



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 October 2024**, 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. 13 August 2024

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Questions with Notice

Justin Fitzpatrick-Barr
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.

**PR3/24. Appreciation of Contribution to the Singleton
Community**
Author: Governance Lead

FILE: 24/00008

The Mayor and General Manager will present an award of appreciation to outgoing Councillors, Valerie Scott, Anthony Jarrett, Anthony McNamara and Sarah Johnstone in recognition of their contribution to the Singleton community.

PR4/24. Councillor Introduction
Author: Governance Lead

FILE: 24/00008

Councillors will be invited to introduce themselves and each Councillor will have 3 minutes to address.

GM51/24. Election of Deputy Mayor
Author: Governance Lead

FILE: 24/00008

Executive Summary

The purpose of this report is for Council to elect a Deputy Mayor for the period 15 October 2024 until the day of the next ordinary election for Singleton Council in September 2028. The Deputy Mayor assumes all duties and powers of the Mayor in the Mayor's absence. The *Local Government (General) Regulation, 2021* (the Regulation) outlines the process to be undertaken in electing a Deputy Mayor and this report details that process. The Deputy Mayor can be elected for the full period until the next ordinary election for Singleton Council, or for a two year period and another Deputy Mayor elected for the remaining period until the next ordinary election for Singleton Council.

RECOMMENDED that Council:

1. Determine whether the method of election for the Deputy Mayor be by open voting, ordinary ballot or preferential ballot.
2. Proceed to conduct the election of Deputy Mayor in accordance with the determined method and the requirements of the *Local Government (General) Regulation, 2021*.
3. Elect a, or multiple, Deputy Mayor/s for the period 15 October until the day of the next ordinary election for Singleton Council in September 2028.

Report

Section 231 of the *Local Government Act, 1993* (the Act) provides for Councillors to elect a person from among their number to be the Deputy Mayor. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of Mayor.

The Deputy Mayor may be elected for the mayoral term or a shorter term and holds office for the term specified by the Council resolution. It is also noted that Council is not required under the Act to have a Deputy Mayor.

Clause 394 of the Regulation stipulates that 'if a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election is to be in accordance with Schedule 7'. The General Manager (or a person appointed by the General Manager) will act as the Returning Officer for the election.

A Deputy Mayor Nomination Form has been circulated to Councillors and nominations have been received.

General Manager's Report (Items Requiring Decision) - GM51/24

As more than one Councillor has been nominated, Council must resolve whether the election is to proceed by open voting, ordinary ballot or preferential ballot. Ballot has its normal meaning of secret ballot and open voting means voting by show of hands or similar means. Councillors need to be present at the meeting in person to participate in voting by means other than an open voting.

Open voting is the most transparent method of voting, is the least bureaucratic method and reflects normal Council voting methods. It is recommended that, should an election be required, it be carried out by open voting.

A copy of the Office of Local Government's Fact Sheet is shown as **Attachment 1** to assist with the Deputy Mayor election in accordance with the requirements of Schedule 7.

Returning Officer

The Executive Manager is the Returning Officer.

The Nominations

Councillors who accept a nomination for the position of Deputy Mayor will be afforded three (3) minutes to speak about their desire to fulfil the role of Deputy Mayor.

Community Strategic Plan

Adoption of the recommendation will have no implications on the Community Strategic Plan.

Delivery Program/Operational Plan

Adoption of the recommendation will have no implications on the Delivery Program or Operational Plan.

Council Policy/Legislation

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice

Financial Implications

Nil.

Consultation

Councillors have been briefed on the process for the election of Deputy Mayor in accordance with Schedule 7 of the *Local Government (General) Regulation, 2021* and have been provided with a nomination form.

Sustainability

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not comply with the Regulations which may lead to legal action and damage to reputation.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Resolve to conduct the election of Deputy Mayor by open voting.
2. Resolve to conduct the election of Deputy Mayor by ordinary ballot.
3. Resolve conduct the election of Deputy Mayor by preferential ballot.
4. Resolve not to elect a Deputy Mayor.
5. Resolve to elect a Deputy Mayor.

Option one is recommended.

Conclusions

It is recommended that Council resolve to conduct the election of Deputy Mayor by open voting.

Attachments

AT-1 [↓](#) OLG Mayoral / Deputy Mayoral Elections Fact Sheet

AT-2 [↓](#) Nomination Form - Deputy Mayor - August 2024

Fact Sheet

ELECTION OF MAYOR AND DEPUTY
MAYOR BY COUNCILLORS

Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2021, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with section 12 of Schedule 7 of the Local Government (General) Regulation 2021, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this section:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subsection (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this section, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

**Nomination Paper for Position of Deputy Mayor**

We, the undersigned Councillors, hereby propose for nomination

As a candidate for the Office of Deputy Mayor at the election to be held on 15 October 2024

	Councillor Name	Signature	Date
1			
2			
3			

FORM OF CONSENT

I _____

The abovenamed, hereby consent to being proposed for nomination

Signature of person proposed for nomination

Please note: A nomination must be made in writing by two (2) or more Councillors, and is not valid unless the nominee has indicated consent to the nomination in writing.

GM54/24. Determination of Committees, Advisory Groups and Appointment of Delegates
Author: Governance Lead

FILE: 24/00008

Executive Summary

The purpose of this report is to appoint Councillors to the various Committees and organisations.

RECOMMENDED that:

1. Councillors be appointed to the Committees that have nominations that meet the current Committee and organisation quota for the period until September 2028.

