as written in the report.
- 2. Not adopt the recommendation and consider the appointment of an Acting General Manager on a case by case basis by way of a Mayoral Minute.

Option one is recommended to ensure continuity of service to our community.

# Conclusions

To ensure continuity of Council's functions and in keeping with best practice procedures it is recommended that Council resolve to appoint an Acting General Manager during periods of absence and that the appointment be for the remainder of the year.

# Attachments

There are no attachments for this report

# GM12/22. Draft Code of Meeting Practice

FILE: 19/00530

# **Executive Summary**

The purpose of this report is for Council to consider the draft revised Code of Meeting Practice Policy (the draft Policy) prior to placing the draft Policy on public exhibition for a period of 42 days in accordance with the provisions of the *Local Government Act, 1993* (the Act).

# **RECOMMENDED** that:

- 1. Draft POL/1014.10 Code of Meeting Practice Policy be placed on public exhibition for a period of 42 days and public notice be provided of the intention to adopt the draft Policy subject to consideration of submissions received.
- 2. Draft POL/1014.10 Code of Meeting Practice Policy be adopted following the public exhibition period subject to submissions received.
- 3. Should any submissions be received, that would require any change to the draft policy, a further report be presented to Council prior to adoption.
- 4. Upon adoption of the draft policy, POL/1014.9 Code of Meeting Practice Policy be rescinded.

# Report

Under section 360 of the Act, NSW councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice (the Model Code) for Local Councils in NSW prescribed by the *Local Government (General) Regulation, 2021* within 12 months of an election.

Councils adopted Code of Meeting Practice must not contain provisions that are inconsistent with the mandatory provisions of the Model Code.

Councils may also incorporate the non-mandatory provisions of the Model Code and other supplementary provisions. Councils are not required to adopt the non-mandatory provisions of the Model Code and can adapt them to meet their own needs.

This draft Policy is based upon the Model Code and provides a uniform set of meeting rules to ensure that meetings of Council are consistent, accessible, orderly, effective and efficient.

In late 2021 the Office of Local Government (OLG) published a new Model Code. The main updates to the new Model Code were to include provisions that allow attendance at meetings and briefings via audio-visual link (AVL). These new provisions are non-mandatory.

It also includes a new mandatory clause requiring business papers to include a reminder to Councillors of their oath or affirmation and their obligations in relation to conflicts of interest. This new clause follows on from recommendations made in the Independent Commission Against Corruptions report - Operation Dasha.

A review has been undertaken of Council's current policy, which was previously adopted by Council on 20 May 2019, following updates to the Model Code and the commencement of the new Council. Proposed additions and amendments to the existing Policy are highlighted in yellow and are briefly outlined in Clause 31 of the draft Policy.

A copy of the draft Policy is shown as **Attachment 1**.

# Community Strategic Plan

The draft Policy addresses the following strategy contained within Council's adopted Community Strategic Plan:

## Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

# **Delivery Program/Operational Plan**

Adoption of the draft Policy will meet the following deliverables and actions from Council's Delivery Program and Operational Plan:

- 5.6.4 Meet Governance Compliance and Reporting Requirements.
  - 5.6.4.1 Governance items on the Office of Local Government Calendar of Compliance and Reporting Requirements 2021/2022 are completed by due dates.
- 5.6.6 Policies are reviewed as required throughout the term of Council to ensure legislative compliance.

5.6.6.1 Council policies are current and reviewed as required.

# Council Policy/Legislation

The draft Policy is relevant and related to the following legislation:

- Local Government Act, 1993
- Local Government (General) Regulation, 2021.

The draft Policy is relevant and related to the following documents:

- POL/1011 Code of Conduct
- POL/1016 Interactions Between Councillors and Staff Policy
- Councillor Questions and Requests Procedure
- Model Code of Meeting Practice for Local Councils in NSW 2021.

# **Financial Implications**

There are no financial implications relating to the adoption of this policy.

# **Consultation/Social Implications**

Consultation was undertaken by the Office of Local Government prior to the Model Code of Meeting Practice being prescribed under the *Local Government (General) Regulation, 2005* in late November 2021.

Prior to adopting a new Code of Meeting Practice, Council is required to exhibit the draft for at least 28 days and provide members of the community at least 42 days in which to comment. It is proposed to place the draft Policy on public exhibition for a period of 42 days.

The draft Policy will be placed on public exhibition on Council's website and a public notice will be provided in a local paper.

Council's Executive Leadership Team have reviewed and endorsed the draft Policy prior to referral to Council for consideration and the Councillors have received relevant information on the Policy by way of background briefing.

Upon adoption the revised Policy will be available on Council's website, the Councillors Hub and the internal staff intranet.

# **Environmental Consideration**

There are no environmental implications relating to the adoption of this policy.

# **Risk Implications**

The following risks for Council are noted:

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council's adopted Code of Meeting Practice does not meet the minimum legislative requirements of the Model Code which may lead to legal and reputational implications.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will have inconsistent and unclear	Medium	Adopt the recommendation	Low	Yes

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
meeting processes which may lead to reputational damage.				
There is a risk that members of the public will feel that they have not been consulted which may lead to reputational damage to Council.	Medium	Adopt the recommendation	Low	Yes

# Options

The following options are available to Council:

- 1. Resolve to place the draft Policy on public exhibition for a period of 42 days and provide public notice of the intention to adopt the draft Policy subject to consideration of submissions received.
- 2. Resolve not place the draft Code of Meeting Practice Policy on public exhibition and make further amendments.

Option one is recommended.

# Conclusions

It is recommended that Council endorse that the draft Code of Meeting Practice Policy be placed on public exhibition to ensure that Council is meeting the requirements of the *Local Government Act, 1993* and committing to best practice.

# Attachments

AT-1 Draft Code of Meeting Practice Policy - March 2022



# CODE OF MEETING PRACTICE

Policy | Integrated Risk Management

To ensure that meetings of Council are conducted in a consistent, accessible, orderly, effective and efficient manner

Policy No:	POL/1014 Version: 10		
Service Unit:	Governance		
Responsible Officer:	Coordinator Governance		
Responsible Director:	Director Organisation & Community Capacity		
Authorisation Date:	Review Date: 15 Mar	<mark>rch 2024</mark>	
Minute No:			

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Code of Meeting Practice

# **Table of Contents**

1	Introduction	6
	1.1 Title of the Policy and Commencement Date	6
	1.2 Purpose of the Policy	6
	1.3 Application of this Policy	6
2	Meeting Principles	6
	2.1 Council and committee meetings should be:	6
3	Before the Meeting	7
	Timing of ordinary council meetings	7
	Extraordinary meetings	7
	Notice to the public of council meetings	7
	Notice to councillors of ordinary council meetings	7
	Notice to councillors of extraordinary meetings	8
	Giving notice of business to be considered at council meetings	8
	Questions with notice	9
	Agenda and business papers for ordinary meetings	9
	Statement of ethical obligations	10
	Availability of the agenda and business pap <mark>ers</mark> to the p <mark>ubli</mark> c	10
	Agenda and business papers for extraordinary meetings	
	Pre-meeting briefing sessions	11
4	Public Forums	12
4 5		
-	Public Forums   Coming Together   Attendance by councillors at meetings	14
-	Coming Together	<b>14</b> 14
-	Coming Together	<b>14</b> 14 15
-	Coming Together Attendance by councillors at meetings The quorum for a meeting	<b>14</b> 14 15 16
-	Coming Together Attendance by councillors at meetings The quorum for a meeting Meetings held by audio-visual link	<b>14</b> 14 15 16 17
-	Coming Together	<b>14</b> 
-	Coming Together   Attendance by councillors at meetings.   The quorum for a meeting .   Meetings held by audio-visual link.   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings .	<b>14</b> 14 15 16 17 18 19
-	Coming Together   Attendance by councillors at meetings   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings	<b>14</b> 14 15 16 17 18 19 20
5	Coming Together   Attendance by councillors at meetings   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings   Attendance of the General Manager and other staff at meetings	
5	Coming Together   Attendance by councillors at meetings.   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings   Attendance of the General Manager and other staff at meetings   The Chairperson	<b>14</b>
5	Coming Together   Attendance by councillors at meetings   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings   Attendance of the General Manager and other staff at meetings   The Chairperson   The chairperson at meetings	
5	Coming Together   Attendance by councillors at meetings   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings   Attendance of the General Manager and other staff at meetings   The Chairperson   The chairperson at meetings   Election of the chairperson in the absence of the Mayor and Deputy Mayor.	<b>14</b> 14 15 16 17 18 19 20 <b>20</b> <b>20</b> 20 20 20 20 20
6	Coming Together   Attendance by councillors at meetings.   The quorum for a meeting   Meetings held by audio-visual link   Attendance by councillors at meetings by audio-visual link   Entitlement of the public to attend council meetings   Webcasting of meetings   Attendance of the General Manager and other staff at meetings   The Chairperson   The chairperson at meetings   Election of the chairperson in the absence of the Mayor and Deputy Mayor.   Chairperson to have precedence	14 

Pol	cy	Code of Meeting Practice
9	Consideration of Business at Council Meetings	
	Business that can be dealt with at a council meeting	22
	Mayoral Minutes	23
	Staff reports	24
	Reports of committees of council	24
	Questions	24
	Presentations	25
10	Rules of Debate	
	Motions to be seconded	25
	Notices of motion	25
	Chairperson's duties with respect to motions	26
	Motions requiring the expenditure of funds	26
	Amendments to motions	26
	Foreshadowed motions	27
	Limitations on the number and duration of speeches	27
11	Voting	
	Voting entitlements of councillors	
	Voting at council meetings	29
	Voting on planning decisions	29
12	Committee of the Whole	
13	Closure of Council Meetings to the Public (Closed Council)	
	Grounds on which meetings can be closed to the public	
	Matters to be considered when closing meetings to the public	
	Notice of likelihood of closure not required in urgent cases	
	Representations by members of the public	
	Expulsion of non-councillors from meetings closed to the public	34
	Obligations of councillors attending meetings by audio-visual link	34
	Information to be disclosed in resolutions closing meetings to the public	34
	Resolutions passed at closed meetings to be made public	35
14	Keeping Order at Meetings	
	Points of order	35
	Questions of order	35
	Motions of dissent	
	Acts of disorder	
	How disorder at a meeting may be dealt with	
	Expulsion from meetings	
	How disorder by councillors attending meetings by audio-visual link may be dealt w	<mark>/ith</mark> 38
	Use of mobile phones and the unauthorised recording of meetings	

# Attachment 1

Poli	Dicy Code of Me	eting Practice
15	Conflicts of Interest	
16	Decisions of the Council	
	Council decisions	
	Rescinding or altering council decisions	
	Recommitting resolutions to correct an error	40
17	Time Limits on Council Meetings	41
18	After the Meeting	41
	Minutes of meetings	41
	Access to correspondence and reports laid on the table at, or submitted to, a meeting	42
	Implementation of decisions of the council	43
19	Council Committees	43
	Application of this Part	43
	Council committees whose members are all councillors	43
	Functions of committees	44
	Notice of committee meetings	44
	Attendance at committee meetings	44
	Non-members entitled to attend committee meetings	44
	Chairperson and deputy chairperson of council committees	45
	Procedure in committee meetings	45
	Closure of committee meetings to the public	46
	Disorder in committee meetings	46
	Minutes of council committee meetings	46
20	Irregularities	47
21	Definitions	48
22	Relevant Legislation	
23	Document Information	49
	23.1 Related Documents	49
24	Responsible Officer / Policy Owner	50
25	Approval	50
26	Monitoring	50
27	Review Date	50
28	Last Review Date	50
29	Record Keeping, Confidentiality and Privacy	50
30	Breaches and Sanctions	50
		Δ

Policy		Code of Meeting Practice
31 Docume	nt History	
Appendix A -	Motions & Amendments Flowchart	
Appendix B -	Notice of Motion Form	





Code of Meeting Practice

6

## 1 Introduction

1.1 Title of the Policy and Commencement Date

The Code of Meeting Practice Policy takes effect upon adoption by Council.

1.2 **Purpose of the Policy** 

This policy is based upon the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is prescribed under section 360 of the *Local Government Act, 1993* (the Act) and the *Local Government Regulation, 2021* (the Regulation).

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

The purpose of this policy is to provide a uniform set of meeting rules to ensure that meetings of Council are consistent, accessible, orderly, effective and efficient.

1.3 Application of this Policy

This policy applies to all meetings of Council and Committees of Council of which all members are Councillors (Committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings or Terms of Reference.

# 2 Meeting Principles

- 2.1 Council and committee meetings should be:
  - *Transparent:* Decisions are made in a way that is open and accountable.
  - Informed: Decisions are made based on relevant, quality information.
  - Inclusive: Decisions respect the diverse needs and interests of the local community.
  - *Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
  - *Trusted*: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
  - *Respectful*: Councillors, staff and meeting attendees treat each other with respect.
  - *Effective*: Meetings are well organised, effectively run and skilfully chaired.
  - Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Code of Meeting Practice

# **3** Before the Meeting

Timing of ordinary council meetings

3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

## Extraordinary meetings

3.2 If the Mayor receives a request in writing, signed by at least two (2) councillors, the Mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two councillors requesting the meeting.

Note: This clause reflects section 366 of the Act.

Notice to the public of council meetings

3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: This clause reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.6 The General Manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: This clause reflects section 367(1) of the Act.

Code of Meeting Practice

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: This clause reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: This clause reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted no less than ten (10) business days before the meeting is to be held.

Note: A notice of motion is to be submitted using the form provided at Appendix B.

- 3.10 A councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:
  - (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Code of Meeting Practice

Questions with notice

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the General Manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of the council, or a question that implies wrongdoing by the General Manager or a member of staff of the council.
- 3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.16 The General Manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The General Manager must ensure that the agenda for an ordinary meeting of the council states:
  - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the Mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.
- 3.19 The General Manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:



- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: This clause reflects section 9(2A)(a) of the Act.

3.21 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

3.22 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: This clause reflects section 9(2) and (4) of the Act.

3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

Note: This clause reflects section 9(2A)(b) of the Act.

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: This clause reflects section 9(3) of the Act.

Code of Meeting Practice

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: This clause reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the General Manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.

Code of Meeting Practice

- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

# 4 Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the Mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4.30pm on the date on which the public forum is to be held and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing to the applicant for a decision to refuse an application and advise all Councillors of the refusal.
- 4.7 No more than four (4) speakers are to be permitted to speak on each item of business on the agenda for the council meeting. Generally, this will be two (2) speakers for and two (2) speakers against each item.
- 4.8 If more than the permitted number of speakers apply to speak on any item of business, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom



Code of Meeting Practice

to nominate to address the council, the General Manager or their delegate is to determine who will address the council at the public forum.

- 4.9 If more than the permitted number of speakers apply to speak on any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs by midday on the day of the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.11 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 If required, a speaker may be granted an extension of a further two (2) minutes of speaking time upon a majority resolution of Council.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to two (2) minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 The General Manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the General Manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.



Code of Meeting Practice

- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.24 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

# 5 Coming Together

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

Code of Meeting Practice

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: This clause reflects section 234(1)(d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: This clause reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: This clause reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
  - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.



Code of Meeting Practice

- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the General Manager.
- 5.12 The General Manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the General Manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

## Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audiovisual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each councillor.
- 5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:
  - (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
Code of Meeting Practice

- (c) cause a notice to be published on the council's website and in such other manner as the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audiovisual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
  - (a) the meetings the resolution applies to, and
  - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

Policy		Code of Meeting Practice
	<u>5.24</u>	If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
	<u>5.25</u>	A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
	5.26	The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
	5.27	This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
	5.28	A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
	5.29	A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.
	Entitle	ment of the public to attend council meetings
	5.30	Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
		Note: This clause reflects section 10(1) of the Act.
	5.31	Clause 5. <mark>30</mark> does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
		18

Code of Meeting Practice

- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
  - (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: This clause reflects section 10(2) of the Act.

#### Webcasting of meetings

5.33	Each meeting of the council or a committee of the council is to be recorded
	by means of an audio or audio-visual device.
	Note: This clause reflects section 236 of the Regulation.
5.34	At the start of each meeting of the council or a committee of the council, the

chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the
  - council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.

Note: This clause reflects section 236 of the Regulation.

- 5.35 The recording of a meeting is to be made publicly available on the council's website:
  - (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting.

Note: This clause reflects section 236 of the Regulation.

5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

Note: This clause reflects section 236 of the Regulation.

- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act. Note: This clause reflects section 236 of the Regulation.
- 5.38 Recordings of meetings may be disposed of in accordance with the State Records Act, 1998.

Code of Meeting Practice

Attendance of the General Manager and other staff at meetings

5.39 The General Manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: This clause reflects section 376(1) of the Act.

5.40 The General Manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: This clause reflects section 376(2) of the Act.

5.41 The General Manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

Note: This clause reflects section 376(3) of the Act.

- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.
- 5.43 The General Manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.

### 6 The Chairperson

The chairperson at meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the council.

Note: This clause reflects section 369(1) of the Act.

6.2 If the Mayor and the deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: This clause reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Mayor and Deputy Mayor

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

Code of Meeting Practice

- 6.4 The election of a chairperson must be conducted:
  - (a) by the General Manager or, in their absence, an employee of the council designated by the General Manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
  - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
  - (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

#### 7 Modes of Address

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

## Attachment 1

Policy

Code of Meeting Practice

- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

## 8 Order of Business for Ordinary Council Meetings

- 8.1 The general order of business for an ordinary meeting of the council shall be:
  - 01 Opening meeting
  - 02 Acknowledgement of country
  - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  - 04 Confirmation of minutes
  - 05 Disclosures of interests
  - 06 Mayoral minute(s)
  - 07 Presentations
  - 08 Notices of Motion
  - 09 Reports to council
  - 10 Questions with notice
  - 11 Confidential matters (Closed Council)
  - 12 Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## 9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
  - (a) unless a councillor has given notice of the business, as required by clause 3.9, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.

Code of Meeting Practice

- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
  - (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

**Mayoral Minutes** 

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the council, a resolution of the council.

Code of Meeting Practice

- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the recommendation if adopted.

#### **Staff reports**

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the General Manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.



- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Note: Appendix A provides additional clarification relating to questions.

#### Presentations

- 9.20 A person or persons may, with the approval of the General Manager, make a presentation for a maximum duration of 15 minutes, to a meeting of the council.
- 9.21 An application to make a presentation to a meeting of the council must be received by the General Manager no later than ten (10) business days prior to a meeting of the council if the presentation is to be included as an item on the agenda for that meeting.
- 9.22 The inclusion of a presentation as an item on the agenda for a meeting of council is at the General Manager's ultimate discretion.

### 10 Rules of Debate

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
  - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.



Code of Meeting Practice

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### **Foreshadowed motions**

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Code of Meeting Practice

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote. Note: This clause reflects section 370(1) of the Act.
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: This clause reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Code of Meeting Practice

Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for Mayor or Deputy Mayor is to be by secret ballot.

Voting on planning decisions

- 11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public. Note: These clauses reflect section 375A of the Act.

Code of Meeting Practice

## 12 Committee of the Whole

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: This clause reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the council designated by the General Manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

# 13 Closure of Council Meetings to the Public (Closed Council)

Grounds on which meetings can be closed to the public

- 13.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or



### Attachment 1

Draft Code of Meeting Practice Policy - March 2022

Policy

Code of Meeting Practice

- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: This clause reflects section 10A(1) and (2) of the Act.

13.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: This clause reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
  - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: This clause reflects section 10B(1) of the Act.

- 13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:
  - (a) are substantial issues relating to a matter in which the council or committee is involved, and

## Attachment 1

Policy

Code of Meeting Practice

- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: This clause reflects section 10B(2) of the Act.

13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

Note: This clause reflects section 10B(3) of the Act.

- 13.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

Note: This clause reflects section 10B(4) of the Act.

13.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

*Note: This clause reflects section 10B(5) of the Act.* 

Notice of likelihood of closure not required in urgent cases

- 13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
  - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
  - (b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: This clause reflects section 10C of the Act.

Representations by members of the public

13.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: This clause reflects section 10A(4) of the Act.

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4.30pm on the date of the meeting at which the matter is to be considered.
- 13.12 The General Manager (or their delegate) may refuse an application made under clause 13.11. The General Manager or their delegate must give reasons in writing to the applicant for a decision to refuse an application and advise all Councillors of the refusal.
- 13.13 No more than four (4) speakers are to be permitted to make representations under clause 13.9.
- 13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the General Manager or their delegate is to determine who will make representations to the council.
- 13.15 The General Manager (or their delegate) is to determine the order of speakers.
- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.

Code of Meeting Practice

13.17 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 13.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 13.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

13.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 13.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
  - (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: This clause reflects section 10D of the Act.

Code of Meeting Practice

Resolutions passed at closed meetings to be made public

- 13.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 13.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.22 during a part of the meeting that is webcast.

# 14 Keeping Order at Meetings

Points of order

- 14.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

#### Questions of order

- 14.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 14.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Code of Meeting Practice

Motions of dissent

- 14.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 14.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 14.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 14.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
  - (a) contravenes the Act, the Regulation or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: This clause reflects section 182 of the Regulation.

- 14.12 The chairperson may require a councillor:
  - (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a), (b), (e), or
  - (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or

Code of Meeting Practice

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 14.11(d) and (e).

Note: This clause reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

14.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 14.15 Clause 14.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: This clause reflects section 233(2) of the Regulation.

- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 14.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Code of Meeting Practice

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 14.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 14.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 14.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 14.24 Without limiting clause 14.17, a contravention of clause 14.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.17. Any person who contravenes or attempts to contravene clause 14.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

# 15 Conflicts of Interest

15.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Policy		Code of Meeting Practice		
	<mark>15.2</mark>	Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio- visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.		
16	Decisions of the Council			
	Counci	il decisions		
	16.1	A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council. <i>Note: This clause reflects section</i> <b>371</b> <i>of the Act</i> .		
	16.2	Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.		
	Rescin	ding or altering council dec <mark>is</mark> ions		
	16.3	A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9. Note: This clause reflects section 372(1) of the Act.		
	16.4	If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.		
		Note: This clause reflects section 372(2) of the Act.		
	16.5	If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.		
		Note: This clause reflects section 372(3) of the Act.		
	16.6	A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.		
		Note: This clause reflects section 372(4) of the Act.		
		39		

Code of Meeting Practice

16.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: This clause reflects section 372(5) of the Act.

16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: This clause reflects section 372(7) of the Act.

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 16.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than 10.00am on the day after the meeting at which the resolution was adopted.
- 16.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: This clause reflects section 372(6) of the Act.

Recommitting resolutions to correct an error

- 16.12 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
  - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.
- 16.13 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.12(a), the councillor is to propose alternative wording for the resolution.
- 16.14 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.12(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.15 A motion moved under clause 16.12 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.12 can speak to the motion before it is put.

- 16.16 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12.
- 16.17 A motion moved under clause 16.12 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

# 17 Time Limits on Council Meetings

- 17.1 Meetings of the council and committees of the council are to conclude no later than 10.30pm.
- 17.2 If the business of the meeting is unfinished at 10.30pm, the council or the committee may, by resolution, extend the time of the meeting.
- 17.3 If the business of the meeting is unfinished at 10.30pm, and the council does not resolve to extend the meeting, the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the General Manager must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

# **18** After the Meeting

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: This clause reflects section 375(1) of the Act.



### Attachment 1

Policy

- 18.2 At a minimum, the General Manager must ensure that the following matters are recorded in the council's minutes:
  - (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a council meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: This clause reflects section 375(2) of the Act.

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: This clause reflects section 375(2) of the Act.

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: This clause reflects section 11(1) of the Act.

## Attachment 1

Policy

Code of Meeting Practice

18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: This clause reflects section 11(2) of the Act.

18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: This clause reflects section 11(3) of the Act.

18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.12 The General Manager is to implement, without undue delay, lawful decisions of the council.

Note: This clause reflects section 335(b) of the Act.

## 19 Council Committees

Application of this Part

19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 A committee of the council is to consist of the Mayor and such other councillors as are elected by the councillors or appointed by the council.
- 19.4 The quorum for a meeting of a committee of the council is to be:
  - (a) such number of members as the council decides, or
  - (b) if the council has not decided a number a majority of the members of the committee.

Code of Meeting Practice

Functions of committees

19.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 19.6 The General Manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
  - (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:
  - (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
  - (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.



Code of Meeting Practice

Chairperson and deputy chairperson of council committees

- 19.11 The chairperson of each committee of the council must be:
  - (a) the Mayor, or
  - (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.
- 19.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Code of Meeting Practice

Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

**Disorder in committee meetings** 

19.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
  - (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.



Code of Meeting Practice

- 19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 20 Irregularities

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
  - (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

Note: This clause reflects section 374 of the Act.