Committee	Delegate/s	Chair
Australia Day Committee (Mayor & 1)	Mayor	Cr D Thompson
Singleton Sports Council	Cr McLachlan	Cr D Thompson
Audit, Risk & Improvement Committee (1)	Cr Adamthwaite	N/A
Floodplain Management Committee	Mayor Cr McLachlan	Cr Adamthwaite
Local Traffic Committee	Cr George	
Mount Thorley Warkworth VPA Community Committee (Mayor)	Mayor	Mayor
Property Advisory Committee	Mayor Cr George	Mayor
Roads Committee (Mayor & 2)	Cr Adamthwaite Cr Jenkins	Mayor
Singleton Aboriginal Reconciliation Committee	Cr D Thompson	
Singleton Arts & Culture Advisory Group	Cr P Thompson	Cr D Thompson
Singleton and District Disability Advisory Committee	Cr P Thompson	Cr McLachlan
Singleton Heritage Advisory Committee	Cr George	
Singleton Interagency Committee (1)/alt	Cr D Thompson	Community Development Officer
United Wambo VPA Community Committee (1)	Mayor Cr George (Alt)	
Wambo Coal Singleton Hall of Fame Committee (2)	Mayor Cr Adamthwaite	Cr Adamwaite
Weeds Advisory Committee (1)/alt	Cr George	
Arts Upper Hunter Inc. (1)	Cr D Thompson	N/A
Combined Rural Halls Committee (1)	Cr George	N/A

General Manager's Report (Items Requiring Decision) - GM54/24

Committee	Delegate/s	Chair
Hunter Joint Organisation (The Mayor & General Manager)	Mayor & General Manager	N/A
Hunter Resource Recovery (General Manager & Director Infrastructure & Planning)	General Manager & Director Infrastructure & Planning	N/A
Hunter Valley Wine & Tourism Alliance (The Mayor & General Manager)	Mayor & General Manager	N/A
Regional Planning Panel (2)/2alt	Cr George Cr Watson Cr McGowan (Alt) Cr McLachlan (Alt)	N/A
Local Health Advisory Committee (1)	Cr Watson	N/A
Public Libraries NSW Council (1)/alt	Cr George	N/A
Hunter Valley Bush Fire Management Committee (1)	Cr George	N/A
NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt	Mayor Cr George (Alt)	N/A
Upper Hunter County Councils – UHWA Committee (2)	Mayor Cr Jenkins	N/A
AGL CCC (Appointment by State Government) (1)	Director Infrastructure & Planning	N/A
Ashton Mine CCC (1)	Cr Adamthwaite	N/A
Bulga/Beltana Mine CCC (1)	Cr Adamthwaite	N/A
Hunter Valley Operations CCC (1)	Cr George	N/A
Liddell Coal Operations CCC (1)	Cr George	N/A
Mt Owen Complex (1)	Cr George	N/A
Mt Thorley/Warkworth (1)	Cr George	N/A
Ravensthorpe Mine CCC (1)	Cr Adamthwaite	N/A
Redbank Power Station CCC (1)	Cr Jenkins	N/A
Rix's Creek CCC (1)	Cr George	N/A
United Wambo Joint Venture Project CCC (1)	Cr Adamthwaite	N/A

General Manager's Report (Items Requiring Decision) - GM54/24

2. That voting by show of hands occur to appoint Councillor Delegate from the following nominations to meet the quota for the individual Committees and organisations for the period until September 2028:

Committee	Delegate/s	Chair
Compliments, Complaints & Customer Experience Review Committee (Mayor & 2)	Cr George Cr McGowan Cr McLachlan	Mayor
General Managers Performance Review Panel (Mayor & 1 & 1 appointed by GM)	Cr Adamthwaite Cr D Thompson	Mayor
Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)	Mayor Cr Adamthwaite Cr George Cr P Thompson Cr Watson	Determined by Board
Sustainability Advisory Committee	Cr Adamthwaite Cr McGowan Cr D Thompson	

Report

Council supports a number of committees including Council Committees, External Organisations and Community Consultative Committees.

Committees or Advisory Bodies comprise elected members, staff and community representatives.

Community involvement in managing community facilities provides better outcomes for locals whilst engaging and including local people, both new and existing residents, and providing an opportunity to participate in local community life.

Committees provide a mechanism by which interested persons can have an active role in the provision/ management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions. Memberships consist of Councillor and community representatives.

A key section of the *Local Government Act 1993* relevant to the delegation of authority by Council to Committees is Section 377. Section 377 provides that certain functions may be delegated to a committee and outlines which activities Council cannot delegate.

Committees provide forums for Singleton Council to discuss and establish policy direction related to the committee's purpose and make recommendations to ordinary meetings of Council. Each Committee has its own Terms of Reference.

General Manager's Report (Items Requiring Decision) - GM54/24

Below is a list of current committees and the number of delegates required:

Section 355 Committees

- Australia Day Committee (Mayor & 1)
- Compliments, Complaints & Customer Experience Review Committee (Mayor & 2)
- Singleton Sports Council

Committees of Council

- Audit, Risk & Improvement Committee
- Floodplain Management Committee
- General Managers Performance Review Panel (Mayor & 1 & 1 appointed by General Manager)
- Local Traffic Committee
- Mount Thorley Warkworth VPA Community Committee (Mayor)
- Roads Committee (Mayor & 2)
- Singleton Aboriginal Reconciliation Committee
- Singleton Arts & Culture Advisory Group
- Singleton and District Disability Advisory Committee
- Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)
- Singleton Heritage Advisory Committee
- Singleton Interagency Committee
- Sustainability Advisory Committee
- United Wambo VPA Community Committee (1)
- Wambo Coal Singleton Hall of Fame Committee
- Weeds Advisory Committee (2)/alt

External Organisations

- Arts Upper Hunter Inc. (1)
- Combined Rural Halls Committee (1)
- Hunter Joint Organisation (The Mayor & General Manager)
- Hunter Resource Recovery (General Manager & Director Infrastructure & Planning)
- Hunter Valley Wine & Tourism Alliance (The Mayor & General Manager)
- Regional Planning Panel (2)/2alt
- Local Health Advisory Committee (1)
- Public Libraries NSW Council (1)/alt
- Hunter Valley Bush Fire Management Committee (1)
- NSW Rural Fire Service Singleton Council Service Level Agreement District Liaison Committee (The Mayor)/alt
- Upper Hunter County Councils – UHWA Committee (2)