Code of Meeting Practice

# 21 Definitions

For the purposes of this policy:

Term	Meaning		
the Act	means the Local Government Act, 1993		
act of disorder	means an act of disorder as defined in clause 14.11 of this code		
amendment	in relation to an original motion, means a motion moving an amendment to that motion		
audio recorder	any device capable of recording speech		
<mark>audio-visual link</mark>	means a facility that enables audio and visual communication between persons at different places		
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales		
chairperson	<ul> <li>in relation to a meeting of the council</li> <li>means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and</li> <li>in relation to a meeting of a committee</li> <li>means the person presiding at the meeting as</li> </ul>		
	provided by clause 19.11 of this code		
this code	means the council's adopted code of meeting practice		
committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1		
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW		
day	means calendar day		
division	means a request by two councillors under clause 11.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion		
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment		
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion		
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means		



## Attachment 1

Policy

Code of Meeting Practice

Term	Meaning		
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act		
performance improvement order	means an order issued under section 438A of the Act		
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting		
the Regulation	means the Local Government (General) Regulation 2021		
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time		
year	means the period beginning 1 July and ending the following 30 June		

## 22 Relevant Legislation

- Local Government Act, 1993.
- Local Government (General) Regulation, 2021.

# 23 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

#### 23.1 Related Documents

Related documents, listed in *Table 23-1* below, are documents directly related to or referenced from this document.

Number	Title
POL/1011	Code of Conduct
POL/1016	Interactions Between Councillors & Staff Policy
13/60393	Councillor Questions and Requests Procedure
	Model Code of Meeting Practice for Local Councils in NSW - 2021

Table 23-1 – Related documents

Code of Meeting Practice

## 24 Responsible Officer / Policy Owner

Ownership of this policy rests with the Coordinator Governance.

### 25 Approval

As per cover sheet.

### 26 Monitoring

This policy will be monitored by the Coordinator Governance to ensure compliance.

### 27 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

## 28 Last Review Date

This policy was last reviewed on 20 May 2019.

# 29 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

# 30 Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.

# 31 Document History

The below table provides a summary of changes and amendments to this document.

Version.	Date Amended	Author	Comments (e.g. reasons for review)
10	<mark>09/02/2022</mark>	L Britton	<ul> <li>Amended in accordance with new Model Code of Meeting Practice for NSW Councils</li> <li>Updated position titles and dates as relevant</li> <li>Minor wording changes in introduction</li> <li>Added statement of ethical obligations</li> <li>Updated to include attendance by audio-visual link and references</li> </ul>

Code of Meeting Practice

Version.	Date Amended	Author	Comments (e.g. reasons for review)
			<ul> <li>updated throughout document as appropriate</li> <li>Included references to health and public health emergencies</li> <li>Updated provisions for webcasting</li> <li>Updated Regulation</li> <li>Updated clause references throughout document</li> <li>Flow chart updated to include reference to notice of motion form and clarification relating to questions</li> <li>Added notice of motion form</li> </ul>


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SINGLETON	NOTICE OF MOTION
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Attachment 1

	Code of Meeting Pr
Staff response/report:	
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## GM13/22. Draft Councillors Expenses & Facilities Policy

FILE: 19/00530

#### Executive Summary

The purpose of this report is for Council to consider the draft Councillors Expenses and Facilities Policy prior to placing on public exhibition for a period of 28 days in accordance with the provisions of the *Local Government Act, 1993* (the Act).

#### **RECOMMENDED** that:

- 1. Draft POL/1008.15 Councillors Expenses and Facilities Policy be placed on public exhibition for a period of 28 days and public notice be given of the intention to adopt the policy.
- 2. Draft POL/1008.15 Councillors Expenses and Facilities Policy be adopted following the public exhibition period subject to submissions received.
- 3. Should any submissions be received, that would require any change to the draft policy, a further report be provided to Council prior to adoption.
- 4. Upon adoption of the draft policy, POL/1008.14 Councillors Expenses and Facilities Policy be rescinded.

#### Report

Section 252 of the Act requires that Council adopt, within the first 12 months of each term of a council, a policy concerning the payment of expenses incurred or to be incurred by, and provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and other councillors in relation to the discharging of their functions of civic office.

The policy may provide for fees payable to Councillors to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor. A council must not pay any expenses incurred, or to be incurred by, or provide any facilities otherwise than in accordance with the adopted policy.

The Council may from time to time amend this policy.

A policy adopted under section 252 must comply with the provisions of the Act, the *Local Government (General) Regulations, 2021* (the Regulations) and any relevant guidelines issued under section 23A of the Act.

This policy is in accordance with the better practice Councillor Expenses and Facilities Policy template issued by the Office of Local Government (OLG).

A review has been undertaken of Council's current policy, previously adopted by Council at its meeting held 25 November 2019 which has resulted in only minor amendments. These amendments are highlighted in yellow throughout the policy and noted in section 19 – Document History. A copy of the revised draft Policy is shown as **Attachment 1**.

#### Community Strategic Plan

The draft Policy addresses the following strategy contained within Council's adopted Community Strategic Plan:

#### Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

## **Delivery Program/Operational Plan**

Adoption of the draft Policy will meet the following deliverables and actions from Council's Delivery Program and Operational Plan:

- 5.6.4 Meet Governance Compliance and Reporting Requirements.
  - 5.6.4.1 Governance items on the Office of Local Government Calendar of Compliance and Reporting Requirements 2021/2022 are completed by due dates.
- 5.6.6 Policies are reviewed as required throughout the term of Council to ensure legislative compliance.

5.6.6.1 Council policies are current and reviewed as required.

#### Council Policy/Legislation

The Office of Local Government (OLG) has provided Councils with a suggested template policy for Councillor Expenses and Facilities which incorporates the provisions of the Act and Regulations.

The following legislation and documents are relevant to the draft policy:

- The Local Government Act, 1993
- The Local Government (General) Regulation, 2021
- Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW, 2009.
- POL/1011 Code of Conduct
- POL/1021 Recordkeeping and Information Access for Councillors Policy
- POL/1016 Interactions Between Councillors and Staff Policy
- Information Communication Technology (ICT) Security Procedure
- Fleet and Plant Management Protocol
- Light Motor Vehicle Fleet Procedure

#### Financial Implications

The financial commitments as detailed in the draft Councillors Expenses and Facilities Policy can be met within the current operational budget.

#### **Consultation/Social Implications**

In accordance with the provisions of the Act and guidelines issued by the OLG, Council must give public notice of its intention to adopt or amend a Policy for Councillors Expenses and Facilities allowing at least 28 days for the making of public submissions.

The draft Policy will be placed on public exhibition on Council's website and a public notice will be provided in a local paper.

The adoption of this Policy also ensures that the undertaking of civic duties does not financially disadvantage Councillors and enables participation by Councillors from different backgrounds.

Council's Executive Leadership Team have reviewed and endorsed the draft Policy prior to referral to Council for consideration and the Councillors have received relevant information on the Policy by way of background briefing.

Upon adoption the Policy will be available on Council's website, the internal staff intranet and the Councillor's Hub.

#### **Environmental Consideration**

Nil.

#### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that legislation and/or the Code of Conduct will be breached which may lead to legal action, investigations and fines or penalties.	Medium	Adoption of the recommendation	Low	Yes
There is a risk that Council will have unclear policy and processes which may lead to reputational damage	Medium	Adoption of the recommendation	Low	Yes
There is a risk that members of the public will feel that they have not been consulted which may lead to reputational damage to Council.	Low	Adoption of the recommendation	Low	Yes

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that elected members will not have access to adequate expenses and facilities to enable them to carry out their civic duties which may lead to service delivery and reputational implications.	Medium	Adoption of the recommendation	Low	Yes

# Options

The following options are available to Council:

- 1. Resolve to provide public notice of its intention to adopt the draft Councillors Expenses and Facilities Policy and place the draft Councillors Expenses and Facilities Policy on public exhibition for a period of 28 days.
- 2. Resolve not to place the draft Policy on public exhibition and request that further amendments be carried out to the draft Policy prior to further consideration.

Option one is recommended.

# Conclusions

In accordance with the provisions of the Act and the guidelines issued by the OLG, it is recommended that Council adopt the draft Policy and provide public notice of its intention to adopt the Policy and allow a minimum 28 days for the making of public submissions.

#### Attachments

AT-1 Draft Councillors Expenses and Facilities Policy - March 2022



# COUNCILLORS EXPENSES

Policy | Integrated Risk Management

To ensure that there is accountability and transparency to the public in the reimbursement of expenses incurred or to be incurred by the Mayor and Councillors

Policy No:	POL/1008	Version:	<mark>15</mark>	
Service Unit:	Governance			
Responsible Officer:	Coordinator Governance			
Responsible Director:	Director Organisation & Community Capacity			
Authorisation Date:	15 March 2022	Review Date:	15 March 2024	
Minute No:				

Printing Disclaimer

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Councillors Expenses and Facilities

# **Table of Contents**

1 Background			
	1.1	Title of the Policy and Commencement Date	4
	1.2	Purpose of the Policy	4
2	Obj	ective	4
	2.1	Objectives and Coverage of the Policy	4
3	Δnr	plication	4
U	<b>7PF</b> 3.1	Application of this Policy	
4		initions	
5	Intr	oduction	7
•	5.1	Principles	
	5.2	Private or Political Benefit	
6	Evn	penses	8
0	<b>сл</b> р 6.1	General expenses	
	6.2	Specific expenses	
	0	6.2.1 General travel arrangements and expenses	
		6.2.2 Interstate, overseas and long distance intrastate travel expenses 6.2.3 Travel expenses not paid by Council	
		<ul> <li>6.2.3 Travel expenses not paid by Council</li> <li>6.2.4 Accommodation and meals</li> </ul>	
		6.2.5 Refreshments for council related meetings	
		<ul> <li>6.2.6 Professional development</li> <li>6.2.7 Conferences and seminars</li> </ul>	
		6.2.8 Information and Communications Technology (ICT) expenses	
		6.2.8.1 Telephone 6.2.8.2 Computer Equipment and Internet	
		6.2.9 Special requirement and carer expenses	
	6.3	Insurances	
	6.4	Legal assistance	
7	Eao	ilities	12
1	<b>гас</b> 7.1	General facilities for all councillors	
	1.1		.13
		7.1.2 Corporate wardrobe	
		7.1.3 Stationery 7.1.4 Administrative support	
	7.2	Additional facilities for the Mayor	
•	Due	·	
8	<b>Pro</b> 8.1	Cesses Approval, payment and reimbursement arrangements	
	0.1	8.1.1 General	
		8.1.2 Direct payment	
		8.1.3 Reimbursement	
2		8.1.4 Notification	
			2

Poli	су		Councillors Expenses and Facilities	i
		8.1.5 8.1.6	Reimbursement to Council	
	8.2	Dispute	es16	3
	8.3	Return	or retention of facilities	3
	8.4	Publica	tion17	7
	8.5	Report	ing17	7
	8.6	Auditin	g17	7
9	Rele	evant L	egislation17	7
10	Doc	ument	Information17	7
	10.1	Related	d Documents	7
11	Res	ponsib	le Officer / Policy Owner	}
12		-	ilities	
13	Арр	roval		}
14	Mon	Monitoring		
15	Rev	iew Da	te	}
16	Last	Revie	w Date	}
17	Rec	ord Ke	eping, Confidentiality and Privacy18	}
18	Brea	aches	and Sanctions	}
Арр	endi>	( A - C	aim for Reimbursement of Expenses by Mayor and Councillors	)



#### 1 Background

#### 1.1 Title of the Policy and Commencement Date

The Councillors Expenses and Facilities Policy takes effect upon adoption by Council.

#### **1.2 Purpose of the Policy**

The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Singleton Council.

The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.

The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.

Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the *Local Government Act, 1993* (the Act) and reviewed annually. Council must adopt its annual fees within this set range.

# 2 Objective

#### 2.1 **Objectives and Coverage of the Policy**

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- ensure facilities and expenses provided to Councillors meet community expectations
- support a diversity of representation
- fulfil Council's statutory responsibilities.

#### 3 Application

#### 3.1 Application of this Policy

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.



Councillors Expenses and Facilities

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Act and *Local Government (General) Regulation, 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or Facility	Maximum Amount	Frequency
General travel expenses	\$3,100.00 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	Included above	Per year
Accommodation and meals	As per the <u>NSW Crown</u> Employees (Public Service <u>Conditions of Employment)</u> <u>Reviewed Award 2009</u> , adjusted annually	Per meal/night
Corporate wardrobe	\$5,000 total for all Councillors	Per year
Professional development, Conferences and Seminars	\$25,000 total for all Councillors	Per year
ICT expenses	\$1,080.00 per Councillor	Per year
Carer expenses	\$3,000.00 per Councillor	Per year
Access to meeting room facilities	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Staff supporting Mayor and Councillors	Provided to the Mayor and Councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.



4

Policy

Councillors Expenses and Facilities

# Definitions

For the purposes of this policy:

Term	Meaning		
Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor		
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business		
Act	Means the Local Government Act, 1993 (NSW)		
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy		
Code of Conduct	Means the Code of Conduct adopted by Council		
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the Mayor		
General Manager	Means the General Manager of Council and includes their delegate or authorised representative		
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct		
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle		
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in clause 3.1		
NSW	New South Wales		
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the Local Government Area, and includes: • meetings of Council and Committees of the Whole		
	<ul> <li>meetings of Committees facilitated by Council</li> <li>civic receptions hosted or sponsored by Council</li> </ul>		
	meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by Council		
Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor		
Regulation	Means the Local Government (General) Regulation, 2021 (NSW)		
Year	Means the financial year, that is the 12 month period commencing on 1 July each year		



**Councillors Expenses and Facilities** 

Policy

#### 5 Introduction

#### 5.1 **Principles**

Council commits to the following principles:

- **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
- Equity: there must be equitable access to expenses and facilities for all Councillors
- Appropriate use of resources: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
- Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to Councillors.

#### 5.2 **Private or Political Benefit**

- a) Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- b) Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- c) Such incidental private use does not require a compensatory payment back to Council.
- d) Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- e) Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of Council resources and equipment for campaigning
  - use of official Council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.



Councillors Expenses and Facilities

#### 6 Expenses

#### 6.1 General expenses

All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Reimbursement of any expenses will only be made where a formal claim for reimbursement is lodged via online services on Council's website or on the approved Claim Form (**Appendix A**).

#### 6.2 Specific expenses

#### 6.2.1 General travel arrangements and expenses

- a) All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- b) Each councillor may be reimbursed up to a total of \$3,100.00 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for Council and other meetings
  - for tolls
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- c) Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the <u>Local Government (State) Award 2020</u>.
- d) Councillors seeking to be reimbursed for use of a private vehicle must record the date, distance and purpose of travel being claimed. Details of this must be provided on the approved claim form.

#### 6.2.2 Interstate, overseas and long distance intrastate travel expenses

- a) In accordance with Section 5.2, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- b) Total interstate, overseas and long distance intrastate travel expenses for all councillors will be included in the general travel arrangements and expenses as specified at 6.2.1.
- c) Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.



Councillors Expenses and Facilities

- d) Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- e) The case should include:
  - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
  - who is to take part in the travel
  - duration and itinerary of travel
  - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- f) For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- g) For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- h) For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- i) Bookings for approved air travel are to be made through the General Manager's office.
- For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.
- 6.2.3 Travel expenses not paid by Council
  - a) Council will not pay any traffic or parking fines or administrative charges for road toll accounts.
- 6.2.4 Accommodation and meals
  - a) In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later that 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
  - b) Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside the Hunter.
  - c) The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B <u>Monetary Rates of the NSW Crown</u> <u>Employees (Public Service Conditions of Employment) Reviewed Award 2009</u>, as adjusted annually.
  - d) The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.2.4(c).
  - e) Councillors will not be reimbursed for alcoholic beverages.

- 6.2.5 Refreshments for council related meetings
  - a) Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
  - b) As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B <u>Monetary Rates of the NSW Crown Employees (Public Service Conditions of</u> <u>Employment) Reviewed Award 2009</u>, as adjusted annually.
- 6.2.6 Professional development
  - a) Council will set aside \$1,000.00 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
  - b) In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
  - c) Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
  - d) Approval for professional development activities is subject to a prior written request to Council outlining the:
    - details of the proposed professional development
    - relevance to Council priorities and business
    - relevance to the exercise of the Councillor's civic duties.
  - e) In assessing a Councillor request for a professional development activity, Council must consider the factors set out in Clause 6.2.6(d), as well as the cost of the professional development in relation to the Councillor's remaining budget.
- 6.2.7 Conferences and seminars
  - a) Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
  - b) Council will set aside a total amount of \$15,000.00 annually in its budget to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
  - c) Approval to attend a conference or seminar is subject to a written request to Council. In assessing a Councillor request, Council must consider factors including the:
    - relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
    - cost of the conference or seminar in relation to the total remaining budget.



Councillors Expenses and Facilities

- d) Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by Council. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.2.4(b)-(e).
- 6.2.8 Information and Communications Technology (ICT) expenses
- 6.2.8.1 Telephone
  - a) Councillors have the following options relating to mobile telephones:
    - i. Councillors may elect to be provided with a Council issued mobile telephone. No further reimbursement will be made under this policy for the use of the Councillors own mobile phone, private or business phone where these phones are used for Council purposes. Council will meet the cost of all calls to a value of \$40.00 per month. Where all call costs exceed this amount the account will be referred to the Councillor for identification and reimbursement of any personal calls. The General Manager will be required to approve the payment of calls in excess of this limit.
    - ii. Councillors may elect to supply their own mobile telephone. Council will make a monthly payment of \$40.00 to the Councillor as a contribution towards the costs of operating the device.
- 6.2.8.2 Computer Equipment and Internet
  - a) The Mayor and Councillors will be provided with an electronic tablet or laptop with specification and configuration necessary to access and utilise appropriate Council systems. No unauthorised or unlicensed software is to be installed on the tablet or laptop and Councillors are required to comply with Council's Information Communication Technology (ICT) Security Procedure at all times.
  - b) The Council issued tablet or laptop with internet access is for use in relation to official functions and duties and Council will meet the cost of maintenance, rental and Council related expenses. No further reimbursement will be made under this policy for internet access.
  - c) Council will meet the costs of all internet service charges and usage costs to the value of \$50.00 per month. Where costs exceed this amount the account will be referred to the Councillor for identification and reimbursement of any personal expenses.
  - d) Council will also provide a printer and toner cartridges to the Mayor and Councillors for use at home to enable the printing of documents.

Council will provide each Councillor with an individual Council e-mail address (firstinitialsurname@singleton.nsw.gov.au) and appropriate secure access to Council's Information Technology System to manage such email. This access will include the ability to utilise the Calendar functionality associated with Council's email system. This email address is to be advertised to the public and utilised by Councillors for receiving and sending all electronic mail related to their civic office responsibilities. Email usage is to be in accordance with Council's Information Communication Technology (ICT) Security Procedure.



Councillors Expenses and Facilities

- 6.2.9 Special requirement and carer expenses
  - a) Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
  - b) Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
  - c) In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
  - d) Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$3,000.00 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
  - e) Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
  - f) In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

#### 6.3 Insurances

- a) In accordance with Section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- b) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance. It should be noted that Council's insurances will not cover a Councillor if he/she commits a wilful and/or deliberate act that gives rise to a claim.
- c) Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- d) Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.
- e) A Councillor must notify the General Manager or Director Organisation & Community Capacity of any potential insurance matters at the time that they become aware of any potential claim to enable prompt reporting to Council's insurance broker.

#### 6.4 Legal assistance

- a) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
  - a Councillor defending an action arising from the performance in good faith of a function under the Act, provided that the outcome of the legal proceedings is favourable to the Councillor



Councillors Expenses and Facilities

- a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
- a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- b) In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- c) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- d) Council will not meet the legal costs:
  - of legal proceedings initiated by a Councillor under any circumstances
  - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- e) Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

# 7 Facilities

#### 7.1 General facilities for all councillors

#### 7.1.1 Facilities

- a) Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
  - access to the meeting rooms appropriately furnished, including Councillor pigeon holes and appropriate refreshments
  - access to shared car parking spaces while attending Council offices on official business
  - personal protective equipment for use during site visits
  - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.



- b) Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Assistant.
- c) The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.
- 7.1.2 Corporate wardrobe
  - Council will set aside a total amount of \$5,000.00 annually in its budget to facilitate the provision of corporate wardrobe for Councillors. This allocation is for all Councillors.
  - b) Councillors will be provided with one jacket/blazer, two shirts and one tie or scarf with Council's logo per term.

#### 7.1.3 Stationery

- a) Council will provide the following stationery to Councillors each year:
  - writing/note pads
  - business cards
  - writing pens
  - ink/toner cartridges for Council provided printer
  - printer paper

#### 7.1.4 Administrative support

- a) Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by the Executive Assistant as arranged by the General Manager or their delegate.
- b) As per Section 5.2, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

#### 7.2 Additional facilities for the Mayor

- a) Council will provide to the Mayor:
  - i. A maintained vehicle to a similar standard of other Council vehicles, with a fuel card, up to a value of \$52,000, subject to annual CPI increase. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office. Such motor vehicle shall not be used for the purposes of electioneering; or
  - ii. A Vehicle Allowance provided in accordance with Council's Light Motor Vehicle Fleet Policy and Procedure in lieu of a Council supplied vehicle for the purpose of the Mayor acquiring, maintaining and running a vehicle equivalent to the amount payable to Other Senior Staff.
- b) Should the Mayor elect a maintained vehicle, the Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit where a lease fee for private use of the vehicle has not been paid to Council. The log book must be submitted to Council on a quarterly basis.



c) The Mayoral allowance will be reduced to cover the cost of any private travel:

Councillors Expenses and Facilities

15

- As a vehicle lease fee calculated for private use in accordance with Council's Fleet and Plant Management Protocol.
- Recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award 2020.
- d) A parking space at council's offices will be reserved for the Mayor's Councilissued vehicle for use on official business, professional development and attendance at the Mayor's office.
- e) Council will provide the Mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- f) In performing his or her civic duties, the Mayor will be assisted by the Executive Assistant providing administrative and secretarial support, as determined by the General Manager.
- g) As per Section 5.2, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- h) A corporate credit card is issued to the Mayor as the Councillor most regularly called upon to represent Council. The issue of the card is not an authority to incur expenses and full substantiation of expenses by means of Tax Invoices/Receipts is required. The credit card will have a credit limit of \$5,000 and will not have an option for obtaining a cash advance.

## 8 Processes

#### 8.1 Approval, payment and reimbursement arrangements

- 8.1.1 General
  - a) Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
  - b) Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
  - c) Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
    - local travel relating to the conduct of official business
    - carer costs
    - ICT expenditure.
  - d) Final approval for payments made under this policy will be granted by the General Manager or their delegate.
- 8.1.2 Direct payment
  - a) Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Coordinator Governance for assessment against this policy using online services on Council's website or the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.



#### 8.1.3 Reimbursement

- a) All claims for reimbursement of expenses incurred must be made via online services on Council's website or on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Coordinator Governance.
- 8.1.4 Notification
  - a) If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
  - b) If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

#### 8.1.5 Reimbursement to Council

- a) If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
  - Council will invoice the Councillor for the expense
  - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- b) If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

#### 8.1.6 Timeframe for reimbursement

a) Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

#### 8.2 Disputes

- a) If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- b) If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

#### 8.3 Return or retention of facilities

- a) All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- b) Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- c) The prices for all equipment purchased by Councillors under Clause 8.3(b) will be recorded in Council's annual report.



Councillors Expenses and Facilities

- 8.4 Publication
  - a) This policy will be published on Council's website.

#### 8.5 Reporting

- a) Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- b) Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

#### 8.6 Auditing

a) The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

## 9 Relevant Legislation

- Local Government Act, 1993, Sections 252 and 253
- *Local Government (General) Regulation 2021*, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

# 10 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

#### 10.1 Related Documents

Related documents, listed in *Table 10-1* below, are internal documents directly related to or referenced from this document.

Number	Title	
POL/1011	Code of Conduct	
POL/1021	Recordkeeping and Information Access for Councillors Policy	
<mark>19/87488</mark>	Information Communication Technology (ICT) Security Procedure	
PRO/10	Fleet and Plant Management Protocol	
17/18766	Light Motor Vehicle Fleet Procedure	
POL/1016	Interactions Between Councillors & Staff Policy	

Table 10-1 - Related documents



Councillors Expenses and Facilities

# 11 Responsible Officer / Policy Owner

Ownership of this policy rests with the Coordinator Governance.

# 12 **Responsibilities**

Parties or Persons	Responsibilities		
Mayor and Councillors	Comply with this policy at all times		
General Manager	Provide approvals as specified in this policy		
Manager Integrated Risk	Monitor the implementation of this policy and ensure compliance		
Coordinator Governance	<ul><li>Implementation and review of this policy</li><li>Provision of advice on this policy as required</li></ul>		
Executive Assistant	Provide support to Councillors and the Mayor as approved by the General Manager in accordance with the provisions of this policy		

# 13 Approval

As per cover sheet.

# 14 Monitoring

This policy will be monitored by the Manager Integrated Risk to ensure compliance.

# 15 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

# 16 Last Review Date

This policy was last reviewed on 25 November 2019.

# 17 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

# 18 Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.



**19** 

#### Councillors Expenses and Facilities

Document History					
The below t	The below table provides a summary of changes and amendments to this document.				
Version.	<mark>Date</mark> Amended	Author	Comments (e.g. reasons for review)		
<mark>15</mark>	02/02/2022	L Britton	<ul> <li>Biennial review</li> <li>Updated relevant dates</li> <li>Inserted web links</li> <li>Updated related document references</li> <li>Updated Regulations</li> <li>Added provision of budget allocation for corporate wardrobe and additional wardrobe items</li> </ul>		

# Appendix A - Claim for Reimbursement of Expenses by Mayor and Councillors



I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the *Local Government Act, 1993* and Council's Policy with respect to Councillor Expenses and Facilities.