Community Consultative Committees

- AGL CCC (Appointment by State Government) (Director Infrastructure & Planning)
- Ashton Mine CCC (1)
- Bulga/Beltana Mine CCC (1)
- Hunter Valley Operations CCC (1)
- Liddell Coal Operations CCC (1)
- Mt Owen Complex (1)
- Mt Thorley/Warkworth (1)
- Ravensworth Mine CCC (1)
- Redbank Power Station CCC (1)
- Rix's Creek CCC (1)
- United Wambo Joint Venture Project CCC (1)

Councillors were invited to nominate for the position of Chair or delegate or alternate for Committees they have an interest in. Where more than the required number of nominations have been received a vote will be undertaken by open voting (show of hands) as per Clause 11.9 of the Code of Meeting Practice. Where more than the required number of nominations have been received, those councillors will be afforded three (3) minutes prior to the commencement of voting, to discuss their reasons for wishing to be on that committee.

Community Strategic Plan

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

Our Leadership

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

Delivery Program/Operational Plan

Adoption of the recommendation will meet the following outcomes of Council's Delivery Program:

5.5.7 The elected Council are informed, engaged and attuned to Community needs.

Council Policy/Legislation

The following legislation and Council documents are relevant:

- *Local Government Act, 1993*
- POL/1011 Code of Conduct
- POL/1014 Code of Meeting Practice
- POL/1016 Interactions Between Councillors & Staff Policy
- POL/1026 Council Committees Policy

Financial Implications

Nil.

*General Manager's Report (Items Requiring Decision) - GM54/24***Consultation**

Councillors have been briefed on the requirement for appropriate representation on Committees to provide a mechanism for consultation with the community and relevant bodies.

Sustainability

Effective Council Committees and adequate representation by Council will assist in creating a more sustainable Local Government Area.

Appropriate consideration of Committee representation will ensure that the services being provided to our committee are appropriate and that opportunities for improvement are recognised and implemented.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not adequately represent and advocate for the Singleton Community which may lead to loss of financial opportunities and damage to reputation.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will not have the required representation on committees which may lead to ineffective or inoperative committees and reputational damage.	Medium	Adopt the recommendation	Low	Yes
There is a risk that Council will have too many Councillors nominating for committees which may lead to reputational damage.	Medium	Adopt the recommendation	Low	Yes

*General Manager's Report (Items Requiring Decision) - GM54/24***Options**

The following options are available to Council:

1. Appoint Councillors to the various committees and organisations for the period until September 2028.
2. Not appoint Councillors to some or all of the committees and organisations for the period until the NSW Local Government Election in September 2028.

Option one is recommended.

Conclusions

It is recommended that Councillors be appointed to the various committees and organisations until the NSW Local Government Election in September 2028.

Attachments

There are no attachments for this report

GM57/24. Annual Conference Attendance by Councillors
Author: Governance Lead

FILE:
21/00158/001

Executive Summary

The purpose of this report is for Council to consider annual conference attendance by Councillors in accordance with the Councillors Expenses & Facilities Policy.

RECOMMENDED that:

1. Council appoint Councillor delegates to attend each of the following conferences being held in 2024/2025:
 - a. Local Government NSW (LGNSW) Annual Conference – The Mayor and Councillors McGowan and George, who will also be Council's three nominated voting delegates.
 - b. Australian Local Government Association (ALGA) National General Assembly of Local Government – the Mayor and Deputy Mayor, with the Mayor also being Council's voting delegate.
 - c. Australian Local Government Women's Association (ALGWA) NSW Conference – Councillor Watson.
 - d. Local Government NSW (LGNSW) Destination and Visitor Economy Conference – Councillor McGowan.
 - e. Local Government NSW (LGNSW) Water Management Conference – Councillor Jenkins.
 - f. Local Government Aboriginal Network Conference or AbSec Biennial Conference – Councillor D Thompson.
 - g. Australian Local Government Association (ALGA) National Local Roads and Transport Conference – The Mayor.
 - h. Waste Conference – Councillor Jenkins.
 - i. National Sports Convention – Councillor McLachlan.
2. That voting by show of hands, to appoint a Councillor from the following nominations to attend the Cities Power Partnership – Climate Summit for Local Government 2024 or Adapt NSW Forum 2025 – Councillor D Thompson and Councillor P Thompson.
3. Council reimburse expenses in accordance with POL/1008 Councillors Expenses & Facilities Policy.
4. Councillor delegates provide a written report for the information of Council within three months of conference attendance.

*General Manager's Report (Items Requiring Decision) - GM57/24***Report**

Council is committed to supporting the continued professional development of its Councillors and ensuring that they remain up to date with contemporary issues facing Council and the Singleton Community, as well as the NSW Local Government sector.

Attendance at conferences provides Councillors with new skills and knowledge on particular issues to ensure that they can perform their civic duties and represent residents to the best of their ability. It also provides Councillors with the opportunity to network with Councillors from other local government areas and advocate on issues of importance to the Singleton Community.

At the Council Meeting of 16 July 2024, Council reviewed and adopted its current Councillor Expenses & Facilities Policy. This Policy provides that Council will resolve to nominate Councillor attendance at various conferences.

Determining Councillor attendance at the meeting enables each Councillor to plan their professional development in advance and provides the opportunity to indicate their interest in participating in conferences that are of interest to them and which they believe will best support their individual professional development needs. This also ensures that the annual Councillor Conferences and Seminars Budget is distributed equitably.

Where more than the required number of nominations have been received, those councillors will be afforded three (3) minutes prior to the commencement of voting, to discuss their reasons for wishing to be on that conference. Details of relevant conferences scheduled to be held throughout 2024/2025, including the dates, locations (where known) and Councillor nominations received are in the table below.

Conference	Date	Location	Nominations
LGNSW Annual Conference	17 to 19 November 2024	Tamworth Regional Entertainment and Conference Centre	Mayor Cr McGowan Cr George
ALGA National General Assembly	TBC	TBC	The Mayor & Deputy Mayor
ALGWA NSW Conference	TBC - 2025	TBC	Cr Watson
LGNSW Destination & Visitor Economy	26 to 28 May 2025	Tweed Heads NSW	Cr McGowan
LGNSW Water Management	9 to 11 September 2025	Albury	Cr Jenkins
Local Government Aboriginal Network / AbSec	TBC	TBC	Cr D Thompson
ALGA National Local Roads & Transport Congress	3 to 4 December 2024 TBC - 2025	Margaret River WA TBC	2024 – Cr Jenkins 2025 – Mayor

General Manager's Report (Items Requiring Decision) - GM57/24

Waste	13 to 15 May 2025	Opal Cove Resort, Coffs Harbour	Cr Jenkins
Cities Power Partnership – Climate Summit for Local Government or Adapt NSW Forum 2025	TBC - 2025	TBC	One Required D Thompson Cr P Thompson
National Sports Convention	TBC - 2025	TBC	Cr McLachlan

Community Strategic Plan**Our Leadership**

Strategy:	5.5	To lead, govern and regulate in an ethical, equitable and transparent way
Deliverable:	5.5.7	The elected Council is informed, engaged and attuned to community needs
Action:	5.5.7.1	Implement the Councillor Professional Development Program

Council Policy/Legislation

The following legislation and documents are relevant:

- *Local Government Act, 1993*
- POL/1008 Councillors Expenses & Facilities Policy
- POL/1023 Councillor Induction & Professional Development Policy

Financial Implications

The Councillors Expenses & Facilities Policy establishes a budget of \$35,000 per annum for Councillor professional development activities, which includes conference attendance. This is reflected in Council's annual Operational Plan and Budget.

Consistent with the Policy, Council will reimburse or pay registration fees and expenses related to conference attendance.

Consultation

In accordance with the Councillors Expenses & Facilities Policy, Councillors were provided with relevant information and a nomination form at the briefing 8 October 2024.

Reports on the provision of expenses and facilities to Councillors are provided for the information of Council every six months.

Sustainability

Councillor attendance at forums, conferences and seminars ensures that the residents of the Singleton Local Government Area (LGA) are adequately represented and will assist in creating a more sustainable future for our LGA.

General Manager's Report (Items Requiring Decision) - GM57/24

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 local government bodies.	Low	Adopt the recommendation	Low	Yes
There is a risk that non attendance may lead to the loss of opportunity for Councillors to engage in professional development and networking.	Low	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Appoint Councillor delegates to attend the various conferences held throughout 2024/2025 and reimburse expenses in accordance with the Councillors Expenses & Facilities Policy.
2. Resolve that no Councillors attend 2024/2025 conferences.

Option one is recommended.

Conclusions

It is recommended that Council consider delegates for the various conferences to be held throughout 2024/2025 to meet the requirements of the Councillors Expenses & Facilities Policy and to provide Councillors with valuable networking and professional development opportunities.

Attachments

There are no attachments for this report

GM62/24. LGNSW 2024 Annual Conference motions
Author: Governance Officer**FILE:** 24/00008

Executive Summary

The purpose of this report is to consider proposed motions for submission to LGNSW for inclusion in the Conference business papers.

RECOMMENDED that Council submit the following motions for consideration at the 2024 LGNSW Annual Conference:

1. That LGNSW requests the NSW State Government provide commitment to review the future transfer of responsibilities from State to Local Government and ensure that any transfer of responsibility will only occur with a sufficient corresponding source of revenue or revenue-raising capacity.
2. That LGNSW requests the NSW State Government finalises the draft Energy Policy Framework to require all proponents of renewable energy development to consult with the Local Government for the area in which the proposed development lies prior to conducting any community consultation.
3. That LGNSW requests the NSW State Government to conduct further strategic studies regarding appropriate locations of renewable energy projects within the renewable energy zone.
4. That LGNSW advocate for Local Councils to the NSW State Government to provide appropriate funding for local councils within the Renewable Energy Zones to complete rural land use and other strategies to support the local councils ability to:
 - Engage with renewable energy development proponents strategically in the first instance, to develop appropriate community consultation plans
 - Provide clear land uses permissible under the State Environmental Planning Policy (Transport and Infrastructure) 2021 and Standard Instrument Local Environmental Plan to now include reference to the renewable energy zone and appropriateness of renewable energy types within specific locations across NSW
 - Require renewable energy proponents to commit to an environmental management bond to ensure the land is returned to its pre-use state (or other defined future state)

Report

The LGNSW Annual Conference is the main policy making event for the local government sector where issues are debated, and motions put forward for the consideration of delegates.

General Manager's Report (Items Requiring Decision) - GM62/24

Council has resolved, in February 2024, to send three (3) voting delegates to the conference consisting of the Mayor and two Councillors.

All members can put forward motions to be considered at the Conference. Members have been invited to submit motions online from Wednesday 17 July 2024 up until 20 October 2024 for inclusion in the Conference Business Paper. More information on motions, including the link to the online portal for motion submission, is available on the LGNSW website.

Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. When submitting motions, members are encouraged to review the action reports from previous conferences and positions of LGNSW, as set out in the LGNSW Policy Platform, before submitting motions for the 2024 Conference. These resources will assist with the drafting of motions. Motions will only be included in the Conference Business Papers if they:

- Are consistent with the objects of LGNSW (refer to Rule 4 of the Association's Rules);
- Relate to or concern local government as a sector in NSW and/or across Australia;
- Seek to establish or change policy positions of LGNSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process);
- Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- Are clearly worded and unambiguous in nature; and
- Do not express preference for one or several members over one or several other members.