Name of claimant:

Claim for reimbursement of expenses:

Date	Nature of business (as authorised by Council )	Nature of claim	Amount claimed

Claim for reimbursement of travel expenses:

Date	Nature of business (include where the travel was to/from and purpose of the travel)	Method of Travel	Distance in Kms	Rate/Km	Amount claimed
	•				

Travelling rates per km as per Local Government (State) Award:	Under 2.5 litres	\$0.68/km
	2.5 litres and over	\$0.78/km

#### Total amount claimed and/or tax invoices:

\$ ;						

(Please note: Receipts/tax invoices must be attached to this claim form in order for reimbursement to be processed).

Signature:\_\_\_\_\_

# GM14/22. Support for Australian Local Government Association FILE: 22/00009 (ALGA) - 2022 Federal Election Campaign

#### Executive Summary

The next Federal Election is expected to be held in May 2022.

Working in conjunction with its member state and territory associations, the Australian Local Government Association (ALGA) has developed a framework and resources for a national advocacy campaign that will run in the lead up to this election.

Based around the tagline of "Don't Leave Local Communities Behind", the goal is to secure funding and policy commitments that will support every Australian council and community, and ensure all Australians have an equal opportunity to share in the benefits of Australia's post-pandemic recovery.

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

#### **RECOMMENDED** that Council:

- 1. Supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
- 2. Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
  - a. Express support for ALGA's funding priorities;
  - b. Identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
  - c. Seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

#### Report

The "Don't Leave Local Communities Behind" campaign will promote 17 priority tasks in the portfolios of economic recovery, transport and community infrastructure, building resilience, circular economy and intergovernmental relations.

These priorities are based on motions passed by councils at ALGA's annual National General Assembly, and have been endorsed by ALGA's Board which is comprised of representatives from all state and territory Local Government Associations.

They have been assessed by independent economists and would add around \$6.46 billion per year to Australia's Gross Domestic Product while creating 43,444 jobs.

The "Don't Leave Local Communities Behind" campaign will run for five weeks, with each week focussing on one of the five portfolio areas.

The full list of national Federal Election priorities that will be promoted through this campaign is outlined below:

#### Economic recovery

- 1. An initial injection of Financial Assistance Grants to local government of \$1.3 billion to support communities and jobs and also resolve the current practice of bringing forward two quarterly Financial Assistance Grant payments each year.
- 2. A commitment to return Financial Assistance Grants to at least one percent of Commonwealth taxation revenue via a phased approach.

## Transport and community infrastructure

- 3. \$500 million per annum for a four-year continuation of the Local Roads and Community Infrastructure Program.
- 4. A strategic local roads investment program of \$300 million per annum over four years to address road transport first and last mile issues and congestion on local roads.
- 5. An increase in Roads to Recovery to \$800 million per annum (an additional \$300 million per annum) and the Black Spot Program to \$200 million per annum over four years, while addressing the South Australian road funding anomaly by making the additional \$20 million per annum to SA in 2021-22 and 2022-23 permanent.
- 6. Continuing the Stronger Regional Digital Connectivity Package at \$55 million over four years.
- 7. \$200 million over four years to assist councils to develop and implement innovative housing partnerships.

#### Building resilience

- 8. A targeted disaster mitigation program of \$200 million per annum for four years which will reduce the costs of response and recovery and strengthen community resilience.
- 9. A commitment to ensuring betterment funding as a core element of disaster recovery funding arrangements.
- 10.A commitment to include community infrastructure that is publicly accessible and owned, and local government waste, water and wastewater assets under Disaster Recovery Funding Arrangements.

- 11.A Local Government Climate Response Partnership Fund of \$200 million over four years to enable planning and preparation to minimise the impacts of climate change in local communities and enable councils to achieve climate neutrality as soon as practicable.
- 12.\$100 million per annum over four years provided directly to local governments to support the capabilities of Indigenous councils and the implementation of the Closing the Gap local/regional voice.

#### Circular economy

- 13. Support to provide guidance and advice to councils on how to unlock the circular economy locally, particularly in rural, regional, and remote areas.
- 14. Support to investigate and, if feasible, implement a national bin harmonisation program that will improve kerbside recycling, reduce contamination, and maximise opportunities for reuse.
- 15.\$100 million per annum over four years to fund local government circular waste innovation projects.

#### Intergovernmental relations

- 16. Reinstating local government representation to the primary intergovernmental forum in Australia, the National Cabinet.
- 17. Ensuring local government's ongoing voting membership of other relevant Ministerial forums.

ALGA has developed free campaign resources that can be adapted and used by all councils to ensure a consistent and effective approach.

Participating in a national advocacy campaign does not preclude this council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.

#### Community Strategic Plan

This report relates to the following strategies contained within Council's adopted Community Strategic Plan:

#### Our People

1.4 Collaborate with Government and other agencies to improve services relating to but not limited to health, education, integration, connectivity, security and wellbeing.

#### Our Environment

3.1 Collaborate to enhance, protect and improve our environment.

# Our Leadership

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.

# **Delivery Program/Operational Plan**

- 1.1.4 Collaborate with Service Providers, other Councils and Government Agencies for the provision of quality services for the Singleton Community.
- 3.1.4 Advocate to stakeholder forums for improvements to our environment.
- 5.6.5 The elected Council are informed, engaged and attune to community needs.

# **Council Policy/Legislation**

Nil.

# **Financial Implications**

Nil.

# **Consultation/Social Implications**

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

# **Environmental Consideration**

Nil.

# **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that not participating and providing support for this campaign may lead to reputational damage and a perception of lack of support for the ALGA.	Medium	Adopt the recommendation	Low	Yes
There is a risk to Council that not participating and providing support for this campaign may lead to loss of future	Medium	Adopt the recommendation	Low	Yes

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
funding opportunities and benefits for the Singleton community.				

# Options

The following options are available to Council:

- 1. Support the national funding priorities of the ALGA and participate in the ALGA's advocacy for their endorsed national funding priorities.
- 2. Not support or participate in the ALGA's funding priorities or advocacy.

Option one is recommended.

## Conclusions

It is recommended that Council participate in this campaign in the lead up to the federal election, to ensure a coordinated approach that will deliver the best possible outcomes for the Singleton community and all Australian Councils.

#### Attachments

There are no attachments for this report.

#### 15. National General Assembly 2022

FILE: 22/00009

#### Executive Summary

The purpose of this report is to advise Council that the upcoming National General Assembly 2022 is being held at the National Convention Centre in Canberra from 19-22 June 2022 and to consider nominating delegates to attend and vote at this conference.

#### **RECOMMENDED** that Council:

- 1. Endorse the attendance of the Mayor and Deputy Mayor to attend the National General Assembly 2022 in Canberra from 19-22 June 2022.
- 2. The Mayor be the voting delegate at the National General Assembly 2022.
- 3. Reimburse expenses in accordance with the Councillors Expenses and Facilities Policy.

#### Report

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year. This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities. The theme of the 2022 NGA is – Partners in Progress.

Early Bird registration fees for the conference are \$989.00 per person. Registration includes access to all General Assembly sessions, access to the Exhibition Hall, a General Assembly satchel, catered morning tea, lunch and afternoon tea, 1 x welcome reception and exhibition opening ticket and the General Assembly handbook and materials. Accommodation costs will be approximately \$300.00 per night.

Councillor attendance at conferences is subject to budget availability. The 2021/22 budget for Councillor training and conference attendance is \$26,138 of which \$19,142 remains available.

After returning from the conference, attending Councillors should provide a written report to Council within two months on the aspects of the conference relevant to Council business and/or local community.

# **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that non attendance may lead to reputational damage and a perception of lack of support for the National General Assembly of Local Government.	Low	Adopt the recommendation	Low	Yes
There is a risk that non attendance will lead to knowledge gaps for local community and missed opportunities.	Low	Adopt the recommendation	Low	Yes

## Options

The following options are available to Council:

- 1. Resolve that the Mayor and Deputy Mayor attend the National General Assembly 2022.
- 2. Resolve that no Councillors attend the National General Assembly 2022.

Option one is recommended.

#### Attachments

There are no attachments for this report

## GM16/22. NSW Australian Local Government Women's Association (ALGWA) Conference 2022

FILE: 22/00005

#### **Executive Summary**

The purpose of this report is to advise that Fairfield City Council will be hosting the NSW Australian Local Government Women's Association (ALGWA) Conference from Thursday 7 to Saturday 9 July 2022.

ALGWA supports and promotes women in local government through advocacy, advice and action. The Annual Conference is an opportunity to come together and engage in learning and networking that will foster personal and professional development.

#### **RECOMMENDED** that Council:

- 1. Endorse the attendance of one Councillor to attend the ALGWA Conference in Fairfield from 7 to 9 July 2022.
- 2. Determine the Councillor to attend.
- 3. Reimburse expenses in accordance with the Councillors Expenses and Facilities Policy.

#### Report

The ALGWA through its conference provides a platform to promote and support woman in local government by enhancing their knowledge and understanding of the local government sector.

The annual conference is an opportunity for women to come together and engage in a positive learning environment, network and foster personal and professional development with colleagues.

The ALGWA Conference is being held at Fairfield Council from 7 to 9 July 2022. The 2021 conference was held in Shellharbour and was attended by Crs George and Jenkins.

The ALWGA is calling for Expressions of Interest for the Conference. The registration for the 2021 Conference was approximately \$980 which included all conference sessions and meals, networking cocktail dinner and gala dinner. Accommodation at Holiday Inn Warwick Farm and Ramada Hotel and Suites is approximately \$200 per night.

Councillor attendance at conferences is subject to budget availability. The 2021/22 budget for Councillor training and conference attendance is \$26,138 of which \$19,142 remains available.

After returning from the conference, attending Councillors should provide a written report to Council within two months on the aspects of the conference relevant to Council business and/or local community.

# **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that non attendance may lead to reputational damage and a perception of lack of support for women in local government	Low	Adopt the recommendation	Low	Yes
There is a risk that non attendance may lead to a loss of opportunity to engage in professional development specific to women in local government	Low	Adopt the recommendation	Low	Yes

# Options

The following options are available to Council:

- 1. Nominate a Councillors to attend the ALGWA Conference.
- 2. Councillors do not attend the ALGWA Conference.

Option one is recommended.

#### Attachments

AT-1 ALGWA 2022 Conference Program



# ALGWA CONFERENCE DRAFT PROGRAM

Thursday 7 July 2022 – Fairfield Showground				
5.00 – 6.00pm	Registration			
6.00 – 8.00pm	Mayoral Welcome Reception			

Friday 8 July 20	022 – Holiday Inn
8.00 - 8.45am	Registrations
9.00am	Welcome – Ellen Fanning
9.35am	Speaker – Louise Mahler
10.35am	Morning Tea
11.10am	Speaker – Kiersten Fishburn
12.10pm	Sponsor Speaker
12.35pm	Lunch
1.50pm	Speaker – Amanda Rose
2.50pm	Afternoon Tea
3.15pm	ALGWA Discussion Panel
4.10pm	Sponsor Speaker
4.25pm	Close
6.00pm	Activity

Saturday 9	July 2022 – Holiday Inn
7.00am	Morning Activity
9.00am	Welcome
9.10am	Speaker – Deb Wallace
10.10am	Sponsor Speaker
10.25am	Speaker – Neryl East
11.25am	Morning Tea
12.00pm	Activity
12.15pm	Discover Fairfield
12.35pm	Lunch
1.45pm	Speaker – Jana Pittman
2.45pm	Hotspots
3.45pm	ALGWA Close
6.00pm	Gala Dinner

Program and speakers are subject to change



AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION NEW SOUTH WALES BRANCH


### GM17/22. 2022 Destination and Visitor Economy (DVE) Conference - 17 to 19 May 2022

FILE: 22/00009

### **Executive Summary**

The purpose of this report is to advise that the 2022 Destination and Visitor Economy (DVE) Conference is being hosted by Orange, Blayney and Cabonne Councils on 17 - 19 May 2022.

The 2022 theme is "Dare to Dream" and will feature presentations from those who have dreamed big including Orange 360, Central West Joint Organisations of Councils, the Electric Vehicle Council, Threesides Marketing and Western Sydney Regional Organisation of Councils.

### **RECOMMENDED** that:

- 1. Up to two (2) Councillors be nominated to attend the 2022 Destination and Visitor Economy Conference.
- 2. Council determine the Councillor/s to attend.
- 3. Expenses be reimbursed in accordance with the Councillors Expenses and Facilities Policy.

#### Report

Local Government plays a major role in tourism and economic development, encouraging and creating the conditions for appealing, vibrant and sustainable communities and local economies. Tourism and economic development creates employment, provides essential goods and services and establishes communities as attractive places to live, work, learn and visit.

Councillor attendance at the conference is important as the program is designed to bring operators, local government staff and councillors together to discuss ways of enhancing the visitor economy and creating jobs at a local level.

The full Conference Business Paper will be available on the LGNSW website two weeks prior to the Conference as a digital document which you may download to your device or print a hard copy at your discretion.

The draft conference program is shown as **Attachment 1**.

Councillor attendance at conferences is subject to budget availability. The 2021/22 budget for Councillor training and conference attendance is \$26,138 of which \$19,142 remains available.

After returning from the conference the attending Councillors should provide a written report to Council within two months on the aspects of the conference relevant to Council business and/or the local community.

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that non attendance may lead to reputational damage and a perception of lack of support for Local Government NSW	Low	Adopt the recommendation	Low	Yes
There is a risk to Council that non attendance may lead to a loss of opportunity to engage in professional development for Councillors.	Low	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

- 1. Determine Councillors to attend the 2022 Destination and Visitor Economy Conference.
- 2. Councillors do not attend the conference.

Option one is recommended.

### Attachments

AT-1 Destination & Visitor Economy Conference 2022 - Draft Program



## **Destination and Visitor Economy Conference**

#### Tuesday 17 May - Thursday 19 May 2022, Orange, Blayney and Cabonne

#### Theme - Dare to Dream: Orange 360

PRELIMINARY PROGRAM as at 15 December 2021

Tuesday 17 N	IAY 2022:			
The Gree	enhouse at Orange			
	ces' Club			
1.30pm	ARRIVAL TEA AND COFFEE - r	registrations desk open		
2.00pm	DAY 1 OF CONFERENCE BEGIN	NS		
	Breakout Streams			
Delegates	STREAM 1A: Marketing   Digital   Design Todd Wright Threesides Marketing	STREAM 1B: The future of the electric vehicle network	STREAM 1C: Arts, culture and heritage: Council case studies – using heritage to attract visitors	
choose from	AFTERNOON TEA – The Green	house Lawn		
concurrent sessions	Breakout Streams			
562210112	STREAM 2A: Marketing I Digital I Design Todd Wright Threesides Marketing	STREAM 2B: Encouraging electric vehicle drive tourism	STREAM 2C: Arts, culture and heritage How do councils embrace arts, culture and heritage as part of the tourism puzzle?	
5.00pm – 7.00pm	Welcome Reception at The Greenhouse Lawn         Official proceedings: MC, Scott Phillips, CEO LGNSW         • Welcome to Country         • Welcome from Mayor of Orange City Council         • Address by Caravan & Camping Industry Association, Premier Sponsor         Followed by delicious canapes and drinks as guests network, relax and settle in.			
7pm onwards	Delegates are encouraged to pre-book at local restaurants for dinner.			
Wednesday 1	8 MAY 2022			
<b>Civic Th</b>	eatre Orange			
	ARRIVAL TEA AND COFFEE - Trade exhibition and registration desk open			
9.00am	DAY 2 OF CONFERENCE BEGINS			
	MC	Scene Setting		
Morning plenary session in auditorium of	Cr Darriea Turley AM, President, LGNSW	esident, LGNSW President's welcome		
the Civic Theatre	Mayor of Blayney	Host Council welcome		

Preliminary Program is correct at this time, please note speakers and topics may change. - 15 December 2021

Page 1

	The Hon. Stuart Ayres MP, Minister for Jobs, Investment, Tourism and Western Sydney {Invited}	Ministerial address
	Greg Binskin, Executive Manager, Tourism, Business NSW	Award ceremony with Minister Ayres MP NSW Tourism Industry Council announced Top Tourism Town Awards
	Sponsor Spotlight	Elevator pitches
	MC	Interactive activity
10.30am	MORNING TEA	
Mid-morning plenary session in auditorium of	Presentation	"Demand but where is the supply? Creative Solutions to tackling shortages" Including discussion of skills/worker/housing/hotel shortages
Civic Theatre	Sponsor Spotlight	Elevator pitches
	Panel	Regulations, Red Tape: Reframing the role of local government
12.30pm	LUNCH	
All site visits 3 hours	Depart on Site Visits (x 4 Options). R	efreshments included on all site visits
Site Visit 1	Revisioning the CBD - "Orange City	/ FutureCity"
1.30pm – 4.30pm	Hosted by Orange City Council.	Join a CBD walking tour that will highlight the Orange City FutureCity project. Discover hidden gems including art, pop- up shops, co-working spaces, small bars, smart technology, festoon lighting, pedestrian spaces, way-finding and green spaces. Tour the newly renovated, state of the art, Orange Regional Gallery.
		See Orange's former hospital site and heritage building, and learn about the process of transforming this into a DPIE office space and medium density housing.
		Munch on local produce and try some local drink. Hear how the Parrot Distillery became famous in town from one of their more unusual products.
Site Visit 2	Millthorpe – "Heritage with style"	
1.30pm – 4.30pm	Hosted by Blayney Shire Council (This experience includes a 20-minute bus transfer, so please settle back and relax.)	Visit a picturesque heritage-listed village with a contemporary edge. Learn how the village committee worked with Council to transform the village from a sleepy place to a must-see, including re-starting train services at the dis-used station. Tour the Golden Memories Museum, see local artisan crafts
		and walk the Millthorpe Wine Stroll Tour. Hear from the Millthorpe Wine Collective about how three-award winning Cellar Doors have joined together. Visit Tonic, which

Preliminary Program is correct at this time, please note speakers and topics may change. - 15 December 2021

Page 2

Site Visit 3	Manildra: Canola Milling and Brewery	y – "Paddock to glass"	
1.30pm – 4.30pm	Hosted by Cabonne Shire Council (This experience includes a 40-minute bus transfer, so please settle back and relax.)	Australia's largest flour mill is located in Manildra in the heart of the central west. The four mills by the Manildra Group produce enough flour to make over 100 loaves of bread every second! Visit the Manildra Group which includes the Mill and MSM Milling, demonstrating the creation of a high functioning business in a smaller village. Stop in a Pioneer Brewery Co, the largest independently- owned farm based brewery on Australia's eastern seaboard which owns, grows and harvests malting barley, rye and wheat.	
Site Visit 4	Molong: Small town activation – Thri	ving through the pandemic and welcoming new residents	
1.30pm – 4.30pm	Hosted by Orange 360 (This experience includes a 30-minute bus transfer, so please settle back and relax.)	Discover the riches of Cabonne. Visit Molong to discuss main street activation and small business creation with Eden Décor and Lime and Stone. They will explain how they set up thriving businesses during the pandemic! Listen to the Molong Advancement Group as they speak about the importance of the relationship with Council and Progress Association, and the sustainability of small villages. Plus tour Nashdale Lane Wines luxury glamping cabins, with views to Mount Canobolas and across neighboring vineyards and cattle farms.	
5.00pm	Site visits return to accommodation		
7.00pm – 10.00pm	Conference dinner and entertainment - Australian National Field Day Site, Cabonne. Address from Mayor of Cabonne		

Thursday 19 MAY 2022

**Civic Theatre Orange** 

	ARRIVAL TEA AND COFFEE - Trade exhibition open		
9.00am	DAY 3 OF CONFERENCE BEGINS		
Morning	MC	Start of the final day + overview of the site visits	
plenary session in	Tourism Australia	National Update	
auditorium of Civic	Host councils and Orange 360 Panel	Success stories in partnerships and packaging	
Theatre	Sponsor Spotlight	Elevator pitches	
	MC	Interactive activity	
10.30am	MORNING TEA		
Mid-morning	Steve Cox, CEO, {invited}	Destination NSW Address	
session in auditorium of	Destination NSW	Strategic Partner	
Civic	Closing keynote	Dare to Dream: Taking control of the future!	
Theatre	MC	Closing remarks	
12.30pm	LUNCH and Close		
	CLOSE OF CONFERENCE		

Preliminary Program is correct at this time, please note speakers and topics may change. - 15 December 2021

Page 3

### GM18/22. Draft Minutes - United Wambo VPA Community Committee - 03/11/2021

FILE: 20/00460

### **Executive Summary**

The United Wambo Voluntary Planning Agreement (VPA) Community Committee held its general meeting on Wednesday, 3 November 2021. The minutes of the meeting are provided as **Attachment 1.** The Financial Report provided as **Attachment 2** for Council's consideration.

#### **RECOMMENDED** that Council:

- 1. Notes the minutes of the United Wambo VPA Community Committee held on Wednesday, 3 November 2021.
- 2. Adopts the following recommendation made by the United Wambo VPA Community Committee:

Agenda Item 3.3 New Playground Equipment

- The Committee recommend to Council an allocation of \$180,000 funding for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation Ground.
- Council's Facilities and Recreation team will consult with the community about the design of the playground.

### Report

The United Wambo VPA Community Committee held its general meeting on Wednesday 3 November 2021. The minutes of the meeting are at **Attachment 1** for Council's consideration.

### Agenda Item 3.3 – New Playground Equipment

Council's approval is sought for the allocation of funding of \$180,000 for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation Ground.

Council's Facilities and Recreation team consult with the community regarding the design of the playground and the timing of its installation, following approval by Council.

### Community Strategic Plan

The outline of the Committee and its functions align to the following themes of the Community Strategic Plan 2017-2027 (CSP).

### Our People

1.1 Provide services and facilities that meet the needs of our Community at different stages of life.

### Our Places

2.1 Provide safe and well-maintained facilities and infrastructure.

### Our Environment

3.1 Collaborate to enhance, protect and improve our environment.

#### Our Economy

4.6 Seek funding to provide infrastructure, programs, services or events which value add to the delivery of the objectives of Singleton 2027.

#### Our Leadership

5.1 Council's service delivery is aligned with our Community's needs and delivered in the best way possible.

#### Delivery Program/Operational Plan

- 1.1.1 Integrate Council's Community Development Strategies to encompass all stages of life and community.
- 2.1.14 Plan, program and deliver Capital Works Program for each of the asset classes.
- 3.1.9 Plan for and implement strategies that enhance, protect and improve the environment in the delivery of the 1 year, 4 year and 10 year Capital Works Programs for 5 asset classes.
- 4.6.1 Provide support for local business and community organisations to attract funding.
- 5.1.7 Demonstrate delivery of services aligned to community needs.

### Council Policy/Legislation

Local Government Act 1993; Local Government (General) Regulations, 2021

### **Financial Implications**

Adopting this report and allocating funding to the identified project will result in an allocation of \$180,000 from the United Wambo Voluntary Planning Agreement reserve funds – Jerrys Plains village centre, recreation grounds and main street upgrade.

The Voluntary Planning Agreement allocates the funding available, as follows:

1. Jerrys Plains village centre, recreation	\$755,000
grounds and main street upgrade	
2. Local Projects around Warkworth and	\$570,000
Jerrys plains	
3. Singleton Community and Economic	\$1,325,000
Development Fund	

Approved project funding allocation in category 1. Jerrys Plains village centre, recreation grounds and main street upgrade \$755,000			
Detailed Landscape design			
	\$50,000		
Detailed survey of main streets of Jerrys Plains	\$30,000		
UW VPA Committee management funding	\$5,000		
VPA Project Officer (as at 29.10.2021)	\$9,315.88		
Playground upgrade	\$180,000		
Total funds allocated to projects	\$274,315.88		
Total funds remaining in this category	\$480,684.12		

### **Consultation/Social Implications**

Consultation was undertaken with the VPA Community Committee regarding the need to replace the existing playground. Further consultation with the community will be undertaken by Council's Facilities and Recreation team in relation to the design of the playground and the timing of the installation, post approval by Council.

### **Environmental Consideration**

The project undertaken will be required to demonstrate it is environmentally sustainable. The Facilities and Recreation team will undertake a review of the environmental factors which will need to be taken into consideration when finalising the design.

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that council will be subject to public criticism if projects are not funded from the VPA which could lead to	Medium	Adopt the recommendation	Low	Yes

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
reputational impacts				
There is a risk that should funds not be allocated in accordance with the VPA this could lead to legal action	Low	Adopt the recommendation	Low	Yes
There is a risk of spending funds on the wrong priorities which could lead to funds not being allocated in accordance with the VPA.	Medium	Adopt the recommendation	Low	Yes

# Options

The following options are available to Council:

- 1. Council note the minutes of the United Wambo VPA Community Committee and adopts the recommendations of the Committee.
- 2. Council note the minutes of the United Wambo VPA Community Committee and doesn't adopt the recommendations of the Committee.