Proposed Motions

Four motions are proposed as follows:

1. That LGNSW requests the NSW State Government provide commitment to review the future transfer of responsibilities from State to Local Government and ensure that any transfer of responsibility will only occur with a sufficient corresponding source of revenue or revenue-raising capacity.
2. That LGNSW requests the NSW State Government finalises the draft Energy Policy Framework to require all proponents of renewable energy development to consult with the Local Government for the area in which the proposed development lies prior to conducting any community consultation.
3. That LGNSW requests the NSW State Government to conduct further strategic studies regarding appropriate locations of renewable energy projects within the renewable energy zone.

4. That LGNSW advocate for Local Councils to the NSW State Government to provide appropriate funding for local councils within the Renewable Energy Zones to complete rural land use and other strategies to support the local councils ability to:
- Engage with renewable energy development proponents strategically in the first instance, to develop appropriate community consultation plans
 - Provide clear land uses permissible under the State Environmental Planning Policy (Transport and Infrastructure) 2021 and Standard Instrument Local Environmental Plan to now include reference to the renewable energy zone and appropriateness of renewable energy types within specific locations across NSW
 - Require renewable energy proponents to commit to an environmental management bond to ensure the land is returned to its pre-use state (or other defined future state)

Background

Motion 1:

Transfer of responsibilities (or cost shifting) is one of the most significant problems faced by councils in NSW because it undermines the financial sustainability of our sector by forcing councils to assume responsibility for more infrastructure and services without sufficient corresponding resourcing. Examples include local government elections, waste management, the Emergency Services Compensation Scheme and most recently the accounting treatment of Rural Fire Service (RFS) assets.

Local councils are well placed to deliver the needs of the local community and will continue to work closely with state and federal governments to deliver state and federal programs at the local level, however this relies on an adequate source of corresponding revenue, or revenue-raising capacity.

Motion 2:

The Draft Energy Policy Framework was exhibited from November 2023 to January 2024.

The Framework included a suite of documents to provide direction and consistency to proponents of State significant renewable energy projects (wind and solar). The suite of documents included a Wind Energy Guideline, Transmission Guideline, Solar Energy Guideline, Benefit Sharing Guideline and Private Agreement Guideline. The Hunter Central-Coast REZ is expected to generate 40 gigawatts of renewable generation with over \$100B of potential investment. These projects include solar, wind, battery storage, transmission and pumped hydro. Project development has accelerated over the last 12 months and comes with a significant consultation burden for affected communities.

In the last 12 months there has been limited consultation by the Department of Planning, Housing and Infrastructure on the Framework and no timeframe for finalisation of the suite of documents underpinning transparent and responsible renewable energy development. Specifically, Singleton Council is calling for recognition of the significant burden experienced by regional Councils responding to the increase in renewable projects and the importance of engagement with affected councils ahead of project development.

Motion 3:

In 2020 the then NSW Government released the Strategic Statement on Coal Exploration and Mining in NSW. This Statement set out a clear plan of action regarding the future of coal mining in NSW. Specifically, it included commitments to improve certainty about where coal mining should not occur, support responsible development, address community concerns about the impacts and supporting diversification. Within the Strategic Statement the NSW Government identified areas where higher priority land uses meant that coal exploration and mining cannot occur.

The announcement of five (5) significant renewable energy zones has left communities uncertain as to whether renewable energy projects are likely to be located in their backyard. In some cases, the first time communities find out is when the Proponent commences consultation. This can leave communities divided. Singleton Council is calling for the NSW Government to prepare a statement similar to the Strategic Statement on Coal Exploration and Mining in NSW to provide transparency, clarity and certainty to communities already affected on the best locations within each REZ for renewable projects, and specifically, where State significant renewable projects are not appropriate. In December 2023, the Federal Government released a report to the Minister for Climate Change and Energy on the impacts of community engagement in relation to renewable energy projects. A key recommendation of this review is the need to reduce and eliminate unnecessary community engagement by selecting the best project sites, and avoiding sites that are inappropriate.

Motion 4:

The impact of State significant renewable energy projects on council resources is significant. Streamlined processes that provide a one stop shop for renewable energy developers to work collaboratively with councils on appropriate cumulative impact considerations and consultation strategies is important to reduce duplication, engagement fatigue and identified common user/shared infrastructure (such as transmission lines). Development of electricity generating, transmitting and storage projects within a REZ require specific considerations in the relevant Environmental Planning Instruments. Renewable energy projects are developed by private parties and include the construction of transmission infrastructure, often within council road reserves. The definition of electricity generating works does not include transmission nor does the SEPP contemplate the construction of transmission or distribution networks by private entities. By identifying the most suitable locations for renewable generation, transmission and storage within the renewable energy zones in a Strategic Statement similar to coal, and translating the planning requirements into the relevant planning instruments will provide greater certainty and transparency for communities affected and benefited by renewable energy projects. Coal mining projects are required to hold security deposits for the rehabilitation works required following cessation of mining activities. Singleton Council is calling on the NSW Government to require a similar environmental management bond to ensure land is returned to its pre-use or approved end use state.

Community Strategic Plan

Our People

Strategy:	1.4	Advocate to and Collaborate with Government and other agencies to improve services relating to but not limited to health, education, integration, connectivity, security and well-being
Deliverable:	1.4.1	Deliver improved community services through advocacy and collaboration
Action:	1.4.1.1	Collaborate with government bodies, industry and other stakeholders to improve services that enhance economic prosperity, liveability and community wellbeing

Council Policy/Legislation

The following legislation and documents are relevant:

- *Local Government Act, 1993*

Financial Implications

The proposed motions are intended to generate additional revenue, not any increased financial obligations.

Consultation

Consultation occurred between members of Council’s Executive Leadership Team and Leadership Team with consideration of our current Advocacy Agenda.

Sustainability

The proposed motions are intended to generate positive social, environmental and economic impacts.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that not following motion guidelines may lead to proposed motions not being considered which may lead to community dissatisfaction	Medium	Create motions that fit within the guidelines	Low	Yes
There is a risk to Council in not submitting the proposed motion which may lead to significant future environmental and financial implications for the Singleton LGA as well as reputational implications for Council.	High	Adopt the recommendation	High	Yes

Options

The following options are available to Council:

1. Submit the following four motions for consideration at the 2024 LGNSW Annual Conference:
 1. That LGNSW requests the NSW State Government provide commitment to review the future transfer of responsibilities from State to Local Government and ensure that any transfer of responsibility will only occur with a sufficient corresponding source of revenue or revenue-raising capacity.
 2. That LGNSW requests the NSW State Government finalises the draft Energy Policy Framework to require all proponents of renewable energy development to consult with the Local Government for the area in which the proposed development lies prior to conducting any community consultation.
 3. That LGNSW requests the NSW State Government to conduct further strategic studies regarding appropriate locations of renewable energy projects within the renewable energy zone.
 4. That LGNSW advocate for Local Councils to the NSW State Government to provide appropriate funding for local councils within the Renewable Energy Zones to complete rural land use and other strategies to support the local councils ability to:
 - Engage with renewable energy development proponents strategically in the first instance, to develop appropriate community consultation plans
 - Provide clear land uses permissible under the State Environmental Planning Policy (Transport and Infrastructure) 2021 and Standard Instrument Local Environmental Plan to now include reference to the renewable energy zone and appropriateness of renewable energy types within specific locations across NSW

General Manager's Report (Items Requiring Decision) - GM62/24

- Require renewable energy proponents to commit to an environmental management bond to ensure the land is returned to its pre-use state (or other defined future state).
2. Not submit any motions for consideration at the 2024 LGNSW Annual Conference.
 3. Resolve to submit a different motion/s for consideration at the 2024 LGNSW Annual Conference.

Option one is recommended.

Conclusions

It is recommended that Council approve the submission of the motion as proposed for consideration at the 2024 LGNSW Annual Conference.

Attachments

There are no attachments for this report.

GM50/24. Council Meeting Dates and Times
Author: Governance Lead**FILE:** 24/00008

Executive Summary

The purpose of this report is for Council to consider scheduling arrangements for Ordinary Council Meetings for the coming term of Council.

RECOMMENDED that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers, excluding January as there is no meeting, including the following amendments:

- Additional meeting 22 October 2024
- November meeting moved from 19 November to 26 November 2024
- December meeting moved from 17 December to 10 December 2024.

Report

Section 3.1 of the Code of Meeting Practice requires Council to set the frequency, time, date and place of its ordinary meetings by resolution.

The *Local Government Act, 1993* (the Act) requires Councils to meet at least 10 times each year, each time in a different month.

Council has previously resolved to hold ordinary meetings on the third Tuesday of each month commencing at 5.30pm, excluding the month of January where no meeting is held. Councillor briefings are also held on Tuesday evenings.

There are three meetings in the list below that are not on the 3rd Tuesday of the month including:

- an additional meeting for October 2024,
- moving the November 2024 meeting to the 4th Tuesday because of the Local Government NSW Conference on the 19 November; and
- moving the December 2024 meeting a week forward because of the Christmas and New Year period.

Should Council resolve to continue with the current arrangements, following are the ordinary Council Meeting details to note for the remainder of 2024 and 2025:

Date	Time	Place
Tuesday, 22 October 2024	5.30pm	Council Chambers
Tuesday, 26 November 2024	5.30pm	Council Chambers
Tuesday, 10 December 2024	5.30pm	Council Chambers
Tuesday, 18 February 2025	5.30pm	Council Chambers
Tuesday, 18 March 2025	5.30pm	Council Chambers

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Tuesday, 15 April 2025	5.30pm	Council Chambers
Tuesday, 20 May 2025	5.30pm	Council Chambers
Tuesday, 17 June 2025	5.30pm	Council Chambers
Tuesday, 15 July 2025	5.30pm	Council Chambers
Tuesday, 19 August 2025	5.30pm	Council Chambers
Tuesday, 16 September 2025	5.30pm	Council Chambers
Tuesday, 21 October 2025	5.30pm	Council Chambers
Tuesday, 18 November 2025	5.30pm	Council Chambers
Tuesday, 16 December 2025	5.30pm	Council Chambers

Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategy Plan:

Our Leadership

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

Delivery Program/Operational Plan

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.5.7 The elected Council are informed, engaged and attuned to Community needs.

5.5.9 Meet governance compliance and reporting requirements.

Council Policy/Legislation

- *The Local Government Act, 1993*
- *The Local Government (General) Regulation, 2021*
- POL/1014 Code of Meeting Practice Policy

Financial Implications

Nil.

Consultation

Council's Executive Leadership team have considered and approved this approach and Councillors have been briefed on this matter.

Sustainability.

Nil.

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 Councillors will not have adequate time to ensure effective decision making which may lead to legal, service delivery, financial and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and <i>Local Government (General) Regulation 2021</i> which may lead to legal and reputational implications.	High	Adoption of the recommendation	Low	Yes
There is a risk that lack of time to provide meaningful responses to questions raised by Councillors may lead to unnecessary stress on staff and negative impacts on wellbeing.	High	Adoption of the recommendation	Low	Yes

Options

The following options are available to Council:

1. Resolve that Ordinary Council Meetings be held on the third Tuesday of each month commencing at 5.30pm in the Council Chambers.
2. Resolve to schedule alternate meeting dates and times for the term that ensures Council will still meet legislative requirements.

Option one is recommended.

*General Manager's Report (Items Requiring Decision) - GM50/24***Conclusions**

To ensure that Council meets the requirements of the *Local Government Act, 1993* and to achieve appropriate timing for Council Meetings, it is recommended that Council endorse the scheduling arrangements for Ordinary Council Meetings for the current term.

Attachments

There are no attachments for this report

GM55/24. Countback to Fill Any Casual Vacancies
Author: Rebecca Bailey**FILE:** 24/00008

Executive Summary

The purpose of this report is for Council to consider using a countback of votes to fill casual vacancies that may occur in the office of Councillors in the first 18 months after the ordinary election held on 14 September 2024.