Option one is recommended.

### Conclusions

It is recommended that Council notes the minutes of the United Wambo VPA Community Committee meeting of 3 November 2021 and adopt the recommendations of the Committee to allocate an initial \$180,000 for the replacement playground from the United Wambo Voluntary Planning Agreement reserve funds for Jerrys Plains village centre, recreation grounds and main street upgrade.

# Attachments

- AT-1 Draft Minutes UW VPA CC meeting -3 November 2021
- AT-2 United Wambo VPA Report 29102021



Present	Myffy Doyle (MD) (Minutes) Aislinn Farnon (AF) Cr Sue George (Chair) Julie Gray (JG) Mark Ihlein (MI) Emily Lambkin (EL) David Thelander (DT)
In Attendance	
Meeting Date and Time	Wednesday, 3 November 2021 1.00PM
Meeting Location	Jerrys Plains Hall (Covid-19 meeting protocols, facemasks)

#### 1. Welcome and Apologies 1.04pm

- Welcome
- Acknowledgement of Country by Chair
- Apologies Angela Dvrece, Madelaine Walsh

# 2. Disclosure of Interests

NIL

The minutes of the United Wambo Voluntary Planning Agreement Community Committee held on Wednesday, 4 August 2021 were confirmed.

#### Moved AF Second DT

#### 3. Agenda Items

3.1	Summary Table
	The Committee noted the information.
3.2	Landscaping concept plan for village project
	The Committee recommend to Council an allocation of \$30,000 for detailed surveys to be completed for the main streets of the village and the recreation ground
	Moved JG Second EL Carried
3.3	New Playground Equipment
	The Committee recommend to Council an allocation of \$180,000.00 funding for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation ground.
	Council's Facilities and Recreation department will consult with the community about the design of the playground.
	Moved DT Second EL Carried



3.4	Miscellaneous management funding allocation
	The Committee recommend to Council an approval allocation of \$5,000.00 funding for the management of the UW VPA Community Committee.
	Moved JG Second DT Carried
3.5	2022 Meeting dates
	The Committee noted the meeting dates for 2022

#### 4. Financial Report

The Finance report was tabled. The variation between the Finance department's report and the Project Summary table in Agenda Item 3.1 are due to the different dates that the reports are updated and completed.

#### 5. Other Business

Julie announced that she is moving away from the area. The Chair thanked Julie for her contribution to the committee.

#### 6. Action List – refer to the Attached

Pulse/ Action No	Meeting Date	Action	Responsible Officer	Due Date	Comment	Status
UWVPA 21-01	04/08/21	The committee to achieve great outcomes for the community	Committee	03/11/21	09/08/21 Committee committed to funding project to improve JP.	
UWVPA 21-02	04/08/21	Committee to be aware and abide by the Code of Conduct document and to be respectful during the meeting times.	Committee	03/11/21	09/08/21 Committee have been supplied with documents and were made aware of documents at meeting	
UWVPA 21-03	04/08/21	Committee to read through the Terms of Reference document.	Committee	03/11/21	09/08/21 Committee provided with documents to read through	



UWVPA 21-04	04/08/21	anyone the committee members know that would like to join the committee as the alternate community	Committee	03/11/21	15/10/21 No comment from committee	
		member to get in contact with MD.				
UWVPA 21-05	04/08/21	DT to provide MI with historical Village masterplan document from 1970s	David Thelander	03/11/21	09/08/21 David sent through historic planning documents	
UWVPA 21-06	04/08/21	MD send to committee the scope of works and companies' responses. Committee to send through any comments.	Myffy Doyle/ Committee	03/11/21	09/08/21 Email sent to committee with scope of works, evaluation matrix and 3 consultant answer to scope of works. No comments from committee. Terras	
					Landscape Architect engaged	
UWVPA 21-07	04/08/21	AF - to provide United Wambo's collected community responses to MI and MD to help working with the consultant to develop the concept designs. Providing the consultant targeted research.	Aislinn Farnon	03/11/21	09/08/21 Documents sent through to committee. No comments made	



UWVPA 21-08		MD – to provide examples and indicative cost of playgrounds within the LGA to update the playground at Jerrys Plains.	Myffy Doyle	03/11/21	10/09/21 Email sent to committee of examples of parks and indicative costs	
UWVPA 21-09	04/08/21	MD - Update financial table to say United Wambo not Bulga	Myffy Doyle	03/11/21	09/08/21 Email sent to Finance department to rectify mistake	
UWVPA 21-10		Report to Council the Committee recommend to Council an allocation of \$30,000 for detailed surveys to be completed for the main streets of the village and the recreation	Myffy Doyle	02/03/22		
UWVPA 21-11		Report to Council that the Committee recommend to Council an allocation of \$180,000.00 funding for a playground upgrade, exercise equipment and shade shelter to be constructed at Jerrys Plains Recreation ground.	Myffy Doyle	02/03/22		



UWVPA	Report to	Myffy Doyle	02/03/22	
21-12	Council that the			
	Committee			
	recommend to			
	Council an			
	approval			
	allocation of			
	\$5,000.00			
	funding for the			
	management of			
	the UW VPA			
	Community			
	Committee.			

#### 7. Next Meeting

Wednesday, 2 March 2022, 1.00pm Location – Jerrys Plains Hall

The meeting closed at 1.38pm

#### Cr Sue George

Chair

#### VPA : United Wambo VPA

As at 29/10/2021

	2020/21	Jul	Aug	Sep	Oct	2021/2022	Life to Date
Jerry's Plains Projects Opening Balance	\$	\$ 1,325,000.00	\$ 1,323,218.96	\$ 1,320,866.92	\$ 1,317,910.98	\$ 1,325,000.00	\$
Income Contribution	1,325,000.00	-	-	-	-	-	1,325,000.00
Expenditure (incl. commitments) Jerry's Plains Projects Landscaping Design Project		-	40.00	-	-	40.00	40.00
Subtotal Jerry's Plains Projects		-	40.00	-	-	40.00	40.00
Local Projects around Warkworth and Jerry's Plains							
Subtotal Local Projects around Warkworth and Jerry's Plains		-	-	-	-	-	-
VPA Projects Officer		1,781.05	2,312.04	2,955.94	2,266.86	9,315.88	9,315.88
Total	1,325,000.00	(1,781.05)	(2,352.04)	(2,955.94)	(2,266.86)	(9,355.88)	1,315,644.13
Balance Remaining	1,325,000.00	1,323,218.96	1,320,866.92	1,317,910.98	1,315,644.13	1,315,644.13	1,315,644.13

Notes :

\$ = total actuals plus commitments

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS7/22

### DCCS7/22. Road Naming - Wedgetail Close Lambs Valley FILE: 21/00509

#### Executive Summary

The purpose of this report is for Council to consider the naming of an unnamed right of carriageway at 974 Lambs Valley Road Lambs Valley.

### **RECOMMENDED** that:

- 1. Council endorse the road name Wedgetail Close and call for public submissions on the proposed name.
- 2. Should no negative submissions be received:
  - a) Council formally adopt the name Wedgetail Close
  - b) Signpost Wedgetail Close
- 3. Should any negative submissions be received, a further report be considered by Council prior to adoption of the name.

#### Report

Council was contacted by the local NSW Rural Fire Service, who identified the right of carriageway at 974 Lambs Valley Road, as having addresses that were not clear, potentially confusing and could be a problem when locating residents in an emergency. There are 8 properties off the right of carriageway and they are currently numbered with alphas, in which not all of them run in chronological order with the location of the driveways.

Council contacted all the owners who access their property via this right of carriageway for a potential road name, in which an owner nominated Wedgetail Close. The proposed road name is named after the Wedgetail Eagle. The right of carriageway is at the base of the hills where the Wedgetail Eagles breed and live. They can be seen on a daily basis soaring high in the sky.

The above name has been reviewed and approved for use within the Singleton Local Government Area (LGA) by the Geographical Names Board (GNB) which reviews and monitors usage of road names, as well as the NSW Address Policy and User Manual.

A map of the proposed Wedgetail Close is provided in Attachment 1.

### Community Strategic Plan

#### Our Environment

3.6 Increase the planning and preparedness for natural disasters.

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS7/22

### Our Leadership

5.1 Council's service delivery is aligned with our Community's needs and delivered the best way possible.

### **Delivery Program/Operational Plan**

The adoption of the road name will not impact Council's Delivery Program/Operational Plan.

## **Council Policy/Legislation**

The adoption of this road name will be carried out in accordance with the following:

- Roads Act, 1993;
- Roads Regulation (2018); and
- NSW Address Policy and User Manual May 2021.

### **Financial Implications**

The expense to Council is minimal and is allowed for in Council's operating budget.

The naming of this road does not change the ownership, rights or obligations and there will be no further financial implications.

### **Consultation/Social Implications**

Council undertook the following to keep every affected community member informed and to allow them the opportunity to provide feedback:

- 1. Letters were sent to all affected property owners seeking suggested road names that were either currently in use or a name that was suitable for the area.
- 2. From the above consultation a resident emailed Council with the proposed road name.

The proposal if endorsed by Council, will be advertised in the Singleton Argus and Hunter River Times, and the community will be given 28 days to provide submissions on the name.

Any negative submissions received will be considered in a further report to Council. If no negative feedback is received, the name will be recommended by Council and will be made official via endorsement with the Geographical Names Board.

### Environmental Consideration

There are no environmental considerations.

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS7/22

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that roads will not be named which may lead to residents not being found /or emergency services being delayed to a property.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will not name a road in accordance with current processes / legislation which may lead to Council's reputation being impacted.	Medium	Adopt the recommendation	Low	Yes
There is a risk of that Council incurs legal implications and associated costs if we do not name in accordance with current processes	Medium	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

- 1. Formally endorse the proposed road name, Wedgetail Close.
- 2. Reject the proposed road name and seek an alternate name.

Option one is recommended.

### Conclusions

It is recommended that Council endorse the road name Wedgetail Close for public advertising and community consultation.

If no objections are received to the proposed name, it is recommended that the name is adopted and signposted.

### Attachments

AT-1 Map - Proposed Wedgetail Close



Corporate and Commercial Services Report (Items Requiring Decision) - DCCS8/22

### DCCS8/22. Road Naming - High Country Rise Lambs Valley FILE: 21/00509

### Executive Summary

The purpose of this report is for Council to consider the naming of an unnamed right of carriageway at 725 Lambs Valley Road Lambs Valley.

### **RECOMMENDED** that:

- 1. Council endorse the road name High Country Rise and call for public submissions on the proposed name.
- 2. Should no negative submissions be received:
  - a) Council formally adopt the name High Country Rise
  - b) Signpost High Country Rise
- 3. Should any negative submissions be received, a further report be considered by Council prior to adoption of the name.

#### Report

Council was contacted by the NSW Rural Fire Service, who identified the right of carriageway at 725 Lambs Valley Road, as having addresses that were not clear, potentially confusing and could be a problem when locating residents in an emergency. There are 11 properties off the right of carriageway and are currently numbered with alphas, in which not all of them run in chronological order with the location of the driveways.

Council contacted all the owners who access their property off this right of carriageway for a potential road name, in which several owners nominated High Country Rise. The proposed road name is named after the original subdivision called Lambs Valley High Country. The original sign is still on site and is now over 22 years old and its association with the carriageway which winds up to the top of the mountain is why the name High Country Rise was chosen.

The above name has been reviewed and approved for use within the Singleton Local Government Area (LGA) by the Geographical Names Board (GNB) which reviews and monitors usage of road names, as well as the NSW Address Policy and User Manual.

A map of the proposed High Country Rise is provided in **Attachment 1**.

### Community Strategic Plan

#### Our Environment

3.6 Increase the planning and preparedness for natural disasters.

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS8/22

### Our Leadership

5.1 Council's service delivery is aligned with our Community's needs and delivered the best way possible.

### **Delivery Program/Operational Plan**

The adoption of the road name will not impact Council's Delivery Program/Operational Plan.

## **Council Policy/Legislation**

The adoption of this road name will be carried out in accordance with the following:

- Roads Act, 1993;
- Roads Regulation (2018); and
- NSW Address Policy and User Manual May 2021.

### **Financial Implications**

The expense to Council is minimal and is allowed for in Council's operating budget.

The naming of this road does not change the ownership, rights or obligations and there will be no further financial implications.

### **Consultation/Social Implications**

Council undertook the following to keep every affected community member informed and to allow them the opportunity to provide feedback:

- 1. Letters were sent to all affected property owners seeking suggested road names that were either currently in use or a name that was suitable for the area.
- 2. From the above consultation, several residents emailed Council with the proposed road name.

The proposal if endorsed by Council, will be advertised in the Singleton Argus and Hunter River Times, and the community will be given 28 days to provide submissions on the name.

Any negative submissions received will be considered in a further report to Council. If no negative feedback is received, the name will be recommended by Council and will be made official via endorsement with the Geographical Names Board.

### Environmental Consideration

There are no environmental considerations.

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS8/22

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk to Council that roads will not be named which may lead to residents not being found /or emergency services being delayed to a property.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will not name a road in accordance with current processes / legislation which may lead to Council's reputation being impacted.	Medium	Adopt the recommendation	Low	Yes
There is a risk of that Council incurs legal implications and associated costs if we do not name in accordance with current processes	Medium	Adopt the recommendation	Low	Yes

### Options

The following options are available to Council:

- 1. Formally endorse the proposed road name, High Country Rise.
- 2. Reject the proposed road name and seek an alternate name.

Option one is recommended.

### Conclusions

It is recommended that Council endorse the road name High Country Rise for public advertising and community consultation.

If no objections are received to the proposed name, it is recommended that the name is adopted and signposted.

### Attachments

AT-1. Map - Proposed High Country Rise



Corporate and Commercial Services Report (Items Requiring Decision) - DCCS9/22

### DCCS9/22. Draft Corporate Credit Card Policy

FILE: POL/6019

### Executive Summary

The purpose of this report is for Council to consider the draft Corporate Credit Card Policy

**RECOMMENDED** that Council adopt POL/6019.1 Corporate Credit Card Policy.

### Report

The draft Corporate Credit Card Policy outlines Council's commitment to ensuring that effective controls are in place with respect to the usage of corporate credit cards within Singleton Council. This policy and the associated operational procedure aligns with the NSW Treasury's Policy and Guidelines Paper TPP17-09 'Use and Management of NSW Government Purchasing Cards' and the NSW Auditor General's Report into Credit Card Management in Local Government.

Council has through the analysis of data from our involvement in the Local Government Procurement's Leading Efficiency and Analytics Program (LEAP) identified that expanding the use of corporate credit cards will result in significant savings over traditional purchase to pay processes and enhance capability to track and monitor expenditure. In particular, credit cards can serve as an alternative to petty cash transactions, allow staff to make immediate necessary purchases, and the audit trail provided by the credit cards helps to improve transparency of and accountability for expenditure.

### Community Strategic Plan

The Community Strategic Plan identifies the following strategy relevant to this draft Policy:

### Our Community Leadership

- 5.6 To lead, govern and regulate in an ethical, equitable and transparent way.
- 5.7 Infrastructure services, facilities and Council are managed in a financially sustainable way

### **Delivery Program/Operational Plan**

The adoption of this policy meets the following deliverable and action in the Operational Plan 2021/2022:

5.7.2 Demonstrate continuous improvement for efficiency and effectiveness gain.

### **Council Policy/Legislation**

The draft Corporate Credit Card Policy is relevant and related to the following legislation and Council Policies:

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS9/22

- Local Government Act, 1993
- Local Government (General) Regulation, 2021.
- Independent Commission Against Corruption (ICAC) Act, 1994.
- POL/1011.10 Code of Conduct Policy
- POL/6007.2 Fraud & Corruption Control Policy
- Register of Delegations / Sub-Delegations

### **Financial Implications**

There are no expected financial implications from the introduction of this policy. The appropriate usage of Corporate Credit Cards is however able to create efficiencies particularly in the area of low cost and repetitive purchases. It is expected that the volume of invoices to be processed through the traditional Accounts Payable process will decrease and that staff with a Corporate Credit Card will be able to purchase needed items quickly and efficiently as required.

#### **Consultation/Social Implications**

Council's Leadership Team have endorsed this policy prior to referral to Council for adoption.

Upon adoption the revised Policy will be available on Council's website, the Councillor's Hub and the internal staff Intranet.

#### **Environmental Consideration**

Nil

#### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council does not have a Corporate Credit Card Policy to provide governance and control measures around the usage of corporate credit cards	Medium	Adopt the recommendation	Low	Yes
There is a risk that staff won't have a governing policy outlining the requirements of using corporate credit cards	Medium	Adopt the recommendation	Low	Yes
There is a risk that Corporate Credit Cards will be used for unauthorised purchases	Medium	Adopt the recommendation	Low	Yes

Corporate and Commercial Services Report (Items Requiring Decision) - DCCS9/22

### Options

The following options are available to Council:

- 1. Adopt the draft Corporate Credit Card Policy
- 2. Not adopt the draft Corporate Credit Card Policy

Option one is recommended.

### Conclusions

It is recommended that Council adopt the Corporate Credit Card Policy to provide overarching governance and control measures for the use of corporate credit cards.

### Attachments

AT-1 Draft Corporate Credit Card Policy



# CORPORATE CREDIT CARD POLICY

Policy | Corporate Services

Ensure that effective controls are in place to manage the use of Corporate Credit Cards

OL/6019 inance		Version:	1
inance			
lanager Corporat	te Services		
irector Corporate	& Commerc	ial Services	
		Review Date:	
	·	·	
			anager Corporate Services irector Corporate & Commercial Services Review Date:

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Corporate Credit Card

# **Table of Contents**

1	Bac	kground	3			
	1.1	Title of the Policy and Commencement Date	3			
	1.2	Purpose of the Policy	3			
•	<b>0</b> 1.1		_			
2	-	ective				
	2.1	Objectives and Coverage of the Policy	3			
3	Арр	plication	3			
	3.1	Application of this Policy				
4	Defi	initions	3			
5	Prin	ciples/Body	4			
-	5.1	Procedural Statement				
	••••	5.1.1 Conditions of Use				
		5.1.2 Appropriate uses of a Corporate Credit Card				
		5.1.3 Transaction Review Process				
		5.1.4 Misuse of Corporate Credit Cards				
6		evant Legislation				
7	Doc	ument Information	7			
	7.1	Related Documents	7			
8	Res	ponsible Officer / Policy Owner	7			
9		ponsibilities				
-		proval				
10						
11	Monitoring					
12	Review Date					
13	Last Review Date					
14	Record Keeping, Confidentiality and Privacy					
15	Breaches and Sanctions					
16	Doc	sument History	9			



### Attachment 1

Policy

Corporate Credit Card

### 1 Background

1.1 Title of the Policy and Commencement Date

The Corporate Credit Card Policy will be effective upon adoption by Council.

#### 1.2 **Purpose of the Policy**

The aim of this Policy is to ensure that effective controls are in place with respect to the use of corporate credit cards and to align with the NSW Treasury's Policy and Guidelines Paper TPP17–09 'Use and Management of NSW Government Purchasing Cards' and the NSW Auditor General's Report into Credit Card Management in Local Government. This paper notes that the benefits of using credit cards include significant savings over traditional purchase-to-pay processes and enhanced capability to track and monitor expenditure. In particular, credit cards can serve as an alternative to petty cash transactions, and the audit trail provided by credit cards helps to improve transparency of and accountability for expenditure.

### 2 Objective

#### 2.1 Objectives and Coverage of the Policy

To provide an alternate procurement channel to appropriate staff to allow them to more easily procure low value items while maintaining effective audit controls around the usage of the corporate credit cards.

### 3 Application

#### 3.1 Application of this Policy

This policy is applicable to all staff and Councillors responsible for a corporate credit card. Responsibility of usage, safekeeping and record keeping of the card lies with the cardholder. This Policy and the associated procedures and processes of Council are designed to ensure the use of credit cards achieves the stated objectives while allowing the Council to remain diligent in ensuring all related expenditure is legitimate.

### 4 Definitions

For the purposes of this policy:

Term	Meaning
Corporate Credit Card	Credit cards issued to employees that let them procure goods and services. Also known as Purchase Cards
FBT	Fringe Benefits Tax



Corporate Credit Card

### 5 Principles/Body

#### 5.1 Procedural Statement

Council may issue a corporate credit card to a staff member or Councillor who:

- Is an ongoing or fixed term employee of the Council
- Occupies a position that has a regular and demonstrated need to purchase goods/services that would benefit from being a credit card process rather than the traditional purchasing process
- Is willing to abide by the conditions of use as stated in the Council application form, the credit card providers application form and Council's Procurement Policy and Procedures

The Council will not issue a corporate credit card to staff contracted through an employment agency. Credit cards will only be issued based on the application of the staff member's Manager and approval from the Director via the Corporate Credit Card Application & User Agreement form (20/60065).

#### 5.1.1 Conditions of Use

By accepting a corporate credit card, the Cardholder agrees to abide by the following conditions of use:

- Corporate credit cards may only be used for appropriate business expenditure
- Cardholder has authority to incur expenditure up to the limit of the card
- All purchases must comply with the Procurement Policy and associated procedures before a transaction takes place
- The conditions of use specified by the credit provider on issue of the card (see NAB Commercial Cards Facility Conditions – 21/59974) and the Council Corporate Credit Card Procedure & Application
- Any reasonable instructions the Council issues in respect to the use of the card

Where a Cardholder does not comply with the conditions of use of a corporate credit card or otherwise misuses a card, the Council:

- will hold the cardholder liable for expenses incurred
- will withdraw the card from the Cardholder
- may initiate disciplinary action or legal proceedings against the cardholder
- Credit cards should not be used with suppliers who do not provide tax invoices to comply with relevant GST legislation
- For FBT purposes, expenses relating to the provision of entertainment or gifts must be reported to Finance as soon as possible after the expenditure is incurred. For the purposes of entertainment, the card holder must provide details of the total number of staff who attended and the total number of attendees. For the purposes of gifts, the card holder must provide information on what the gift was and who was the recipient. An Expense Payment Fringe Benefit Declaration Form (21/48408)



### Attachment 1

Policy

Corporate Credit Card

from the Australian Tax Office is available for corporate card holders to complete and forward to Finance for any expenditure that may attract FBT.

#### 5.1.2 Appropriate uses of a Corporate Credit Card

Appropriate uses of a corporate credit card include:

- payment for goods/services in full or part supply
- deposits
- corporate subscriptions for the council
- training/conference fees (where an approved training/conference attendance application is in place via Council's Learning & Development Team)
- travel, accommodation, parking expenses, food and beverage while away on work related activities
- Food and beverage for work related events approved by Director or General Manager
- general consumables other than stationery and office supplies
- equipment or services other than any information technology hardware or services with a value less than \$5,000. (Please refer to the Procurement Policy and adhere to any required procedures prior to the purchase transaction)

Inappropriate uses of a Corporate Credit Card include:

- any private or personal expenditure
- the purchase of gifts, food and related items in relation to non-business activities such as birthday celebrations, gifts, staff farewell's, staff social events, celebratory lunches/dinners
- cash advances
- fuel, except in an emergency
- for the purchase of any item that is available from Council's Store unless urgently required and outside of Store opening hours
- unofficial entertainment
- · personal association membership fees
- information technology hardware or services (other than if purchased by the IT Team) unless approved by the Coordinator Information Services prior to purchase
- donations of any form
- splitting purchases to avoid credit card limits and purchasing policy requirements
- any rewards program or access to rewards that may be offered as part of Council incurring expenditure



#### Corporate Credit Card

#### 5.1.3 Transaction Review Process

All credit card transactions must be reviewed and approved on a monthly basis.

Business Unit Managers are responsible for reviewing and approving all credit card expenditure within their Business Units.

Directors are to review and approve any expenditure incurred by their managers.

Expenditure incurred by the General Manager is to be reviewed and approved by the Mayor and Council's Public Officer.

Expenditure incurred by the Mayor is to be reviewed and approved by the General Manager and Council's Public Officer.

Finance will provide the appropriate statements to each approval officer on a monthly basis.

#### 5.1.4 Misuse of Corporate Credit Cards

Corporate credit cards are issued to Council staff members that are in a position of trust in regard to the use of public funds. Periodic analysis of credit card spend will be undertaken by Procurement to identify any potential misuse of a corporate credit card and or non-compliance with this procedure. Any alleged misuse will be reported to the Business Unit Manager who is responsible for investigating the alleged misuse through the course of a proper investigation, in accordance with existing council procedures and the Code of Conduct.

Where a breach of Council procedures is identified, the employee may be subject to disciplinary action in accordance with the Local Government (State) Award 2020 and/or referral to an external agency if appropriate.

6

#### Relevant Legislation

The following Legislation impact the use and control of corporate credit cards:

- Local Government Act 1993,
- Local Government (General) Regulations 2005,
- Independent Commission against Corruption Act 1988,
- Public Interest Disclosures Act 1994,
- Crimes Act 1900,
- A New Tax System (Goods and Services Tax) Act 1999,
- NSW State Records Act 1998,
- Government Information (Public Access) Act 2009,
- Privacy and Personal Information Protection Act 1998.