RECOMMENDED that:

1. Pursuant to section 291A(1)(b) of the *Local Government Act, 1993* (the Act) Singleton Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.
2. The General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.

Report

Section 291A of the Act provides for councils, at the first meeting following an election, to determine to use a countback election instead of a by-election to fill a casual vacancy in civic office, if the vacancy occurs within 18 months of the election.

A countback election is used to elect a Councillor to fill a single vacancy, where the vacating Councillor was elected under the proportional representation method (i.e. where two or more candidates were elected at a local government ordinary election). If there are multiple vacancies, a separate countback election is held for each vacancy.

Where countback election occurs the returning officer (from the NSW Electoral Commission) contacts all unelected candidates from the local government ordinary election who may still qualify to be elected to the office of Councillor. Where the candidate is interested, they must submit a formal application to the returning officer. All candidates who submit and do not withdraw their application, become eligible candidates.

If Council does not resolve to undertake a countback election and a casual vacancy occurs, a by-election would be required in accordance with the Act.

The introduction of the new countback election provisions is designed to ensure that elections are efficient and cost effective. At a countback election, a sitting Councillor cannot be unelected, and non-eligible candidates (those who did not stand for election) cannot be elected.

Community Strategic Plan**Our Leadership**

General Manager's Report (Items Requiring Decision) - GM55/24

Strategy:	5.5	To lead, govern and regulate in an ethical, equitable and transparent way
Deliverable:	5.5.9	Meet governance compliance and reporting requirements
Action:	5.5.9.1	Complete governance items on the Office of Local Government Calendar of Compliance and Reporting requirements by due dates

Council Policy/Legislation

This report has been prepared in accordance with Section 291A of the *Local Government Act, 1993* which outlines the provisions for a countback to be held instead of a by-election in certain circumstances.

Financial Implications

Supporting the recommendation to allow Council to use a countback to fill any casual vacancies that may occur within the first 18 months after the election will have a significant financial saving should it be required.

By-elections are not budgeted for and would have a substantial adverse impact on Council's budget.

Consultation/Social Implications

Councillors have been provided with a briefing to outline the options in this report.

Sustainability

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to financial loss, delays in service delivery and damage to reputation.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will be required to hold a by-election within 18 months of the last election which may lead to financial loss and rework.	High	Adopt the recommendation	Low	No

Options

The following options are available to Council:

1. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and that the General Manager notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision.
2. Resolve that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by carrying out a by-election.

Option one is recommended.

Conclusions

It is recommended that Council resolve to use a countback of votes to fill casual vacancies that may occur in the offices of Councillors in the first 18 months after the ordinary election held on 14 September 2024.

Attachments

There are no attachments for this report

GM56/24. Review of Delegations of Authority - Mayor and Deputy Mayor
Author: Rebecca Bailey

FILE: 24/00008

Executive Summary

The purpose of this report is to consider and adopt delegations for the Mayor and Deputy Mayor in accordance with Section 377 of the *Local Government Act 1993* (the Act). Section 380 of the Act requires that a review of delegations be carried out during the first 12 months of each new Council.

RECOMMENDED that Council issue the following delegations:

Mayor

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the Local Government Act, 1993 Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.

General Manager's Report (Items Requiring Decision) - GM56/24

4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Deputy Mayor

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
 - a. At the request of the Mayor; or
 - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.

General Manager's Report (Items Requiring Decision) - GM56/24

5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

Report

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf. Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body. However, Council cannot delegate directly to another employee of the Council this may only be carried out by the General Manager.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

Council previously adopted delegations for the Mayor and Deputy Mayor on 1 February 2022, following the last Local Government Election.

The proposed Delegations for the Mayor and Deputy Mayor are detailed in **Attachment 1 and 2**.

Community Strategic Plan

This report is relevant to the following strategies contained within Council's Community Strategic Plan:

Our Leadership

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

*General Manager's Report (Items Requiring Decision) - GM56/24***Delivery Program/Operational Plan**

This report is relevant to the following deliverables contained within Council's Delivery Program:

5.6.4 Meet Governance Compliance and Reporting Requirements.

Effectively, the granting of delegations by Council to the Mayor and Deputy Mayor enables those persons to have the ability to ensure the delivery of the goals and objectives established in Council's Delivery Program and Operational Plan.

Council Policy/Legislation

The appropriate sections of the *Local Government Act, 1993 (NSW)* that apply in this matter have been reproduced in **Attachment 3**.

Financial Implications

The granting of Delegations to the Mayor and Deputy Mayor of Council provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

Consultation/Social Implications

Consultation with the public is not required in this matter as the delegations by the Council to the Mayor and Deputy Mayor of Council are a matter for the elected Council.

Councillors have been briefed in relation to this matter prior to consideration by Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

Environmental Consideration

Nil.

General Manager's Report (Items Requiring Decision) - GM56/24

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Adopt the recommendations as contained within this report; or
2. Adopt the delegations to the Mayor and Deputy Mayor of Council as presented with minor amendments.
3. Resolve not to delegate any functions to the Mayor and Deputy Mayor.

Option one is recommended.

Conclusions

Detailed within **Attachment 1 and 2** and the recommendation to this report are the proposed delegations to the Mayor and Deputy Mayor of Council. The report recommends that Delegations as listed be issued to the respective persons, thus enabling the efficient and effective delivery of services to the community on behalf of Council.