Corporate Credit Card

### 7 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

#### 7.1 Related Documents

Number	Title			
20/60065	Corporate Credit Card Application & User Agreement			
20/60066	Corporate Credit Card Register			
POL/1011.10	Code of Conduct Policy			
POL/6007.2	/6007.2 Fraud & Corruption Control Policy			
POL/8005.5	Information Management (Recordkeeping) Policy			
POL/1020.5	Public Interest Disclosures (PID) Policy			
POL/9007.5	Gifts and Benefits Policy			
AD20/35249	Register of Delegations / Sub-Delegations			
20/81972	Statement of Business Ethics			

### 8 Responsible Officer / Policy Owner

Ownership of this policy rests with the Manager Corporate Services.

# 9 Responsibilities

Parties or Persons	Responsibilities		
	<ul> <li>Responsible for all charges placed against their corporate credit card</li> <li>Attach a copy of invoice/receipt to transaction and allocate G/L Number or WO Number at time of purchase.</li> <li>Keep track of expenses made on the corporate credit</li> </ul>		
Cardholders	<ul> <li>card.</li> <li>Not exceed the corporate credit card limit.</li> <li>Report any misuse or any loss of corporate credit card immediately.</li> <li>Ensure all purchases are made in accordance with Council's Procurement Policy and related procedures</li> <li>Always keep the corporate credit card secure.</li> <li>Not allow the corporate credit card to be used by others.</li> </ul>		
Finance	<ul> <li>Action monthly corporate credit card statements to cardholders.</li> <li>Maintain records once received.</li> <li>Reconcile monthly statements.</li> <li>Maintain the Corporate Credit Card Register.</li> </ul>		

Corporate Credit Card

	Apply to the financial institution for new corporate credit cards and for any updates, changes, replacement or cancellation of cards.		
	Council's Financial Controller will act as the Program Administrator for the Corporate Credit Card facility		
Program Administrator	<ul> <li>Council's Manager Corporate Services will act as the backup Program Administrator for the Corporate Credit Card facility</li> </ul>		
	<ul> <li>To allow appropriate segregation of duties, neither of these roles is to hold a Corporate Credit Card</li> </ul>		
•	• Determine and approve staff within BU who require a corporate credit card.		
Managers	Ensure credit limit is within the card holder's financial delegation		
-	Review and approve all credit card transactions within their Business Unit		

### 10 Approval

As per cover sheet.

### 11 Monitoring

This policy will be monitored by the Manager Corporate Services to ensure compliance.

### 12 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

### 13 Last Review Date

September 2021

### 14 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW.* 

### **15 Breaches and Sanctions**

Any breaches of this Policy will be referred to the General Manager for appropriate action.



# Attachment 1

Policy

# **16 Document History**

The below table provides a summary of changes and amendments to this document.

Version.	Date Amended	Author	Comments (e.g. reasons for review)
1	22/09/2021	M Wiblen	First draft created



Organisation and Community Capacity Report (Items Requiring Decision) - DOCC8/22

### DOCC8/22. Draft Internal Audit Policy

FILE: 22/00100

### Executive Summary

The purpose of this report is to present for consideration and adoption an updated Internal Audit policy.

### **RECOMMENDED** that Council:

- 1. Adopt draft POL/1019.8 Internal Audit Policy.
- 2. Rescind POL/1019.7 Internal Audit Policy.

### Report

The purpose of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and drive the qualities of effective local government. It helps Council to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Although there is currently no specific requirement under the *Local Government Act 1993* for internal audit in local councils, the Office of Local Government has issued Internal Audit Guidelines under Section 23A of the Act. These guidelines require oversight of council systems and processes through an Audit, Risk and Improvement Committee. Further, Section 428A of the *Local Government Act 1993*, when proclaimed, will require Council to establish an Audit, Risk and Improvement Committee. In addition, the Office of Local Government produced in August 2021 draft *Guidelines for risk management and internal audit for local councils in NSW*, (**Attachment 1**, attachment provided under separate cover). The draft Internal Audit Policy aligns with both Section 23A and proposed Section 428A of the Act and the guidelines proposed in the Risk Management and Internal Audit Framework.

Council has operated an Internal Audit Committee and, more recently, an Audit, Risk and Improvement Committee since 2009. The draft Internal Audit Policy, **Attachment 2**, which is recommended for Council's adoption provides for the appointment of independent members for the Committee and provides the purpose, objectives and application of the Policy.

### Community Strategic Plan

This report relates to the objective of an effective and efficient operational Council.

### **Our Leadership**

5.6 To lead, govern and regulate in an ethical, equitable and transparent way.
Organisation and Community Capacity Report (Items Requiring Decision) - DOCC8/22

### **Delivery Program/Operational Plan**

- 5.6.4 Meet governance, compliance and reporting requirements
- 5.6.5 Policies are reviewed as required throughout the term of Council to ensure legislative compliance.

### Council Policy/Legislation

- Local Government Act 1993
- Code of Conduct
- Integrated Risk Management Policy

### **Financial Implications**

Council undertakes the internal audit function through the engagement of an external service provider. This helps to achieve higher levels of independence and assurance, especially in key risk areas requiring a high degree of specialist technical knowledge, improved access to innovations in audit techniques and provides greater value for money. There is an annual budget allocation of \$30,000 for the engagement of a suitably qualified internal audit services firm.

### **Consultation/Social Implications**

The draft Policy has been circulated to the Leadership Team for their consideration and comment. No further amendments were required.

### **Environmental Consideration**

There are no environmental considerations.

### **Risk Implications**

Risk management is an essential part of Council's management and internal control framework. It considers which risks Council may face and the best way to address them. Sound management of risk is central to determining internal audit activities. Further, the core competencies of internal audit are in the areas of risk management, internal control and governance. Internal audit can assist management to evaluate the effectiveness and contribute to the improvement of Council's integrated risk management system.

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not comply with Section 23A of the Local Government Act which may lead to a lack of internal controls and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

Organisation and Community Capacity Report (Items Requiring Decision) - DOCC8/22

# Options

The following options are available to Council:

- 1. Adopt draft POL/1019.8 Internal Audit Policy and rescind POL/1019.7 Internal Audit Policy.
- 2. Not adopt the draft Internal Audit Policy, request a further review and retain the existing policy.

Option one is recommended.

# Conclusions

It is recommended that Council adopt the recommendation to ensure that the internal audit function continues to be administered in accordance with the Office of Local Government guidelines under Section 23 A of the *Local Government Act, 1993* and the proposed New Risk Management and Internal Audit Framework for Local Councils in NSW.

### Attachments

 AT-1 ⇒ Draft Guidelines for Risk Management and Internal Audit Framework for Local Councils in NSW - August 2021
AT-2 ⇒ Draft Internal Audit Policy Attachment Under Separate Cover Attachment Under Separate Cover

#### DI&P4/22. Water Restrictions

FILE: 19/00278/001

#### Executive Summary

The purpose of this report is to inform Council of the current water supply available for Council's water supply schemes and to recommend the removal of mandatory Level 1 (low) water restrictions in recognition of availability of water to the Singleton (including Broke and Mount Thorley) and Jerrys Plains Water Supply Areas.

**RECOMMENDED** that Council resolve to remove Level 1 (low) water restrictions effective from 16 March 2022 and return to the permanent water saving rules detailed in POL/26030 Water Supply Services.

### Report

Recent periods of high rainfall in the Singleton Local Government Area (LGA) has led to a recovery of Singleton's main source of water, Glennies Creek Dam. The dam is managed by WaterNSW and Council holds a local water utility (high security) water access licence. Council currently has a 100% allocation under its water access licence. Similarly, the general security users drawing from the Hunter Regulated River System have 100% allocation of their water access licences. The Hunter Regulated River System water quantity criticality is currently listed at stage 1 (normal operations).

Water restrictions are an industry-accepted practice to conserve water in times of drought. They can be an effective method to prolong the availability of water until water supply conditions change. Council has an adopted *Drought Management and Emergency Response Plan* (2010) (DMERP 2010). The primary objective of this plan is to ensure continued water supply during drought and unforeseen emergency conditions to meet water user, public health and firefighting needs.

In October 2018, Council adopted the recommendation to introduce voluntary Level 1 (low) water restrictions, as per Council's adopted DMERP 2010, with no penalties under section 637 of the *Local Government Act, 1993*. At Council's 20 May 2019 meeting, it was resolved that Council maintain the existing voluntary Level 1 (low) water restrictions and continue the community education program on water conservation through a more extensive and focused program.

At Council's 17 June 2019 meeting, Council resolved to introduce Level 1 (low) water restrictions, effective from 26 June 2019. Council also adopted POL/26032 Water Restrictions Enforcement Policy, which details Council's approach to enforcement of water restrictions.

Due to the increasing drought, at Council's 17 February 2020 meeting, Council resolved to introduce level 2 (moderate) water restrictions, effective from 1 March 2020.

At Council's 19 April 2021 meeting, because of improved rainfall, Council resolved to reduce water restrictions from Level 2 (moderate) to Level 1 (low), effective from 3 May 2021.

This report outlines the current water restrictions implemented by Council to reduce water usage within the LGA (including Broke and Mount Thorley) and Jerrys Plains Water Supply Areas. The report also highlights how recent heavy rainfalls have allowed water storage levels to recover.

### Community Strategic Plan

### Our Places

2.3 Provide safe and reliable water and sewer services

### Our Environment

3.3 Promote efficient water and waste management and increase reuse and recycling

### Our Leadership

5.1 Council's service delivery is aligned with our Community's needs and delivered the best way possible

### Delivery Program/Operational Plan

- 2.3.5 Maintain compliance with NSW Best Practice Framework for Water and Sewer
- 3.3.4 Implement the regulator approved Integrated Water Cycle Management Plan
- 5.1.11 Manage Water and Sewerage operations in compliance with regulatory requirements and customer service level agreements
  - 5.1.11.1 Provide high quality water and sewer services that are 100% compliant with environmental and health requirements

### Council Policy/Legislation

Part 6 Division 1 Clause 137 of the *Local Government (General) Regulation, 2021* permits Council to restrict water supply (by public notice published in a newspaper circulating within the council's area) if Council considers that the available stored water is insufficient to allow unrestricted consumption.

Section 637 of the *Local Government Act, 1993* permits Council to apply a penalty to a person who wilfully or negligently wastes or misuses water from a public water supply. From s637, the maximum penalty for a person who wilfully or negligently wastes or misuses water from a public water supply or causes any such water to be wasted is 20 penalty units. At the time of this report, one penalty unit is equivalent to \$110.

Schedule 12 of the *Local Government (General) Regulation, 2021* details the penalty notice offences applicable under the *Local Government Act, 1993*. At this time of this report breaches of s637 of the *Local Government Act, 1993* attract a penalty notice of \$220.

Council's POL/26032 Water Restrictions Enforcement Policy details the escalating penalties for breaching Council's water restrictions and the process used to establish and enforce these breaches consistent with section 637 of the *Local Government Act 1993*.

Council's POL/26030 Water Supply Services Policy details Council's permanent water saving rules.

Council has an adopted DMERP 2010, which details Council's approach to drought management and response in the event of an emergency restriction to the water supply. The plan also details drought trigger levels and the resultant water restrictions specific to Council as well as Council's approach to communication and enforcement regarding the water restrictions.

### Drought Management and Emergency Response Plan

Council's adopted DMERP 2010 details drought trigger levels and the resultant water restrictions specific to Council. The water restrictions and the relevant trigger points are shown below:

Water Restrictions Level	Trigger Point
Level 1 (Low)	10% reduction in high security water allocations
Level 2 (Moderate)	25% reduction in high security water allocations
Level 3 (High)	40% reduction in high security water allocations
Level 4 (Severe)	55% reduction in high security water allocations
Level 5 (Extreme)	70% reduction in high security water allocations
Level 6 (Emergency)	85% reduction in high security water allocations

The activities and related water restrictions for Level 1 and Level 2 water restrictions are shown in the table below and are an extract from Council's DMERP 2010.

	Water Re	estrictions
Activity	Level 1 - Low	Level 2 - Moderate
Residential		
Watering of Lawns Note: Subject to varying Summer and Winter Times	Watering systems, microsprays, drip systems, soaker hoses, non-fixed sprinklers and handheld hoses only. <b>Summer Time:</b> between 6pm – 9am only daily. <b>Winter Time:</b> between 6am – 10am and 4pm – 10pm daily.	Watering systems, non-fixed sprinklers, handheld hoses, microsprays, drip systems and soaker hoses only. <b>Summer Time:</b> between 6am – 9am and 6pm – 9pm every second day as per odds and evens <b>Winter Time:</b> between 7am – 10am and 4pm – 7pm every second day as per odds and evens system.
Watering of Residential	Watering systems,	Watering systems, non-fixed
Gardens	microsprays, drip systems,	sprinklers, handheld hoses,
Note: Subject to varying	soaker hoses, non-fixed	microsprays, drip systems,
Summer and Winter times	sprinklers handheld hoses	soaker hoses only.

	Water Restrictions				
Activity	Level 1 - Low	Level 2 - Moderate			
	only	Summer Time: between			
	Summer Time: between	6am – 9am and 6pm – 9pm			
	6pm – 9am only daily.	every second day as per			
	Winter Time: between	odds and evens system			
	6am – 10am and 4pm –	Winter Time: between 7am			
	10pm daily	– 10am and 4pm – 7pm			
		every second day as per			
		odds and evens system.			
Topping up, filling garden water features	Permitted	Permitted			
Irrigation of new turf	Permitted for one week after	Permitted for one week after			
	laying after which level 1	laying after which level 2			
	restriction on watering lawns	restriction on watering lawns			
	applies.	applies.			
Washing down walls or	Not permitted	Not permitted			
paved surfaces	Permitted	Only botwoon bours of Zom			
Topping up private swimming pools/spas	Fernillea	Only between hours of 7am			
swimming pools/spas		– 9am and 6pm – 8pm,			
First fill of private swimming	Permitted	every day. Only between hours of 7am			
pools	Fernineu	– 9am and 6pm – 8pm,			
pools		every day.			
Washing cars at home	Permitted with bucket and	Permitted with bucket and			
washing cars at nome	rinse with trigger hose on	rinse with trigger hose on			
	lawn at any time.	lawn between 9am – 12pm			
	awit at any time.	any day.			
Baths, showers	Permitted	Permitted			
Washing of clothes	Permitted	Permitted			
Use of evaporative air	Permitted	Permitted			
conditioners					
Inflatable or temporary	Permitted	Permitted			
children's pools					
Non-Residential					
Watering of Lawns Note:	Watering systems,	Watering systems, non-fixed			
Subject to varying Summer	microsprays, drip systems,	sprinklers, handheld hoses,			
and Winter times	soaker hoses, non-fixed	microsprays, drip systems,			
	sprinklers handheld hoses	soaker hoses, only.			
	only.	Summer Time: between			
	Summer Time: between	6am – 9am and 6pm – 9pm			
	6pm – 9am only daily.	every second day as per			
	Winter Time: between 6am	odds and evens system.			
	– 10am and 4pm – 10pm	Winter Time: between 7am			
	daily	– 10am and 4pm – 7pm			
		every second day as per			
		odds and evens system.			
Watering of Gardens Note:	Watering systems,	Watering systems, non-fixed			
Subject to varying Summer	microsprays, drip systems,	sprinklers, handheld hoses,			
and Winter times	soaker hoses, non-fixed	microsprays, drip systems			

	Water Restrictions					
Activity	Level 1 - Low	Level 2 - Moderate				
¥	sprinklers and handheld	and soaker hoses only.				
	hoses only.	Summer Time: between				
	Summer Time: between	6am – 9am and 6pm – 9pm				
	6pm – 9am only daily.	every second day as per				
	Winter Time: between 6am	odds and evens system.				
	– 10am and 4pm – 10pm	Winter Time: between 7am				
	daily.	– 10am and 4pm – 7pm				
		every second day as per				
		odds and evens system.				
Topping up public swimming	Permitted	Only between the hours of				
pools/spas, including those		7am – 9am and 6pm – 8pm,				
in motels etc.		every day.				
First fill of public swimming	Permitted	Only between hours of 7am				
pools/spas, including those		– 9am and 6pm – 8pm every				
in motels etc.		day				
Turf farm irrigation, market	Permitted	Permitted				
gardens						
Irrigation of new turf on non-	Permitted for one week after	Permitted for one week after				
residential premises	laying after which level 1	laying after which level 2				
	restriction on watering lawns	restriction on watering lawns				
	applies.	applies.				
Public car and truck wash	Permitted	Permitted				
facilities						
Construction industry e.g.	Permitted	Permitted				
mortar or concrete mix						
Construction - wash down,	Permitted	Permitted				
paint prep, curing.						
Cleaning - exterior	Permitted with trigger hoses,	Permitted with pressure				
	any time	trigger hoses, any time				
Commercial or Government	Permitted	Permitted				
nurseries	-	-				
Abattoirs	Permitted	Permitted				
Food or pet food production	Permitted	Permitted				
Canneries	Permitted	Permitted				
Pet care	Permitted	Permitted				
Public water features	Permitted	Permitted				
Child care	Permitted	Permitted				
Public parks, gardens,	Permitted	Permitted				
aviaries, plant houses, zoos						
Schools, technical colleges,	Permitted	Permitted				
colleges, universities						
Hospitals, hospices, nursing	Permitted	Permitted				
homes, rehab centres	De mesitte d	De meritte d				
Aged accommodation	Permitted	Permitted				
Motels, caravan parks,	Permitted	Permitted				
cabins	Demoitted	Demoitted				
Hotel, registered clubs	Permitted	Permitted				
Businesses with cooling	Permitted	Permitted				

	Water Restrictions				
Activity	Level 1 - Low Level 2 - Moderate				
towers					

The following notes apply to the above table:

#### Summer and Winter Times

For all restriction levels, 'summer' means the following months October, November, December, January, February, March and April and 'winter' means the following months: May, June, July, August and September.

#### Odds and Evens System

If the property has an odd street number then water use, in accordance with restrictions, can occur on odd days (i.e. permitted on 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> etc. of the month but banned on 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup> etc. of the month).

If the property has an even street number then water use, in accordance with restrictions, can occur on even days (i.e. permitted on 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup> etc. of the month but banned on 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> etc. of the month).

All properties may use water, in accordance with restrictions, on the 29<sup>th</sup> February and the 31<sup>st</sup> of each month for the applicable months.

If the property has a range of street numbers, then it should be treated as odd or even as per the first number in the range. For example, if the property is 12-15 Smith Street then water use, in accordance with restrictions, can occur on even days.

If the property has no street number, then it should be treated as an even property. For example, if the property name is "Tara" then water use, in accordance with restrictions, can occur on even days.

If the property has two street numbers (e.g. corner blocks) then it should be treated as an even property. For example, if the property has the addresses 1 Smith Street and 1 John Street then water use, in accordance with restrictions, can occur on even days.

### Permitted/Not Permitted

The water restrictions are restrictions that Council is placing on the use of its potable water supply. However, water from another source, including rainwater, groundwater or river water, could be used for this purpose, providing appropriate approvals exist (e.g. water access licence from WaterNSW).

"Permitted" means the activity in unrestricted under the particular level of water restrictions or is allowed but with the qualifications detailed in the above water restrictions. For example, for childcare centres, at level 1 water restrictions there is unrestricted use of water within the childcare centre but watering of any lawns or gardens must be in line with the commercial water restrictions (i.e. within the restricted times).

"Not permitted" means the activity or use is banned under the particular level of water restrictions and that Council's potable water supply cannot be used for this purpose.

#### Health, Safety and Emergency Water Usage

Water can be used for health, safety or emergency reasons at any time, including to fight fires and prevent heat stress in humans and animals.

### **Enforcement of Water Restrictions**

If Level 1 (low) water restrictions are maintained by Council, it is proposed that there be no amnesty for breaches as POL/26032.1 Water Restrictions Enforcement Policy includes escalating enforcement options by offence recurrence and Council Officers have also undertaken an extensive education program. The enforcement, by offence, is as follows:

- First Issue water restrictions information flyer.
- Second Issue warning letter accompanied by water restrictions information flyer.
- Third Issue Penalty Infringement Notice (PIN) accompanied by water restrictions information flyer.
- Fourth Restrict water supply through installation of orifice plate in the water service pipe at the meter. The orifice plate will be removed following payment of water service connection fee (refer Council's Fees & Charges).

Subsequent PIN, Court Order and/or Prosecution.

#### Special Exemptions and Variations

Special exemptions to water restrictions are available for those customers where water usage is required outside the designated hours or purposes, or the conditions of restrictions cannot be reasonably met.

Special exemptions are available for one off activities over a short time period; for example, pressure cleaning a driveway for repairs and maintenance. Special variations are available for the duration of the water restriction level applicable to the approval; for example, an aged pensioner may apply for a special variation to watering times or days based on when carers are available.

Application can be made in writing to Council and if the application is successful, approvals and conditions will be granted in writing.

### Update to Drought Management and Emergency Response Plan

Council is currently in the process of revising its DMERP as the current plan was last updated in 2010. The revised DMERP, now titled as the Drought and Emergency Response Management Plan (DERMP), will take into account the learnings from the most recent drought and water restrictions campaigns.

Council has engaged a consultant to assist in preparing the revised DERMP and is undertaking this review in conjunction with Muswellbrook Shire Council and Upper Hunter Shire Council. This combined approach with the other members of the Upper Hunter Water Utilities Alliance (UHWUA) will contribute to be a consistent regional approach to water restriction levels. The DERMP revision will also consider the different water sources

feeding each Council's supply, noting that Singleton primarily draws water from Glennies Creek Dam, whereas the other primarily Council's source water from Glenbawn Dam.

The revised DERMP is scheduled for completion in late March 2022 and will be reported at the May 2022 Council Meeting. Councillor briefings are proposed to be held in May 2022 to provide a detailed overview of the revised DERMP.

### **Current Water Levels and Consumption**

As of 15 February 2022, Glennies Creek Dam is listed at 76.1% and Council currently has a100% allocation under its water access licence. As such, automatic water restrictions are not required, as per the DMERP 2010. Due to high rainfall in 2021, Glennies Creek Dam has increased from approximately 40% total capacity in January 2021 to 76.1% total capacity in February 2022.

Voluntary low-level water restrictions came into effect across the Singleton and Jerrys Plains Water Supply Areas, after Council adopted voluntary level 1 (low) water restrictions at a special meeting held on 15 October 2018. Mandatory level 1 (low) water restrictions came into effect on 26 June 2019. Mandatory level 2 (moderate) water restrictions came into effect on 1 March 2020. Following some rain and recovery of the Glennies Creek Dam level, water restrictions were decreased to level 1 (low) from 3 May 2021. The restrictions were adopted, in line with industry-accepted practices to conserve water in times of drought and prolong the availability of water until water supply conditions changed. The restrictions were proposed to remain in place until significant rainfalls were received in the area.

Whilst there was a significant increase in residential water usage from 2015/16 to 2017/18 and 2018/19 due to ongoing drought conditions, water usage in 2019/20 and 2020/21 both recorded a significant decrease from the previous year. This is indicated in the water usage information presented below, by user type, for the period 1 July 2015 to February 2022.

	Total Water Consumption (ML)						
User Type	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Residential	1,561	1,587	1,803	1,740	1,477	1,215	887
Commercial	470	496	511	664	622	622	359
Standpipe	107	119	153	160	191	113	64
Industrial	43	43	41	27	26	25	17
Farming	25	30	24	27	26	13	11
Institutional	180	167	271	268	239	200	136
Total	2,386	2,442	2,803	2,886	2,581	2,188	1,474

Note: 2021/22 water consumption includes data to February 2022 only. This includes two periods of water usage for customers billed triannually (standard residential and commercial customers) and water usage for large water users for July 2021 to February 2022 only.

A review of Singleton water usage data indicates a significant decrease in water usage by both residential and commercial users from 2019/20 to 2020/21; it appears that this trend will continue in 2021/22. It is also noted that there has been significant volatility of water

usage in recent years following the introduction of water restrictions as is indicated in the water usage information presented below for the period 1 July 2015 to February 2022.

		Residential Water Consumption (ML)					
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Period 1	413	420	505	499	374	449	399
% Change from previous year's period 1	-	2%	20%	-1%	-25%	20%	-11%
Period 2	636	643	708	696	768	411	488
% Change from previous year's period 2	-	1%	10%	-2%	10%	-46%	19%
Period 3	511	523	590	545	336	355	-
% Change from previous year's period 3	-	2%	13%	-8%	-38%	6%	-

Note: period 1 includes data from May to September period 2 includes data from September to January period 3 includes data from January to May

		Commercial Water Consumption (ML)					
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Period 1	131	131	165	213	200	186	131
% Change from previous year's period 1	-	0%	26%	30%	-6%	-13%	-30%
Period 2	137	153	180	235	238	160	141
% Change from previous year's period 2	-	12%	17%	31%	1%	-37%	-12%
Period 3	124	135	166	214	200	162	-
% Change from previous year's period 3	-	9%	23%	29%	-7%	-19%	-

The volatility in water usage has been compounded by ongoing La Nina conditions bringing several large rain events and COVID-19. Additionally, it appears that customers are exhibiting water-conscience behaviours in response to the extended periods of drought experienced in 2018, 2019 and 2020.

It could be expected that water usage would increase after the removal of water restrictions. A continued education campaign will ensure that water-conscience behaviours will be promoted and maintained through the council's permanent water saving rules outlined in Council's POL/26030 Water Supply Services Policy.

### **Financial Implications**

The total budgeted water sales for 2021/22 is approximately \$5.5M. Current projections, as of February 2022, indicate that the total income will reach approximately \$5.1M. The removal of water restrictions may however increase Council's 2021/22 water sales going forward in the absence of further large rainfall events.

Expected income from water sales is typically budgeted at a conservative 10% reduction on the previous 5-year average of water consumption. However, income from water sales for 2022/23 has been budgeted on a 21% reduction on the 5-year average of water usage from 2016 to 2021. This is due to the significant decrease in water usage recorded in 2020/21, as well as the high likelihood of further rainfall events for 2022, and changes in customer water usage due to COVID-19.

Whilst the *Water Restriction Communication Plan* looks to leverage off existing activities and utilise low-cost options, education and awareness activities for water restrictions is expected to have an impact on operational expenditure from the water fund. Current expenditure, as of 18 February 2022 (not including staff time) for advertisement/education of water restrictions is \$1,435.

Application of water restrictions requires Council Officers to undertake enforcement activities under section 637 of the *Local Government Act, 1993*.

### **Consultation/Social Implications**

Level 1 (low) water restrictions are currently in place in parts of the Upper Hunter Shire Council, with Upper Hunter Shire Council electing to wait until the adoption of the revised DMERP before reconsidering the removal of Level 1 (low) water restrictions. Muswellbrook Shire Council elected to remove Level 1 (low) water restrictions as of 7 February 2022.

Hunter Water Corporation, which supplies Branxton with reticulated water, has removed all water restrictions. This was due to significant rainfall in 2020/21 in the Lower Hunter catchment.

As per Council's DMERP 2010, mandatory restrictions can be introduced by Council Officers without first obtaining resolution of Council when the water restriction trigger level is reached. However, any decision to remove or reduce the level of water restrictions must be made by resolution of Council. The removal, or reduction in the level, of water restrictions is based on water availability in Glennies Creek Dam, seasonal factors, weather outlook and water allocations being made available to Council and other water licence holders under the Hunter Water Sharing Plan.

As per the *Water Restrictions Communication Plan*, congruent with information contained in Council's DMERP 2010, Council Officers have undertaken a variety of education activities, which will continue until water restrictions are removed:

- Newspaper advertising in *The Singleton Argus*;
- Information in Singleton Edit;
- Topics for Mayoral Column/Interview;
- News releases;

- Variable message boards;
- Joint radio advertising with Muswellbrook and Upper Hunter Shire Councils;
- Website and social media;
- Subscription to Smart Water Advice;
- Information flyer mail out to connected properties and with enforcement activities; and
- Flyer with tri-annual water bills.

Should Council elect to remove Level 1 (low) water restrictions, an advertisement will be placed in the *Singleton Argus* with the removal of restrictions to commence on 16 March 2022.

### Environmental Consideration

Council's water usage represents a very small percentage (less than 10%) of the total water used/released from Glennies Creek Dam. However, due to the security of Council's water access licence WaterNSW is required to hold a large volume of water (approximately three years supply of Council's annual allocation) to guarantee the security of the water. WaterNSW holds this water in the dam regardless of whether Council uses its full allocation or not.

Water restrictions act to conserve water in the dam and extend the availability of water to customers should drought conditions extend or worsen. However, ongoing periods of improved rainfall in the local catchments have ensured 100% water allocations for both high priority license holders and General Security licenses holders. Furthermore, the Bureau of Meteorology indicates that Glennies Creek Dam catchment has a 75% chance of exceeding its average rainfall during Autumn of 2022.

Council is currently involved in the Upper Hunter Priority Catchment Program, which has the expressed aim to improve the drought security of Singleton LGA.

Council is also represented on both the Department of Planning, Industry and Environment's (DPIE) Hunter Critical Water Advisory Panel (CWAP) and WaterNSW's Hunter Regulated River Operations Stakeholder Consultation Committee (ROSCCo). The key role for the CWAP is to provide advice to DPIE on appropriate response measures and criticality levels and to provide input on local views. The ROSCCos are valley based, ongoing committees formed with key stakeholders, to engage in discussions about river operations, and aim to improve understanding of stakeholder concerns and river operations. The recommendations of the ROSCCos are fed into the CWAPs.

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council removes water restrictions prior to sufficient water being available which may	Medium	Monitor water availability and provide regular updates to Council	Low	Yes

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
lead to Council receiving criticism from the community for removing the water restrictions.				
There is a risk that Council removes water restrictions incongruous with other water utilities/authorities in the Hunter Region (e.g. Upper Hunter Shire Council) which may lead to confusion by some customers.	Medium	Maintain communication with other water utilities/authorities Prepare updated Combined Drought and Emergency Response Management Plan with Muswellbrook and Upper Hunter Shire Councils.	Low	Yes
There is a risk that the community is unaware of the removal of water restrictions which may lead to community criticism and expectation of enforcement action by some community members.	Low	Place notice in Singleton Argus, on Council's website and social media	Low	Yes

# Options

The following options are available to Council:

- 1. Adopt to remove Level 1 (low) water restrictions effective 16 March 2022 and return to the permanent water saving rules detailed in POL/26030 Water Supply Services Policy.
- 2. Adopt the following:
  - Maintain Level 1 (low) water restrictions, as per Council's adopted *Drought Management and Emergency Response Management Plan* (2010), with penalties under section 637 of the *Local Government Act, 1993*; and
  - Continue education and awareness activities regarding water restrictions.

Option one is recommended.

Option two is not recommended as the availability of water in Glennies Creek Dam has recovered sufficiently to remove water restrictions. The large increase in Glennies Creek Dam storage levels gives confidence that the reintroduction of water restrictions in the near future would not be required.

### Conclusions

As of 15 February 2022, Glennies Creek Dam is listed at 76.1% and Council currently has 100% allocation under its water access licence. Council's adopted *Drought Management and Emergency Response Plan* (2010) indicates that water restrictions be removed in response to the increased availability of water.

As the availability of water in Glennies Creek Dam has recovered to give Council sufficient confidence that the storage has recovered following drought conditions, it is recommended that water restrictions are removed.

Councillors will continue to be briefed on a regular basis regarding water availability and the need for the re-introduction of water restrictions if deemed necessary.

### Attachments

There are no attachments for this report.

#### DI&P5/22. Finalisation of Planning Proposal for Proposed Reclassification of Land at 1-3 Bathurst Street Singleton

**FILE:** 60.2021.3/08

#### **Executive Summary**

The purpose of this report is to advise the Council on the outcomes of community consultation undertaken for the proposed reclassification of land at Lot 1 of DP 1151446, known as 1-3 Bathurst Street Singleton (the site). Based on the outcomes of community consultation, Council's endorsement is sought to finalise the planning proposal and forward it to the Department of Planning and Environment to notify the plan.

The proposal seeks to reclassify the site from community land to operational land which will allow the Council to sell the site to OurCare Services Ltd, as per a Council resolution in 2018. To give effect to the planning proposal, the Singleton Local Environmental Plan (SLEP) 2013 would be amended at Schedule 4 Part 1 to include the site as operational land.

The planning proposal was placed on public exhibition for 28 days between 7 October and 4 November 2021 with no submissions received. As required by the *Local Government Act 1993* for reclassifications of land, a public hearing was held by an independent facilitator on 8 December 2021. One member of the community attended the public hearing who was in support of the proposed reclassification.

As no objecting submissions were received and there are no unresolved issues, it is recommended that the Council endorse the planning proposal to be finalised and forwarded to the Department of Planning and Environment to notify the amendment.

### **RECOMMENDED** that Council:

- 1. Endorse the planning proposal to be finalised and forwarded to the Department of Planning and Environment to notify the amendment.
- 2. Notify attendees of the public hearing of Council's resolution.

### Report

Singleton Council has prepared a planning proposal to amend the SLEP 2013 to reclassify land at Lot 1 of DP 1151446, known as 1-3 Bathurst Street Singleton (**Figure 1**). The site contains two buildings which are occupied by Ourcare Services Ltd and the Singleton Senior Citizens Centre. Ourcare Services is a not-for-profit organisation, predominantly funded by the NSW Government, which provides a range of services to the Singleton Community including community transport, meals-on-wheels, neighbour aid and personal care. Ourcare Services has operated from the site for many years and over this time has also contributed financially to upgrades to the onsite building.

In 2017, Council was approached by Ourcare Services regarding purchasing the site and in 2018 Council resolved to prepare a planning proposal (**Attachment 1**) to reclassify the

land to operational land. Council's stipulation for reclassifying the site was that Ourcare Services continue to operate from the site and continue to lease the portion of the site to the Senior Citizens Centre, both of which provide public benefit to the community.



Figure 1: Aerial view of the site

# **Community Strategic Plan**

The proposal is consistent with the following Community Strategy Plan outcomes:

# Our People

- 1.1 Provide services and facilities that meet the needs of our community at different stages of life
- 1.2 Provide social, recreational and cultural services which educate, inspire and entertain
- 1.3 Promote, facilitate and provide services for public health, healthy living and lifestyles

# Our Places

2.4 Facilitate land use planning and development outcomes which respect and contribute in a positive way to the environment and community

# **Council Policy/Legislation**

The Council policies and relevant legislation are as follows:

- Environmental Planning and Assessment Act, 1979
- Local Government Act, 1993
- Community Participation Plan

# **Financial Implications**

Expenses incurred as a result of the LEP amendment have been absorbed in Council's Operating Budgets.

### **Consultation/Social Implications**

The planning proposal was placed on public exhibition for 28 days between 7 October and 4 November 2021 with no submissions received. As required by the *Local Government Act 1993* for reclassifications of land, a public hearing was held by an independent facilitator on 8 December 2021. One member of the community attended the public hearing and was in support of the proposed reclassification. A copy of the outcomes of the public hearing are at **Attachment 2**.

A stipulation of Council in agreeing to reclassify and sell the site to Ourcare Services is that Ourcare Services will continue to operate from the site and continue to lease the site to the Senior Citizens Centre. Therefore, there will be no reduction in community benefit or social implications as a result of the planning proposal.

### **Environmental Consideration**

There are no environmental considerations associated with the proposed reclassification.

### **Risk Implications**

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that the reclassification and sale of the site will result in a minor reduction of community land which may lead to negative perception from the community.	Medium	The planning proposal includes a graphic indicating that the reclassification would result in only a minor reduction in community land.	Low	Yes
There is a risk that if the site will not be used by Ourcare Services into the	Medium	Arrangements when the site is sold could include a requirement	Low	Yes

Infrastructure & Planning	Report (Items Req	uiring Decision) - DI&P5/22
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Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
future after the site is sold may lead to reputational damage for Council.		that Ourcare Services continue to operate from the site and lease the site to the Senior Citizens Centre.		
There is a risk that if Council chooses not to support the reclassification based on its previous commitment to reclassify the site which may lead to reputational damage.	High	Endorse finalisation of planning proposal.	Low	Yes

### Options

The following options are available to Council:

- 1. Endorse the planning proposal to be finalised and forwarded to the Department of Planning and Environment to notify the amendment, and notify attendees of the public hearing of Council's resolution.
- 2. Do not finalise the planning proposal.

Option one is recommended.

### Conclusions

The planning proposal seeks to reclassify Lot 1 of DP 1151446, known as 1-3 Bathurst Street Singleton from community land to operational land. The effect of the reclassification will permit Council to sell the site to Ourcare Services Ltd in accordance with Council's resolution in 2018. To give effect to the outcome, the SLEP 2013 would be amended to include the site at Schedule 4 Part 1 which relates to operational land.

There were no submissions received to the exhibition period and the one member of the public attended the public hearing who was in support of the proposal.

There are no unresolved issues or community submissions and so Council Officers recommend the planning proposal be finalised and forwarded to the Department of Planning and Environment to notify the plan.

#### Attachments

AT-1 <u>⇒</u>	Planning Proposal - 1-3 Bathurst street Singleton - Post	Attachment Under
	exhibition	Separate Cover
AT-2 <u>⇒</u>	Singleton Council - Public Hearing Independent Report - 8	Attachment Under
	December 2021	Separate Cover

#### DI&P6/22. DA 8.2021.293.1 - 251 Putty Road Glenridding - Lot 1 FILE: DP 1248719 8.2021.293/06

Applicant:	Stibbard Homes
Land and Location:	251 Putty Road Glenridding – Lot 1 DP 1248719
Zoning:	RU1
Proposal:	Demolition of an existing detached dual occupancy dwelling and construction of a new detached dual occupancy dwelling
Date of Application:	13/08/2021

### **Executive Summary**

An assessment of Development Application No. 8.2021.293.1 has been carried out in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, with the development recommended for **refusal** for the following reason:

- 1) The proposed development is inconsistent with *Singleton Local Environmental Plan 2013,* specifically Clause 5.21(2) flood planning for the following reasons:
  - a. The application fails to meet the objectives of the clause, and
  - b. The application fails to meet the requirements of subclause 5.21(2) with the development on land that is within a flood planning area (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979).*
- 2) The proposed development is inconsistent with *Singleton Development Control Plan* 2014, specifically Clause 4.3 for the following reasons:
  - a. The application fails to meet the objectives of these clauses, and
  - b. The application fails to meet the requirements of 4.3 with the relation to character locality and site suitability (Section 4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).

Per Council's Determination of Development Applications by Council policy, applications which are recommended for refusal must be determined by full Council. In accordance with this policy, Council's Officers seek the endorsement of the Council to refuse the application based on the reasons outlined above.

**RECOMMENDED** that Council refuse this application as it does not comply with Clause 5.21 Flood Planning of the *Singleton Local Environmental Plan 2013* or Clause 4.3 of the Singleton Development Control Plan 2014. In particular, the application does not comply with Clause 5.21(2) flood planning for the following reasons:

- c. The application fails to meet the objectives of the clause, and
- d. The application fails to meet the requirements of subclause 5.21(2) with the development on land that is within a flood planning area (Section 4.15(1)(a)(i) *Environmental Planning and Assessment Act 1979).*

- 2) The proposed development is inconsistent with *Singleton Development Control Plan* 2014 specially Clause 4.3 for the following reasons:
  - c. The application fails to meet the objectives of these clauses, and
  - d. The application fails to meet the requirements of 4.3 with the relation to character locality and site suitability (Section 4.15(1)(a)(iii) *Environmental Planning and Assessment Act 1979*).

# 1. Report

### 1.1. Introduction

The purpose of this report is to provide an assessment under Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposed development is local development and was referred to internal departments only.

Stibbard Homes (Applicant) seeks approval for demolition of an existing detached dual occupancy dwelling and construction of a new detached dual occupancy dwelling.

### **1.2. Site History, Location and Context**

The proposed development is located at 251 Putty Road Glenridding – Lot 1 DP 1248719, with the proposed access off Army Camp Road (**Figure 1**).

Lot 1 (67.15ha) contains two existing dwellings and associated farm buildings and is utilised as a hay and grazing enterprise. The application proposes to demolish one of the existing farm houses which is located within the cluster of buildings at the centre of the property and construct a large dwelling to the east on an isolated natural raised area.

The proposed development seeks to demolish an existing 150m2 (approx.) detached dual occupancy dwelling and replace it with a 4000m2 detached dual occupancy dwelling (including building footprint, pool, garages, courtyard, etc). The development is located on a rise and nearby irrigated agricultural land.

The land is zoned RU1 – Primary Production and is currently used as an irrigated hay and cattle grazing operation, which is permitted without consent under the Singleton Local Environmental Plan (SLEP) 2014 (**Figure 2**).

The building line is approximately 325m from the road frontage and the setback to the Northern side boundary is 53m.

The proposed development site is on a small mound above 44m Australian Height Datum (AHD) (**Figure 3**). The surrounds are mapped as high quality agricultural soil, while the mound itself in classed as deep sandy soil being unsuitable for irrigation or cropping.

The proposed development is in an area identified as flood prone flood land on Council's flood planning map. This area has been designated high hazard floodway under the Singleton Floodplain Risk Management Plan (2012). There appears to be a marshy/low lying area to the south of the proposed development that flows from the existing dam to Army Camp Road.

The proposed development is located outside any current farm building cluster. There are no heritage or ecological issues that will impact the development.

Two previous development applications have been recorded on the property these include:

- 8.2020.258.1 Farm building Approved
- 8.2021.197 Farm building Approved Delegated Authority



Figure 1 – Property Location



Figure 2 – Land Zoning and Surrounds



Figure 3 – Proposed Development

### 2. The Proposed Development

The development application number is 8.2021.293.1. A copy of the plans is at Attachment 1.

The proposal is to demolish an old detached dual occupancy dwelling (red cross - figure 4) and replace with a new detached dual occupancy dwelling and pool, including a detached gym, games room and garages (yellow cross - figure 4).



Figure 4 – Locations

Figure 4 – Locations: Red cross indicating existing dwelling. Yellow cross indicating new dwelling.

The application proposes to move the location of the dwelling to create a separation between the existing dwellings from a privacy perspective. The location of the new development will not impact the agricultural values of the site and has been located to the Northern boundary to reduce fragmentation of the agricultural land. There are two dwellings on the property. This application is seeking consent for the demolition and construction of this dual occupancy dwelling.

The proposed development will be serviced by electrical and telecommunication services, on site sewerage management and water will be collected by two 130,000 litre above ground tanks. The overflow of these tanks will be directed to the dam to the South of the proposed development.

# 2.1. Previous Relevant Approvals

There are two previous development applications which have been recorded on the property these include:

- 8.2020.258.1 Farm building Approved
- 8.2021.197 Farm building Approved Delegated Authority

# 3. Consultation and Submissions

This application was not notified.

An internal referral was provided by the Council's Development Engineer who did not support the application based on Clause 5.21(2) flood planning of Singleton Local Environmental 2013. This is detailed in Section 4.52 of this report.

# 4. Statutory Considerations

The proposed development is subject to the environmental assessment requirements specified in the Act, specifically the provisions of Section 4.15.

# 4.1. Environmental Planning and Assessment Act 1979 Cection 4.15(1)(a)(i)

This section of the Act requires the determining authority to consider the provisions of any relevant Environmental Planning Instrument (EPI). EPIs establish the permissibility of any proposed development. Relevant EPIs include State Environmental Planning Policies (SEPPs) and the Singleton Local Environment Plan 2013 (SLEP).

# 4.1.1. Permissibility

The development is permissible under the current zoning of the SLEP 2013.

The property is zoned RU1 Primary Production, as such **dual occupancies** are permitted with consent.

Clause 4.2A(5) of the SLEP 2013 allows for the development of dual occupancy on the condition that it replaces the existing dwelling.

The proposed dwelling is considered a replacement to the existing dual occupancy dwelling and as such the proposed development is permissible under the current zoning.

# 4.1.2. Relevant Clauses

The relevant sections of the SLEP 2013 are outlined in **Table 1**.

Table 1: Relevant SLEP 2013 clauses			
Relevant Clauses	Compliance with clause	Comments/Rationale	
	objectives		
4.2A (5)	Is a replacement building	Complies	
Erection of dual			
occupancies and dwelling			
houses on land in certain			
rural and environment			
protection zones			
5.21(2)		Does not comply.	
Flood planning			
		See detailed description	
		below	

### Clause 5.21 Flood Planning

This application is not considered to be in the public interest due to Clause 5.21 of the SLEP 2013 and 4.2 of the Singleton Development Control Plan not being met. Clause 5.21(2) flood planning of SLEP 2013 is applicable and reproduced as follows:

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development
  - (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The application does not satisfy the requirements of clauses 5.21(2)(a) and 5.21.(2)(c) Flood planning of the SLEP 2013 and forms Council's reasons for recommending the application be refused. The clause states that development consent must not be granted to development on land the consent authority

considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and incorporates appropriate measures to manage

Council has relied on the Singleton Floodplain Risk Management Study 2012 prepared by BMT to assess whether the provisions of Clause 5.21 (2) are satisfied and has determined that:

- The site is identified as being located within a "High Hazard Floodway" (Figure 10 Adopted Flood Hazard Singleton Floodplain Risk Management Study) (Figure 5).
- The flood liable areas surrounding Singleton (including Glenridding and Dunolly) are "High Hazard – Floodway" and consequently, as "unsuitable for development".
- Glenridding and Dunolly present significant floodplain risk management issues to the community, given:
  - their presence in "high hazard floodways";
  - the damage potential in the area demonstrated by the 1955 flood.
- The risks of allowing the rural residential development is that, in the long term, the "high hazard floodways" will be characterised by residential dwellings on mounds whereby residents will not evacuate because they believe that they are "flood free" and create significant risks for emergency personnel, should access be required to isolated residences (for example for evacuation, to address serious medical issues, for flood re-supply).
- Future owners might not understand the flooding risks when purchasing properties on these "mounds"
- Singleton Floodplain Risk Management Study of 2012 acknowledges that there are "isolated mounds" within the high hazard floodway which are considered "low hazard or flood free", however these were designated high hazard, due to the evacuation risks and endangerment to emergency personnel.

The definition of floodways used under this assessment is taken from the NSW Government Floodplain Development Manual 2005 which states:

"Floodways are those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas."



**Figure 5 -** Adopted Flood Hazard – Figure 10 of the Singleton Floodplain Risk Management Study

# 4.2. Environmental Planning and Assessment Act 1979 Section 4.15(1)(a)(ii)

There is no draft EPI relevant to the proposal.

# 4.3. Environmental Planning and Assessment Act 1979 Section 4.15(1)(a)(iii)

The proposal complies with the relevant sections of the Singleton Development Control Plan (DCP) 2014 with the exception of Section 4.3 – Site Planning. The objectives of this clause states:

- a) to encourage development that shows "good manners" to surrounding development by considering the characteristics of adjoining and adjacent sites at the outset of the design process,
- b) to encourage consideration of site attributes, constraints and infrastructure at the initial design stage,
- c) to achieve high quality design outcomes through consideration and appropriate response to natural and build site features

Subclause (4) of Clause 4.3 states before granting development consent for any development on land, the consent authority must consider whether or not the site is suitable for the development taking into account the following... (g) natural hazards (h) character of the locality...

Due to the high flood hazard present at the site, the proposal is inconsistent with subclause (4)(g) of the DCP (see also Section 4.1.2 of this report). Further to this, it has been assessed that the development is not in the character of locality as referred to at subclause (4)(h) of the DCP. There are no other developments of similar scale in the vicinity and the size, scale and location is likely to affect surrounding properties and locality.

Table 2: Relevant DCP Clauses				
Relevant Clauses	Compliance with clause	Comments/Rationale		
	objectives	The site is located in an		
4.3 (g)	Not compliant from a	area mapped as a high		
4.3 (h)	flood perspective, and a	hazard floodway and is		
	character assessment of	not supported by		
	the area.	Council's Development		
		Engineer.		

# 4.4. Environmental Planning and Assessment Act 1979 Section 4.15(1)(a)(iiia)

There was no planning agreement relevant to the proposal.

# 4.5. Environmental Planning and Assessment Act 1979 Section 4.15(1)(b)

This section requires an assessment of the likely impacts of the proposed development.

The likely impacts of the proposed development include environmental impact on both the natural and built environments, social and economic impacts (and benefits) on the locality and suitability of the site for the proposed development. The assessment of these impacts must be undertaken in consideration of the relevant planning controls with the LEP and DCP.

# 4.5.1. Key Assessment Issues

There were a number of key issues in assessing this development, being flooding, design, character of locality and the conflict of agricultural land use.

The applicant has mitigated the design issues by providing a landscape plan (**Attachment 2**), which sought to hide the development to reduce visual impacts. The applicant has also provided an agronomist's report stating that the mound that the site is located is sandy soil and not suitable for cropping agriculture. The outcomes of this additional information resolve concerns related to design and conflict of agricultural land use.

Flooding was the main issues from the SLEP 2013 (Clause 5.21) and the DCP 2014 (Clause 4.3(g)) where it is considered the proposal is not able to satisfactorily address Council's Development Engineer's concerns regarding flooding at the site.

Clause 4.3(h) of the DCP also requires developments fit in with the character of the area. It is considered the proposal is inconsistent with this clause of the DCP as there is no other building of similar style, size, and built form in the area. Inconsistency with Clause 4.3(h) of the DCP alone would not be a reason for refusal.

# 4.5.2. Internal Referrals

The application was referred to Council's Development Engineer and Water and Sewer sections whose feedback is provided below.

# Development engineering:

- The development engineer assessed the road, access and parking requirements and was satisfied with this aspect of the application.
- Development Engineering recommended that the application is not supported for the following reasons:
  - "It is noted from the BMT report that the self-evacuation strategy allows for 26-30 hours for evacuation of the site, however, the fact that the proposed building requires a self-evacuation strategy and a flood emergency management plan is problematic. It indicates, and in fact, the updated flood risk assessment and flood emergency response plan conclude that the area around the proposed building is predicted to be inundated in the 1% and 0.5% AEP events.
  - The Singleton Floodplain Risk Management Study states that properties in the High Hazard Floodway are unsuitable for development. Development Application 8.2021.293.1 cannot be supported from an engineering perspective, due to the fact that the site is within a high hazard floodway."

# Water and Sewer:

- The Water and Sewer assessed the application and raised no objection subject to appropriate conditions of consent being included regarding:
  - Water and Sewer Services Compliance Requirements
  - Water and Sewer Headwork Charges
  - Water and Sewer Certificate of Compliance

# 4.5.3. External Referrals

There were no external referrals.

# 4.6. Environmental Planning and Assessment Act 1979 Section 4.15(1)(c)

The zoning of the land is RU1 Primary Production. This allows for dual occupancies to be built provided it complies with the objectives of zone as outlined below:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal is considered to be generally consistent with the objectives of the zone.

# 4.7. Environmental Planning and Assessment Act 1979 Section 4.15(1)(d)

The proposal was not required to be notified and as such there were no submission received.

### 4.8. Environmental Planning and Assessment Act 1979 Section 4.15(1)(e)

The proposal's potential for the engagement of human life of the occupant and emergency personnel in the event of a flood event means the proposal is not considered to be in the public interest. This is high-lighted to future owners who might not understand the risks, believing that the building is above flood level.

### 5. Conclusions

Council has assessed the merits of the proposal and is not satisfied the proposal complies with Clause 5.21 of the SLEP 2013 regarding flood planning considerations or Clause 4.3 of the DCP.

It is recommended that the proposal not be supported and it is recommended for refusal.

### Attachments

- AT-1. 8.2021.293 DA Plans Lot 1 DP 1248719 251 Putty Road Glenridding - PAN-132210
- AT-2. 8.2021.293 Landscape Plan 251 Putty Rd Lot 1 DP 1248719



Attachment 1

Stibbard





(	DEVELOPMENT APPLICATION DRAWINGSPUTTY ROAD RESIDENCE			
Stibbard	Proceed Instrume at waters Instruments of the Waters and Waters an	DETAIL X DETAIL # PROJECT LOT 1DP 1248719 SHEET # SHEET # CLOT 1DP 1248719 SHEET # CLOT 1DP 1248719	CLIENT S & F DYSON ISSUE DATE	SHEET 3

Attachment 1

8.2021.293 - DA Plans - Lot 1 DP 1248719 - 251 Putty Road Glenridding - PAN-132210



Attachment 1

### 8.2021.293 - DA Plans - Lot 1 DP 1248719 - 251 Putty Road Glenridding - PAN-132210


Stibbard

#### 8.2021.293 - DA Plans - Lot 1 DP 1248719 - 251 Putty Road Glenridding - PAN-132210





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General Manager's Report (Items for Information) - GM19/22

## 19. Councillors Expenses & Facilities - 01/07/2021 to 31/12/2021 FILE: 21/00162

### **Executive Summary**

The purpose of this report is to provide details of expenditure in accordance with the Councillors Expenses & Facilities Policy for the six months from 1 July 2021 to 31 December 2021.

### FOR COUNCIL'S INFORMATION

### Report

The Councillors Expenses & Facilities Policy requires that detailed reports on the provision of expenses and facilities to Councillors be publicly tabled at a Council meeting every six months and published in full on Council's website. The below details include expenditure summarised by individual Councillor and totals for all Councillors for expenses received from 1 July 2021 to 31 December 2021.

In addition, Council will report on the provision of expenses and facilities to Councillors annually in the Annual Report as required by the Local Government Act and Regulations.

Information Communication Technology	
Adamthwaite	\$1,038.96
George	\$1,038.96
Jarrett	\$1,038.96
Jenkins	\$1,038.96
Lukeman	\$1,038.96
Martin	\$1,038.96
McNamara	\$1,038.96
Moore	\$1,038.96
Scott	\$1,038.96
Thompson	\$1,038.96
Total	\$10,389.60
General Facilities	
Adamthwaite	-
George	-
Jarrett	-
Jenkins	-
Lukeman	-
Martin	-

General Manager's Report (Items for Information) - GM19/22

McNamara	- · · · · · · ·
Moore	-
Scott	-
Thompson	-
Total	\$0.00
General Travel	
Adamthwaite	\$87.80
George	-
Jarrett	-
Jenkins	-
Lukeman	\$605.00
Martin	\$260.00
McNamara	-
Moore	\$15.75
Scott	-
Thompson	-
Total	\$968.55
	· · · · ·
Professional Development, Conferences & S	eminars
Adamthwaite	-
George	-
Jarrett	\$890.00
Jenkins	-
Lukeman	-
Martin	<u> </u>
McNamara	-
Moore	\$2,111.20
Scott	-
Thompson	-
Total	\$3,001.20
Accommodation and Meals	E
Adamthwaite	-
George	\$80.00
Jarrett	\$350.00
Jenkins	\$45.00
Lukeman	\$80.00
Martin	\$45.00
McNamara	\$80.00
Moore	\$951.49
Scott	\$80.00

General Manager's Report (Items for Information) - GM19/22

Thompson

Total

Total Expenses for 1/07/2021 to 31/12/2021

\$16,150.84

\$80.00

\$1,791.49

### Attachments

There are no attachments for this report

General Manager's Report (Items for Information) - GM20/22

# GM20/22. Minutes - Australia Day Committee - 15/12/2021

FILE: 18/00182/01-06/07

### **Executive Summary**

The Australia Day Committee held its meeting on 15 December, 2021. The minutes are shown as **Attachment 1** for Council's information.

## FOR INFORMATION

#### Attachments

AT-1 Draft Minutes - Australia Day Committee Meeting - 15 December 2021 MINUTES Australia Day Committee 15 December 2021



Present	Vicki Brereton, A/GM – Chair Danny Thompson Cr Sue Moore (Mayor) Fred Turner (Citizen of the Year) David Andrews (PCYC) Pam Dicks (Lions Club of Singleton Lioness Club) Scott McKenzie (Ministers Association) Peter Knight (Cultural Organisation Representative) Denise Spinks (Singleton Lions Club) Jenny Trunk (Singleton Lions Club) David Williams (Singleton Rotary Club) Mitch Madden (Singleton Diggers) Wendy Love (Community Representative)
In attendance	Shay Davies (Venue and Events Officer) Cheryl Smith (Executive Assistant)
Meeting Location	Committee Room

## 1. Welcome and Apologies

- Welcome
- Acknowledgement of Country by Chair
- Apologies: Jason Linnane and WO1 Stephen Logan

#### 2. Disclosure of Interests

• Fred Turner declared an interest as the nominee for the Young Achiever of the Year and his family has close ties to Legacy and personally.

#### 3. Confirmation of Minutes

• The minutes of the meeting dated 19 October, 2021 were confirmed.

(PK/SM)

#### 4. Matters arising from the Minutes

Included as agenda items for this meeting.

5. Planning for 2022

#### Proposal

• Mayoral Reception Tuesday, 25/1/2022 6pm to 8pm

MINUTES Australia Day Committee 15 December 2021



Shay advised that the caterer and bar staff are booked in. There are currently no restrictions for the numbers attending.

Council has been successful in obtaining a Grant for \$20,000 which will be used for Twilight and the Live Streaming of the Official Ceremony.

#### Family Friendly event "Twilight", Tuesday, 25/1/2022 from 6.30pm to 9.00pm

Shay advised that water slides and food trucks have been booked, the Liquor Licence has been applied, live music and a silent disco for the children have also been booked. As the current restrictions have been lifted the QR codes will not be required.

#### Australia Day Breakfast – Singleton Lions Club 8.00am to 9.15am

Breakfast will start serving at 8am and finish serving at 9.15am. Tea, coffee and juice will be provided with the bacon and egg roll. Council will provide \$1000 to subsidise the cost of the breakfast. Patrons will be asked to donate a gold coin to support the Lions Club work in the community.

#### • Official Ceremony Wednesday, 26/1/2022 9.30am

The draft program was circulated for comment.

#### 5.4 Citizenship Candidates.

There are five candidates for Citizenship. An invitation has been sent to the candidates and they have confirmed their attendance.

# 6. Consider Nominations for Young Achiever of the Year and Citizen of the Year

#### Young Achiever of the Year Award

Two nominations were received for Liam Byrne

#### Citizen of the Year Award

Four nominations were received for Citizen of the Year

- Gregory Bruce
- Patricia Jean Hands
- Nadene McBride
- Warren Taggart

A ballot was held resulting in a clear winner. The results of the ballot will remain confidential until the announcement on Australia Day.

MINUTES Australia Day Committee 15 December 2021



As the outgoing Chair, Dan Thompson thanked everyone for their contribution to the Committee and wished everyone the best for the festive season.

#### 7. Other Business

Certificates will be ordered for the Young Achiever of the Year and Citizen of the Year.

Plaque will be ordered for the Australia Day Guest, the Hon George Souris MP.

Invitations will be forwarded to past Citizens of the Year and Young Achievers of the Year and invited guests (including nominees for the awards) for the Mayoral Reception on 25/1/22. RSVP 12/1/22.

Residents who became Australina Citizens on National Citizenship Day participated virtually. They will be invited to attend the Official Ceremony and can have their photo taken with the Mayor following the ceremony.

8. Next Meeting TBA

Vicki Brereton Chair General Manager's Report (Items for Information) - GM21/22

## GM21/22. Minutes - Mount Thorley Warkworth Voluntary FILE: 2 Planning Agreement Community Committee -03/02/2022

FILE: 22/00036

### Executive Summary

The Mount Thorley Warkworth Voluntary Planning Agreement (VPA) Community Committee held its ordinary meeting on 3 February 2022. The Minutes of the meeting are shown as **Attachment 1** for Council's information.

The report is also to notify Council of a future briefing of Wollombi Brook Walking Trail, Bulga Stock Reserve and the review of the Bulga Village Masterplan.

#### FOR INFORMATION

#### Attachments

**AT-1** MTW VPA CC Minutes - 3 February 2022

#### MINUTES MOUNT THORLEY WARKWORTH VOLUNTARY PLANNING AGRE SINGLETON COMMUNITY COMMITTEE 2.00PM THURSDAY 3 FEBRUARY 2022

Present	Cr Sue Moore(Chair)(SM) Nick Cook (NC) Ron Corino (RC) Myffy Doyle (MD) (Minutes) Ian Hedley (IH) Mark Ihlein (MI) Judith Leslie (JL) Stewart Mitchell (SM) Pauline Raynor (PR)
In Attendance	John Krey (JK)
Meeting Location	Committee Room, Singleton Council Administration building

#### 1 Welcome and Apologies

- Welcome
- · Acknowledgement of Country by Chair
- Apologies Greg Banks (GB), Jason Linnane (JL) General Manager

#### 2 Disclosure of Interests

• Nil

#### **3** Confirmation of Minutes

• The minutes of the Mount Thorley Warkworth Voluntary Planning Agreement Community Committee meeting held on Tuesday 19 October 2021, were confirmed.

#### 4 Matters arising from the Minutes

• Note any matters arising from the minutes.

#### Moved IH/ Second SM Carried

#### 5 Agenda Items

5.1	Old Bulga School Business Case Presentation
	John Krey, President of the Bulga Milbrodale Progress Association presented their business case to the committee.
	John clarified that the restored and new assets will be owned by the Crown Land but the business name will be owned by the Bulga Milbrodale Progress Association, that the community group wish to work with local businesses in creating a successful project.

Page 1 Minutes of Mount Thorley Warkworth Voluntary Planning Agreement Community Committee Meeting held on 3 February 2022

COMMUNITY	RLEY WARKWORTH VOLUNTARY PLANNING AGRE SINGLETON COMMITTEE RSDAY 3 FEBRUARY 2022
	MI advised that the Business case will be assessed by the relevant internal Council staff before the next meeting.
	Attached to the minutes is the Presentation and the most recent building plans.
	Action: The Committee to prioritise the BMPA project nominations from 2021 at the May 2022 meeting.
5.2	Revision of Bulga Village Masterplan
	MI tabled a document of the reviewed comments made at the strategic meeting held in November 2021 of the village masterplan.
	Council's Planning Department are working on a "vision" statement for the villages and this document will help the department with updated relevant information from the committee.
	A community engagement drop in session for the broader community to be engaged to review the document is to be organised. When all comments have been collated the reviewed village masterplan will be placed on public exhibition for a minimum of 28 days and recommendations made to Council.
	Action: That the committee recommend to Council that the revised Masterplan be exhibited for a minimum 28 days and include a community engagement drop in session at the Bulga Hall.
5.3	Wollombi Brook Walking Trail Masterplans
	The draft Masterplans for Wollombi Brook Walking Trail have been completed after community feedback received.
	Action: The Masterplans to be reported to Council.
5.4	Review of Bulga Stock Reserve onsite visit
	An Ecological Endangered Community (EEC) of River Red Gum has been discovered onsite which has slowed the deployment of further site clean-up works. The Department of Planning, Infrastructure and Environment (DPIE) are investigating the site under the Biodiversity Conservation Act and reporting recommendations to Council.
	The investigation restricts access to the site until the DPIE report has been received.
	There is a great opportunity to work with DPIE to work on revegetation and conservation of trees on the site.

Page 2 Minutes of Mount Thorley Warkworth Voluntary Planning Agreement Community Committee Meeting held on 3 February 2022

#### MINUTES MOUNT THORLEY WARKWORTH VOLUNTARY PLANNING AGRE COMMUNITY COMMITTEE 2.00PM THURSDAY 3 FEBRUARY 2022



	River Red Gum tree saplings are to be marked and mapped.								
5.5	VPA Project Officer Update								
5.5.1	Bulga Stock Reserve								
	Stage 2-Detailed survey of Bulga Stock ReserveReport received 31/01/2022.								
	Stage 3 – Aboriginal cultural heritage studyEngaged consultant completing onsite investigations week of 17-21 Jan 2022. Report due February 2022								
	Stage 4 – Detailed landscape construction plansConsultants attending onsite meeting at Bulga Stock Reserve 02 Feb 2022								
5.5.2	Bulga Recreation Ground RV waste dump point								
	Draft designs have been completed for RV dump point. A Review of Environmental Factors (REF) is to be completed by an external consultant. Once complete, the project will go out to tender for construction. IH – suggested that the pump out tank be upgraded as the Bulga								
	Recreation Ground public amenities are used consistently.								
5.5.3	Bulga LED variable message sign								
	The Project has been completed and is ready to advertise community events.								
5.6	Project update summary table								
	Provided for information								
5.7	Annual review survey results								
	MI asked for comments against results of the survey to help identify opportunities for improvements.								
	PR – would like to bring back commenting on the reasons for scores when priortising projects. Chair approved but the comments will not be minuted.								
	IH – Survey questions need to be singular. Too hard to score when two questions are provided in one statement and can be scored differently.								
	Action: Committee to provide emailed comments to MI regarding to the Annual Review before 11 February 2022 to be added to the Council report for March 2022.								

Page 3 Minutes of Mount Thorley Warkworth Voluntary Planning Agreement Community Committee Meeting held on 3 February 2022

#### MINUTES MOUNT THORLEY WARKWORTH VOLUNTARY PLANNING AGRE SINGLETON COMMUNITY COMMITTEE 2.00PM THURSDAY 3 FEBRUARY 2022

6	Financial Report
	The Finance report was tabled. The variation between the Finance department's report and the Project summery table in Agenda Item 5.6 are due to the different dates that the reports are updated and completed.
7	Other Business
	IH – Milbrodale Public School Yarning Circle stone has arrived and the project will be completed by February 2022
	IH- Bulga Hall renovation works have commenced.
	SM – would like hard copy of Agenda sent out to him before meeting.
	MI – Notified the committee of Myffy Doyle's resignation from the VPA – Project Officer's role and thanked her for her time and effort while in the position.

#### 8 Action List

Meeting Date	Action	Responsible Officer	Due Date	Comment	Status
03/02/2022	The Committee to prioritise the BMPA project nominations from 2021 at the May 2022 meeting.	, , , , , , , , , , , , , , , , , , ,	05/05/2022		
03/02/2022	A community engagement drop in session at the Bulga Hall to be organised for review of the Village Masterplan.	Myffy Doyle	05/05/2022		
03/02/2022	The Wollombi Brook Walking Trail Masterplans to be reported to Council	Myffy Doyle	18/02/2022		

Page 4 Minutes of Mount Thorley Warkworth Voluntary Planning Agreement Community Committee Meeting held on 3 February 2022

M C	MINUTES MOUNT THORLEY WARKWORTH VOLUNTARY PLANNING AGRE SINGLETON COMMUNITY COMMITTEE 2.00PM THURSDAY 3 FEBRUARY 2022 03/02/2022 Committee to provide MTW VPA 11/02/2022										
	03/02/2022			emailed comments to	Committee	11/02/2022					
				MI regarding to the Annual Review before							
				11 February 2022 to be added to the							
				Council report for March 2022.							
				March 2022.							
			Complet	e							
			In progre	255							
	Outstanding/overdue										

#### 9 Next Meeting

• 5 May 2022, 2.00pm, Committee Room, Singleton Council Administration building

The meeting closed at 4.02pm

Cr Sue Moore - Chair

Page 5 Minutes of Mount Thorley Warkworth Voluntary Planning Agreement Community Committee Meeting held on 3 February 2022

Corporate and Commercial Services Report (Items for Information) - DCCS10/22

### **10.** Investment Report - February 2022

FILE: 21/00487

### **Executive Summary**

In accordance with clause 212 of the *Local Government (General) Regulation, 2021* the following funds are invested under section 625 of the *Local Government Act, 1993* as at 28 February 2022.

### FOR COUNCIL'S INFORMATION

### Report

Council's investment portfolio yielded 1.22% pa for the month of February versus the bank bill index benchmark return of 0.03% pa. For the past 12 months, the investment portfolio returned 1.28% pa, exceeding the bank bill index benchmark's 0.03% pa by 1.25% pa.

Council's total portfolio of investments was \$122 million with an additional \$5.5 million held in Council's operational account as at 28 February 2022.

During February, Council's investment portfolio had \$2m in two term deposits mature with a weighted average rate of 1.75% pa. council reinvested the \$2m into two 12 month term deposits paying 0.90% pa. Council also took advantage of a new NAB 3yr FRN issue, investing \$0.9m in the security which is paying 3mo BBSW +0.47%pa.

The investment portfolio does vary from month to month. As investments are redeemed upon maturity or sold this will rebalance the risk exposure with those financial institutions close to the policy limit.

Council has a wide range of credit rating exposures among many banks and is now proactively reducing exposures to small, low rated and unrated banks as their deposits mature and invest the proceeds into larger, higher rated institutions. With many of larger banks offering competitive rates in this environment, it is expected that Council's overall investment yield will be little changed (apart from the overall interest rate conditions) while the portfolio's credit quality will improve significantly.

The size of the investment portfolio varies from month to month as a result of cash flow for the period. Cash outflows (expenditure) are typically relatively stable from one month to another. Cash inflows (income) are cyclical and are largely dependent on the rates instalment due dates and the timing of grant payments including receipts of the Financial Assistance Grants.

**Attachment 1** to this report provides Council's Investment Summary Report for February 2022.

Corporate and Commercial Services Report (Items for Information) - DCCS10/22

# Certification by the Responsible Accounting Officer:

In accordance with clause 212(1)(b) of the *Local Government (General) Regulation*, the investments listed in this report have been made in accordance with:

- i) the Local Government Act, 1993
- ii) the Regulations, and
- iii) Council's Investment Policy.

# Attachments

AT-1 February 2022 Investment Porfolio



Investment Summary Report February 2022



# Singleton Council Executive Summary - February 2022

By Product

Floating Rate Note

Term Deposit

Floating Rate Term Deposits

Bonds

Cash

# February 2022 Investment Porfolio



Investment Holdings

Face

Value (\$)

12,250,000.00

4,945,565.55

51,250,000.00

1,000,000.00

51,500,000.00

120,945,565.55

Current Value (\$)	1.5%		-		I	I		1	1	1	1	I	
12,392,950.00	1.0%	_											
4,945,565.55	11070	_											
51,422,025.06	.5%												
1,000,000.00	. 3 70												
51,500,000.00	0.04												]
121,260,540.61	.0%	_											
	5%	Mar 21	Apr 21	May 21	Jun 21	Jul 21	Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22

Investment Performance

Portfolio Annualised Return

AusBond BB Index Annualised Return





# Singleton Council Executive Summary - February 2022













Cash Accounts						
Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
4,246,412.10	0.5500%	AMP Bank	BBB	4,246,412.10	540079	31d Notice
699,113.41	0.4000%	Macquarie Bank	A+	699,113.41	540145	Accelerator
40.04	0.2000%	Commonwealth Bank of Australia	AA-	40.04	539173	
4,945,565.55	0.5288%			4,945,565.55		

Term Dep	osits								
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Purchas Price (\$) Dat		Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
2-Mar-22	1,000,000.00	1.7000%	Auswide Bank	Baa2	1,000,000.00 2-Mar-2	1,033,953.42	539825	33,953.42	At Maturity
15-Mar-22	1,000,000.00	1.4000%	ING Bank (Australia)	А	1,000,000.00 10-Mar-2	1,013,654.79	539824	13,654.79	Annually
31-May-22	2,000,000.00	2.7500%	Judo Bank	BBB-	2,000,000.00 31-May-1	9 2,041,287.67	539144	41,287.67	Annually
7-Jun-22	1,000,000.00	3.3000%	Rabobank Australia	A+	1,000,000.00 7-Jun-1	7 1,024,049.32	539111	24,049.32	Annually
8-Jun-22	1,000,000.00	3.3000%	Rabobank Australia	A+	1,000,000.00 5-Jun-1	7 1,024,139.73	539110	24,139.73	Annually
14-Jun-22	1,000,000.00	0.4500%	Macquarie Bank	A+	1,000,000.00 11-Jun-2	1,003,242.47	541529	3,242.47	At Maturity
14-Jun-22	1,000,000.00	2.4000%	Police Credit Union	NR	1,000,000.00 14-Jun-1	9 1,017,199.16	539150	17,199.16	Annually
23-Jun-22	1,000,000.00	3.2500%	Rabobank Australia	A+	1,000,000.00 23-Jun-1	7 1,022,349.32	539112	22,349.32	Annually
28-Jun-22	1,000,000.00	3.3300%	Rabobank Australia	A+	1,000,000.00 28-Jun-1	7 1,022,443.29	539113	22,443.29	Annually
28-Nov-22	1,500,000.00	0.6000%	National Australia Bank	AA-	1,500,000.00 30-Nov-2	1,502,243.84	540621	2,243.84	Annually
28-Nov-22	2,000,000.00	0.7000%	Defence Bank	BBB	2,000,000.00 28-Nov-2	2,003,528.77	542153	3,528.77	At Maturity
30-Nov-22	2,000,000.00	0.7800%	Auswide Bank	Baa2	2,000,000.00 30-Nov-2	2,003,889.32	542134	3,889.32	At Maturity
7-Dec-22	1,000,000.00	1.1000%	Judo Bank	BBB-	1,000,000.00 7-Dec-2	1,002,531.51	542222	2,531.51	At Maturity
21-Dec-22	3,000,000.00	0.7000%	National Australia Bank	AA-	3,000,000.00 23-Dec-2	3,003,912.33	542217	3,912.33	At Maturity
29-Dec-22	1,000,000.00	1.1000%	AMP Bank	BBB	1,000,000.00 29-Dec-2	1,001,868.49	542220	1,868.49	At Maturity
10-Feb-23	1,000,000.00	0.9000%	P&N Bank	BBB	1,000,000.00 11-Feb-2	2 1,000,443.84	542337	443.84	At Maturity
13-Feb-23	1,000,000.00	0.9000%	Westpac Group	AA-	1,000,000.00 11-Feb-2	1,000,443.84	542335	443.84	Quarterly
15-Mar-23	1,000,000.00	0.6000%	WAW CU	NR	1,000,000.00 18-Mar-2	1,005,720.55	541221	5,720.55	Annually
20-Mar-23	2,000,000.00	0.6000%	AMP Bank	BBB	2,000,000.00 19-Mar-2	2,011,408.22	541211	11,408.22	Annually





Term De	posits									
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
22-Mar-23	1,000,000.00	0.6000%	WAW CU	NR	1,000,000.00	18-Mar-21	1,005,720.55	541241	5,720.55	Annually
27-Mar-23	1,000,000.00	1.8100%	Auswide Bank	Baa2	1,000,000.00	27-Mar-20	1,016,757.42	539828	16,757.42	Annually
13-Jun-23	1,000,000.00	0.6000%	National Australia Bank	AA-	1,000,000.00	11-Jun-21	1,004,323.29	541527	4,323.29	Annually
11-Aug-23	1,000,000.00	1.9000%	Bank of Queensland	BBB+	1,000,000.00	12-Aug-19	1,010,463.01	539154	10,463.01	Annually
25-Aug-23	2,000,000.00	0.6500%	National Australia Bank	AA-	2,000,000.00	25-Aug-21	2,006,695.89	541771	6,695.89	Annually
25-Aug-23	3,000,000.00	0.7500%	AMP Bank	BBB	3,000,000.00	25-Aug-21	3,011,589.04	541772	11,589.04	Annually
5-Sep-23	2,000,000.00	0.8000%	National Australia Bank	AA-	2,000,000.00	3-Sep-20	2,007,846.58	540390	7,846.58	Annually
11-Sep-23	1,000,000.00	0.5500%	Bank of Queensland	BBB+	1,000,000.00	6-Sep-21	1,002,652.05	542027	2,652.05	Annually
20-Sep-23	1,500,000.00	3.4500%	Rabobank Australia	A+	1,500,000.00	21-Sep-18	1,522,826.71	539128	22,826.71	Annually
10-Jun-24	1,000,000.00	2.5000%	Police Credit Union	NR	1,000,000.00	11-Jun-19	1,018,063.19	539146	18,063.19	Annually
11-Jun-24	3,000,000.00	2.5200%	Bank of Queensland	BBB+	3,000,000.00	11-Jun-19	3,054,473.42	539147	54,473.42	Annually
11-Jun-24	2,000,000.00	2.5000%	Bank of Queensland	BBB+	2,000,000.00	11-Jun-19	2,036,027.40	539148	36,027.40	Annually
11-Jun-24	3,000,000.00	0.6700%	Westpac Group	AA-	3,000,000.00	11-Jun-21	3,004,295.34	541528	4,295.34	Quarterly
28-Oct-24	1,500,000.00	1.6000%	Judo Bank	BBB-	1,500,000.00	29-Oct-21	1,508,087.67	542047	8,087.67	Annually
11-Dec-25	1,000,000.00	1.0000%	National Australia Bank	AA-	1,000,000.00	11-Dec-20	1,002,136.99	540691	2,136.99	Annually
4-Jun-26	1,000,000.00	1.3000%	National Australia Bank	AA-	1,000,000.00	4-Jun-21	1,009,616.44	541467	9,616.44	Annually
	51,500,000.00	1.4358%			51,500,000.00		51,959,884.87		459,884.87	

Floating R	ate Term De	eposits								
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Reference Date
28-Jul-22	1,000,000.00	1.1250%	Westpac Group 3moBBSW+1.05%	AA-	1,000,000.00	28-Jul-17	1,000,986.30	539097	986.30	28-Apr-22
	1,000,000.00	1.1250%			1,000,000.00		1,000,986.30		986.30	





Floating R	ate Notes									
Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Reference Date
28-Oct-22	1,400,000.00	0.9750%	TMB Snr FRN (Oct22) BBSW+0.90%	BBB	1,400,000.00	28-Oct-19	1,406,236.71	539086	1,196.71	28-Apr-22
28-Oct-22	2,000,000.00	0.9650%	BComm Snr FRN (Oct22) BBSW+0.89%	A-	2,000,000.00	28-Oct-19	2,009,432.05	539096	1,692.05	28-Apr-22
6-Dec-22	1,250,000.00	1.2050%	QBNK Snr FRN (Dec22) BBSW+1.15%	BBB-	1,250,000.00	6-Dec-19	1,253,507.71	539829	3,507.71	7-Mar-22
17-Mar-23	2,500,000.00	1.1204%	AusW Snr FRN (Mar23) BBSW+1.05%	Baa2	2,500,000.00	17-Mar-20	2,505,678.74	539830	5,678.74	17-Mar-22
26-Apr-23	2,500,000.00	0.8652%	CBA Snr FRN (Apr23) BBSW+ $0.80\%$	AA-	2,500,000.00	25-Jan-18	2,518,374.04	539095	2,074.04	26-Apr-22
26-Sep-23	3,000,000.00	0.9918%	NAB Snr FRN (Sep23) BBSW+0.93%	AA-	3,010,560.00	9-Nov-18	3,035,564.10	539078	5,054.10	28-Mar-22
6-Nov-23	750,000.00	0.9700%	AusW Snr FRN (Nov23) BBSW+0.90%	Baa2	750,000.00	6-Nov-20	750,438.49	540529	438.49	6-May-22
16-Nov-23	2,500,000.00	1.0284%	WBC Snr FRN (Nov23) BBSW+0.95%	AA-	2,500,000.00	16-Nov-18	2,528,640.70	539079	915.70	16-May-22
6-Dec-23	3,000,000.00	1.0850%	ANZ Snr FRN (Dec23) BBSW+1.03%	AA-	3,000,000.00	6-Dec-18	3,046,106.23	539080	7,580.14	7-Mar-22
11-Jan-24	3,000,000.00	1.1963%	CBA Snr FRN (Jan24) BBSW+1.13%	AA-	3,000,000.00	11-Jan-19	3,049,337.98	539094	4,817.98	11-Apr-22
19-Jun-24	1,300,000.00	0.9850%	NAB Snr FRN (Jun24) BBSW+0.92%	AA-	1,300,000.00	19-Jun-19	1,317,375.84	539084	2,490.84	21-Mar-22
18-Jul-24	3,000,000.00	1.0963%	BoQ Snr FRN (Jul24) BBSW+1.03%	BBB+	3,023,760.00	27-Sep-19	3,039,154.49	539087	3,784.49	19-Apr-22
30-Jul-24	1,250,000.00	0.8550%	SUN Snr FRN (Jul24) BBSW+0.78%	AA-	1,250,000.00	30-Jul-19	1,258,936.64	539090	849.14	29-Apr-22
7-Aug-24	2,000,000.00	0.8700%	MAC Snr FRN (Aug24) BBSW+0.80%	A+	2,000,000.00	7-Aug-19	2,015,508.73	539089	1,048.77	9-May-22
29-Aug-24	1,500,000.00	0.8498%	ANZ Snr FRN (Aug24) BBSW+0.77%	AA-	1,500,000.00	29-Aug-19	1,513,079.61	539088	34.92	30-May-22
24-Oct-24	750,000.00	1.1850%	GSB Snr FRN (Oct24) BBSW+1.12%	BBB	750,000.00	24-Oct-19	760,694.08	539085	876.58	26-Apr-22
22-Nov-24	1,000,000.00	0.6755%	MYS Snr FRN (Nov24) BBSW+0.60%	Baa2	1,000,000.00	16-Nov-21	1,000,159.55	542090	129.55	23-May-22
25-Feb-25	900,000.00	0.5483%	NAB Snr FRN (Feb25) BBSW+0.47%	AA-	900,000.00	17-Feb-22	900,054.08	542351	54.08	25-May-22
16-Jun-25	3,000,000.00	0.7150%	MYS Snr FRN (Jun25) BBSW+0.65%	Baa2	3,000,000.00	7-Jun-21	3,004,407.53	541505	4,407.53	16-Mar-22
9-Dec-25	750,000.00	0.5407%	MAC Snr FRN (Dec25) BBSW+0.48%	A+	748,357.50	28-Apr-21	745,640.18	541285	911.04	9-Mar-22
9-Dec-25	1,000,000.00	0.5407%	MAC Snr FRN (Dec25) BBSW+0.48\%	A+	998,480.00	28-Apr-21	994,186.90	541286	1,214.72	9-Mar-22
24-Feb-26	500,000.00	0.5250%	SUN Snr FRN (Feb26) BBSW+ $0.45\%$	AA-	500,000.00	24-Feb-21	495,160.96	540950	35.96	24-May-22
4-Mar-26	2,500,000.00	0.6850%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	2,500,000.00	4-Mar-21	2,484,388.01	540982	3,988.01	4-Mar-22
24-Aug-26	1,600,000.00	0.4850%	NAB Snr FRN (Aug26) BBSW+0.41%	AA-	1,600,000.00	18-Aug-21	1,581,818.30	541750	106.30	24-May-22
15-Sep-26	1,500,000.00	0.5421%	SUN Snr FRN (Sep26) BBSW+0.48%	AA-	1,500,000.00	9-Sep-21	1,483,078.13	541879	1,693.13	15-Mar-22





Floating R	late Notes									
Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Referenc Date
27-Oct-26	1,000,000.00	0.8750%	BoQ Snr FRN (Oct26) BBSW+0.80%	BBB+	1,000,000.00	21-Oct-21	1,002,641.10	542004	791.10	27-Apr-22
23-Dec-26	1,000,000.00	0.4721% C	BA Green Snr FRN (Dec26) BBSW+0.41%	AA-	1,000,000.00	21-Sep-21	987,229.47	541918	879.47	23-Mar-22
14-Jan-27	2,000,000.00	0.7728%	CBA Snr FRN (Jan27) BBSW+0.70% LT	AA-	2,000,000.00	11-Jan-22	1,999,147.88	542237	1,947.88	14-Apr-22
25-Jan-27	1,000,000.00	0.7650%	WBC Snr FRN (Jan27) BBSW+0.70%	AA-	1,000,000.00	19-Jan-22	998,363.56	542257	733.56	26-Apr-22
25-Jan-27	1,800,000.00	0.8450%	SUN Snr FRN (Jan27) BBSW+0.78%	AA-	1,800,000.00	18-Jan-22	1,798,074.49	542262	1,458.49	26-Apr-22
5	51,250,000.00	0.8864%			51,281,157.50		51,482,416.28		60,391.22	

Fixed Ra	te Bonds									
Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield
15-Dec-23	1,000,000.00	1.0000%	NT T-Corp Bond (Dec23) 1.00%	Aa3	1,000,000.00	1-Sep-20	1,002,082.19	540221	2,082.19	1.0000%
15-Dec-24	1,000,000.00	1.1000%	NT T-Corp Bond (Dec24) 1.10%	Aa3	1,000,000.00	1-Sep-20	1,002,290.41	540222	2,290.41	1.1000%
15-Dec-24	1,000,000.00	0.9000%	NT T-Corp Bond (Dec24) 0.90%	Aa3	1,000,000.00	16-Oct-20	1,001,873.97	540455	1,873.97	0.9000%
15-Dec-24	250,000.00	0.7000%	NT T-Corp Bond (Dec24) 0.70%	Aa3	250,000.00	23-Nov-20	250,364.38	540634	364.38	0.7000%
15-Dec-25	1,000,000.00	1.2000%	NT T-Corp Bond (Dec25) 1.20%	Aa3	1,000,000.00	1-Sep-20	1,002,498.63	540223	2,498.63	1.2000%
15-Dec-25	1,000,000.00	1.2000%	NT T-Corp Bond (Dec25) 1.20%	Aa3	1,000,000.00	10-Sep-20	1,002,498.63	540224	2,498.63	1.2000%
15-Jun-26	2,000,000.00	1.0000%	NT T-Corp Bond (Jun26) 1.00%	Aa3	2,000,000.00	12-Feb-21	2,014,191.78	541004	14,191.78	1.0000%
24-Aug-26	5,000,000.00	3.2500%	SUN Cov Bond (Aug26) 3.25%	AAA	5,527,000.00	28-Apr-21	5,145,194.48	541284	2,244.48	1.3050%
	12,250,000.00	1.9449%			12,777,000.00		12,420,994.48		28,044.48	1.1510%



# Singleton Council Investment Performance Report - February 2022





Portfolio Annualised Return

AusBond BB Index Annualised Return

	Portfolio	AusBond BB Index	Outperformance
Feb 2022	1.22%	0.07%	1.15%
Last 3 Months	1.20%	0.06%	1.14%
Last 6 Months	1.20%	0.04%	1.16%
Financial Year to Date	1.23%	0.03%	1.20%
Last 12 months	1.28%	0.03%	1.25%



# Singleton Council

Investment Policy Compliance Report - February 2022







	Face		Policy		
Credit Rating Group	Value (\$)		Max		
AAA	5,000,000	4%	100%	а	Bank of Qu
AA	52,100,040	43%	100%	а	AMP Bank
A	13,949,113	12%	60%	а	Auswide Ba
BBB	45,896,412	38%	40%	а	National Au
NR	4,000,000	3%	40%	а	Judo Bank
	120,945,566				WAW CU (

a = compliant

r = non-compliant

	Portfolio				Face Value (\$)		Policy Max	
	Exposure	Policy	Limit	Between 0 and 1 Year	33,095,566	27%	100%	а
Bank of Queensland (BBB+)	9%	10%	а	Between 1 and 2 Years	34,750,000	29%	70%	а
AMP Bank (BBB)	8%	10%	а	Between 2 and 5 Years	53,100,000	44%	50%	а
Auswide Bank (Baa2)	6%	10%	а		120,945,566			
National Australia Bank (AA-)	15%	30%	а					
Judo Bank (BBB-)	4%	10%	а	Detailed Maturity Profile	1	Face alue (\$		
WAW CU (NR)	2%	5%	а	00. Cash + Managed Funds		1,945,56		%
Police CU (NR)	2%	5%	а	01. Less Than 30 Days		2,000,000	) 2	:%
MyState Bank (Baa2)	3%	10%	а	04. Between 90 Days and 180	) Days 9	9,000,000	) 7	'%
Commonwealth Bank of Australia (AA-)	7%	30%	а	05. Between 180 Days and 36	35 Days 17	7,150,000	) 14	%
Westpac Group (AA-)	7%	30%	а	06. Between 365 Days and 2	Years 34	4,750,000	) 29	%
Rabobank Australia (A+)	5%	20%	а	07. Between 2 Years and 5 Ye	ears 53	3,100,000	) 44	%
Macquarie Bank (A+)	5%	20%	а		120,	945,566	3	
Newcastle Permanent Building Society (BBB)	2%	10%	а					



### DI&P7/22. Local Roads and Community Infrastructure Grant FILE: 20/00277 Program Phase 3

#### **Executive Summary**

The purpose of this report is to provide Council with the details of projects identified for funding under the Federal Government's Local Roads and Community Infrastructure Program Phase 3.

#### FOR INFORMATION

In May 2021 the Australian Government announced funding for the continuation of the Local Roads and Community Infrastructure Program (LRCI Program). This program aims to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Under the LRCI Program Phase 3, Singleton Council will receive funding to the total of \$1,632,170. The funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets that are generally accessible to the public.

Under the conditions of the funding, project construction can commence once project nominations are approved by the Department of Infrastructure, Transport, Regional Development and Communication's with projects required to be physically completed by 30 June 2023. Council will be required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2021-22 capital spending level.

In considering potential projects to be delivered under this program, priority has been given to projects that can be delivered utilising local contractors. The tender assessment matrix for these projects (where required) will include a provision to assess the proportion of work that will be undertaken by contractors from within the LGA. This will ensure that the local economy is supported by this program of works.

The projects identified to be delivered utilising the funding received under the LRCI Program are summarised in Table 1 below.

Table 1 – Projects to be funded under the LRCI Program

PROJECT	COST (Ex GST)
OOSH Building – Roof Replacement	\$304,978
Floodlighting Howe Park and Cook Park #4	\$150,000
Singleton Rugby League – Clubhouse Development – New Amenities and Function Area	\$255,000
Townhead Park Fence	\$100,000
OOSH Outdoor Area Upgrades	\$125,000
Singleton Track and Field Club New Amenities at Cook Park #5	\$333,492
Senior Citizens Building Upgrades	\$60,000
Mechanics Institute Building Upgrades	\$90,000
Youth Venue Wall Replacement	\$25,000
Colleen Gale Childcare Centre Upgrades	\$188,700
TOTAL	\$1,632,170

# OOSH Building – Roof Replacement

Council's Out of School Hours (OOSH) Building is currently utilised by Hunter Prelude and Singleton Council's OOSH services. The building was constructed in 1984. The original roof structure is still in place and has deteriorated due to its age. In addition, the roof was originally constructed with a low pitch and building extension works have since been undertaken which has impacted on the capacity of the roof to effectively discharge stormwater. As a result, there have been significant and continual incidents of water ingress during storm events resulting in damage to the ceiling, flooring and walls, along with service disruption.

It is recommended that the roof sheeting on the OOSH building be replaced and improvements be made to the roof structure to prevent ongoing issues and maintenance costs.

This project was originally included in LRCI Phase 2 but has been delayed whilst structural design works were undertaken. The original funding was reallocated to the Civic Admin project to enable its completion.

# Floodlighting Howe Park and Cook Park #4

This project entails the upgrade of floodlighting at Howe Park and Cook Park #4.

Howe Park is the premier cricket and football facility in Singleton. LED lighting upgrades will provide 300 lux across the field to support the implementation of night cricket within the Singleton LGA. Smart lighting will enable the lights to be dimmed to 100 lux to provide appropriate and sustainable lighting for football.

The sportsground floodlights at Cook Park #4 (AFL) were significantly damaged in the floods of March 2021 and require replacement. LED lighting to 100 lux will be provided across the field.

This project has been partially funded through the Resources for Regions program with the total project budget being \$627,283.

# Singleton Rugby League - Clubhouse Development - New Amenities and Function Area

Improving the clubhouse facilities are desirable to support both the functional requirements of the club as well as enhancing the player, member, supporter, and sponsor experience. The key outcome of the development extension is not only social but economic. The social benefits are derived from the improved involvement of women in the sport of Rugby League in Singleton. The Clubhouse amenities extension development will be ready to welcome growth in not only the club but the surrounding community.

The development for the ground floor facilities will introduce an additional female change facility as well as a female officials' room. Developing female change rooms will continue the encouragement of more women in Rugby League. The upgrade will not only allow for female ground-level change room facilities but also for an upstairs function/meeting room, which will consist of a fully functional and sustainable meeting/function room.

The development will pioneer the way for additional female involvement and increased registration in the sport of Rugby League and the overall clubhouse upgrade will incorporate many other requirements and desirability's for the club in the long term.

This project has been partially funded through the Resources for Regions program with the total project budget being \$1,600,000.

### Townhead Park Fence

A playground and children's adventure bike track were recently constructed at Townhead Park. The community has requested that fencing be provided between these facilities and the adjoining New England Highway to prevent the potential for children to access the highway.

### OOSH Outdoor Area Upgrades

Upgrades to the OOSH outdoor area including retaining wall, fence and soft fall replacement to improve the aesthetics and safety of the outdoor area for staff and students.

### Singleton Track and Field Club New Amenities at Cook Park #5

In collaboration with the Singleton Track and Field Club, Council is relocating the club to Cook Park, requiring the construction of an inclusive and fully accessible amenities and equipment storage facility. The new building will provide a safe and inclusive space for the community, improving liveability and recreational opportunities in Singleton.

The standard and quality of the new infrastructure will expand the capacity of the club to offer training, inter-club carnivals, zone competitions and specialised clinics. Many of the additional activities would attract sports visitors to Singleton & provide a potential boost to the local economy.

This project has been partially funded through the Stronger Country Community Fund with the total project budget being \$1,107,036. Senior Citizens Building Upgrades

The Senior Citizens Building has a leaking roof which has resulted in the parquetry floor lifting, creating a potential trip hazard for the users of the facility. It is proposed to repair the leak and the flooring to ensure the safety of all users.

### Mechanics Institute Building Upgrades

The Mechanics Institute Building is a heritage listed community building. Repairs are required to ensure the longevity of the building structure and improve the amenity for the community groups that utilise the building. Repairs include internal painting, floor improvements and replacement and painting of windowsills.

### Youth Venue Wall Replacement

The cement render of the entrance wall at the youth venue is cracked and failing. Repairs are required to ensure that the facility is appealing to the community and continues to be a welcoming space for the Singleton youth.

# Colleen Gale Childcare Centre Upgrades

The Colleen Gale Childcare facility is an aging asset that requires various upgrade works to be undertaken to enable the facility to maintain the required level of service to the community. The planned works include the undertaking of a building assessment, gutter repairs, kitchen replacement, landscaping and painting works.

# Attachments

There are no attachments for this report.

# DI&P8/22. Employment Zones Translation Detail Information FILE: 21/00354

# **Executive Summary**

The Department of Planning and Environment (the Department) is amending business zones in all councils' LEPs as part of a State Government-led reform which aims to support long-term economic recovery through job creation and increased productivity in NSW. This will be achieved by streamlining the number of zones for business/employment and amending mandatory permissible and prohibited uses. Existing business zones will be renamed to *Employment Zones* and a new *Mixed Use* and *Enterprise* zone will be introduced.

In late 2021, the Department requested feedback from all councils across NSW on draft amendments to each council's Local Environmental Plan (LEP) for business zones. Councils were asked to review the Department's draft translation of zones; however, proposed changes to this could only be accommodated where these were consistent with the Department's reform framework. To give effect to the changes, the Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been amended so that, on completion, the new zones will replace the existing Business and Industrial zones.

It is anticipated that the Department will exhibit the proposed amendments to all councils' LEPs in April 2022. The Department has requested that each newly elected council be informed of the changes in February or March 2022, accordingly this report is provided to Council for information. Council staff can undertake further briefings to the council on this work and can make a submission during the exhibition period. The Department has advised that there will be the opportunity for post-exhibition amendments in response to feedback.

# FOR INFORMATION

### Report

The Department's employment zone reforms were exhibited from 20 May to 30 June 2021. The reforms will replace the existing Business (B) and Industrial (IN) zones with five new employment zones and three supporting zones. Each LEP will be updated to rezone existing B and IN zones to an Employment or supporting zone by December 2022, at which point the current B and IN zones are repealed from the SI LEP Order. Council staff have requested the Department's assistance to prepare all the amended LEP maps.

The changes are taking place to facilitate zones in which employment is the primary objective of the zone. Many zones are a direct translation from existing zones. This is illustrated in **Figure 1**.



Figure 1: Translation of existing to new zones

For Singleton, the new zones will be:

- E1 Local Centre (Formerly B1 Neighbourhood Centre)
- E2 Commercial Centre (Formerly B3 Commercial Core)
- E3 Productivity Support (Formerly B5 Business Development and B6 Enterprise Corridor)
- E5 Heavy Industrial (Formerly IN3 Heavy Industrial)
- MU1 Mixed Use (Formerly B4 Mixed Use)

Notably, the current B5 Business Development and B6 Enterprise Corridor zones will be condensed into an E3 Productivity Support zone.

Council officers undertook a review of the proposed amended land use table for the Singleton LEP and suggested minor changes to better align with the existing LEP 2013.

Officers have since been advised that some proposed changes were not able to be adopted due to mandatory included permissible uses adopted by the Department.

## Next steps

The Department has reviewed Council's feedback on the proposed zone translation. In April 2022, a self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE) will be exhibited by the Department seeking community feedback.

For exhibition it is proposed that the Department will centralise public exhibition; however, the Department has indicated support will be required from councils to ensure notice of the exhibition reaches the stakeholders and community members that would like to know about the changes.

To assist with exhibition, the Department is arranging the following communications collateral:

- a web platform so that communities can readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas.
- DPE 'how to' video for councils to explain the submissions process and assist with any enquiries
- FAQs on the submissions process that can be shared
- Social media content and posts that can be shared
- Text that can be placed on council websites/included in landowner letters/information brochures/rates notices

Submissions in their entirety as well as summaries will be shared with councils following exhibition to enable finalisation of the policy between DPIE and Council. It is anticipated this will take place between May – November 2022.

The Department has indicated it intends to amend all LEPs before December 2022. Prior to this there will be an opportunity to make further changes if required and justified to avoid the need for a planning proposal in the future.

# Attachments

There are no attachments for this report

Questions Given - QG1/22

# QG1/22. Questions of Which Notice Has Been Given

FILE: 21/00172

# Detail

Responses are provided to the following questions from Councillors:

1. Cr Tony Jarrett – The Central Bar & Kitchen – 15/02/2022.

# FOR COUNCIL'S INFORMATION

#### Questions and Responses:

### 1. Cr Tony Jarrett – The Central Bar & Kitchen – 15/02/2022

I have had a number of conversations with residents who live behind the Central Hotel. The issue is, the Central has increased their hours of service, and prior to this extension they were holding concerts and functions in the beer garden of their hotel.

The residents' lifestyle (peace and quiet) has been affected by this music. From discussions with the residents, they have attempted to have the issue resolved with the Hotel without success. They have made contact with Police over the noise and possible COVID-19 breaches, and this has been met with no or cursory responses.

They have had discussions with Councillors George, Scott and myself over the issue. I also believe Council staff have been involved and investigated the issue. However, the music continues from the Hotel, regardless of the impact upon their lifestyle and the "rights" of residents, who are in ear shoot of the hotel's activities. The residents have asked if the Hotel can erect material around the beer garden that will reduce the level of noise impacting upon them.

Can anything be done to get the parties together? Mediation would be preferable. So that the staff at the Hotel are aware of the issues, and the impact their decisions are having on this family and perhaps address the need for some form of noise reduction construction or playing music at a suitable time.

### Response:

Following complaints received from a neighbouring resident, Council staff have commenced an investigation into noise emanating from the Central Hotel.

The Central Hotel extensions were approved in 2007 and did not include a number of structures that are currently on the site.

Council compliance staff have identified a number of additional potential compliance matters that are being pursued and have provided updates to the complainant on the status of the investigation.

Questions Given - QG1/22

Council's response to compliance matters can take significant time as staff investigate, consider the appropriate compliance response, allow the alleged offender to provide reasons for not taking compliance actions, and, if required issue an appropriate compliance response.

Once compliance action is taken, the alleged offender must also then comply with the actions required. This is not always immediate and requires further compliance action. In the worst-case situation, Council can seek orders through the court to enforce actions required.

The approval for the development allows for operations until 12 midnight, 7 days per week.

Where noise from a premises is causing an immediate amenity impact, staff have advised complainants to contact the Police who will attend the premises.

### Attachments

There are no attachments for this report