Attachments

AT-1 [↓](#) Delegations of Authority - Mayor - September 2024

AT-2 [↓](#) Delegations of Authority - Deputy Mayor - September 2024

AT-3 [↓](#) Local Government Act 1993 - Delegations



INSTRUMENT OF DELEGATION TO THE MAYOR

Singleton Council ("Council") at its Ordinary Meeting held on Tuesday, 15 October 2024 (Minute No.***), resolved that:

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
3. The Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

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INSTRUMENT OF DELEGATION TO THE DEPUTY MAYOR

Singleton Council ("Council") at its Ordinary Meeting held on Tuesday, 15 October 2024 (Minute No. **), resolved that:

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
 - a. At the request of the Mayor; or
 - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section 226 of the *Local Government Act, 1993*.
 - The power of expulsion of a person/s (whether a councillor or another person) from a meeting of the Council or a Committee in accordance with the requirements of Council's Code of Meeting Practice and pursuant to Section 10 (2) (b) of the *Local Government Act, 1993*.
4. The Deputy Mayor be conferred authority to carry out the following Policy Authorities and undertake any administrative actions necessary to carry out those Policy Authorities:
 - To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council in conjunction with the General Manager and in accordance with Council's Media and Social Media Policies.
 - To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Deputy Mayor should represent the Council's position.
 - To represent and promote Council in the community.
 - Authority to co-execute documents, with the General Manager, under the Common Seal of Council following the proper resolution of Council in regards to the fixing of the seal.
 - To perform Naturalisation Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
 - Authority to approve the General Manager's applications for leave.
 - To incur expenditure up to \$5,000 on the Mayoral Corporate Card in relation to Council business, in accordance with Council's Procurement Policy and Procedures.
5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions or limitations specified; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

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Local Government Act 1993 No 30

Current version for 1 September 2024 to date (accessed 17 September 2024 at 13:17)

[Chapter 12](#) > Part 3

Part 3 Delegation of functions

377 General power of the council to delegate

- (1) A 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 the following—
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,

Local Government Act 1993 No 30 [NSW]

- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if—
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).

- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377(2).

379 Delegation of regulatory functions

- (1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than—
- (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or
 - (b) an employee of the council, or
 - (c) a county council, or
 - (d) a joint organisation.
- (2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than—
- (a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
 - (b) an employee of the county council, or
 - (c) a council.
- (2A) A council may delegate a regulatory function to a joint organisation only with the approval, by resolution, of the board of the joint organisation.
- (3) However, if—
- (a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
 - (b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council, or
 - (c) a regulatory function is delegated to a joint organisation, the function may be delegated to the executive officer and by the executive officer to an employee of the joint organisation.

380 Review of delegations

Each council must review all its delegations during the first 12 months of each term of office.

Local Government Act 1993 No 30 [NSW]

381 Exercise of functions conferred or imposed on council employees under other Acts

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to—
 - the general manager, except with the approval of the council
 - an employee of the council, except with the approval of the council and the general manager.

GM58/24. 2024 - Review of Delegation of Authority to the General Manager
Author: Governance Lead

FILE: 22/00439

Executive Summary

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

RECOMMENDED that:

1. All previous delegations of Functions to the General Manager be revoked.
2. The person who from time to time holds the position of General Manager of Council (General Manager) be delegated authority under section 377 of the *Local Government Act, 1993*, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - a. Subject to the following conditions and limitations:
 - i. Determination of Development Applications that are required to be reported to the elected Council in accordance with the Determination of Development Applications by Council Policy.
 - ii. The writing off of bad debts greater than \$5,000 in accordance with clause 131(1) of the *Local Government (General) Regulation, 2021*.
 - iii. Authorise and accept tenders in accordance with the limitations set out in the Tender Determination Criteria and to the limit of \$3 million ex GST.
 - b. Excluding those Functions:
 - i. That are expressly prohibited from delegation as listed under section 377 of the *Local Government Act, 1993*.
 - ii. Which are expressly required by legislation to be exercised by a resolution of Council.
3. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the *Local Government Act, 1993*.
4. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

General Manager's Report (Items Requiring Decision) - GM58/24

5. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. The requirements of the relevant legislation;
 - b. Any conditions of limitations set out above; and
 - c. Any resolution or policy, procedure or budget adopted from time to time by the Council.
6. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of Council.
7. The Mayor be authorised to sign the Instrument of Delegation to General Manager on behalf of Council.

Report

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the Act as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body. It is not practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies to undertake these steps on its behalf.

Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Pursuant to section 377 of the Act, Council may delegate any of its functions (other than those specified in section 377(1)) to the General Manager or any other person or body. However, Council cannot delegate directly to another employee of the Council.

Section 380 of the *Local Government Act, 1993* requires Council to review its delegations during the first 12 months of each new Council term. Council may however review its delegations at any time (or a number of times) during its term as it deems warranted.

The General Manager, in accordance with Section 378 of the Act, can delegate any of their functions, other than the power of delegation, to any other person or body, including another employee of Council.

Council previously adopted delegations for the General Manager on 21 November 2023 at which time they were amended to include updated tendering delegations. It is proposed to make no change to the delegations at this time.

Community Strategic Plan**Our Leadership**

Strategy:	5.5	To lead, govern and regulate in an ethical, equitable and transparent way
Deliverable:	5.5.9	Meet governance compliance and reporting requirements

General Manager's Report (Items Requiring Decision) - GM58/24

Action: 5.5.9.1 Complete governance items on the Office of Local Government Calendar of Compliance and Reporting requirements by due dates

Council Policy/Legislation

Local Government Act 1993,
Local Government (General) Regulations, 2021
Singleton Council's Procurement Policy.

Financial Implications

The granting of delegations to the General Manager provides for an opportunity for the services of Council to be delivered in an effective and efficient manner, thus ensuring maximum utilisation of Council's financial resources.

Consultation

Consultation with the public is not required in this matter as the delegation by the Council to the General Manager is a matter for the elected Council.

Council's delegations are made publicly available under the *Government Information (Public Access) Act, 2009*.

Sustainability

Nil.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will not meet the requirements of the <i>Local Government Act, 1993</i> and/or <i>Local Government (General) Regulation, 2021</i> which may lead to legal, financial and reputational implications.	High	Adopt the recommendation	Low	Yes
There is a risk that Council will implement ineffective delegations which may lead to legal, service delivery, financial and reputational implications.	High	Adopt the recommendation	Low	Yes

General Manager's Report (Items Requiring Decision) - GM58/24

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Council will delegate no functions which may lead to service delivery implications and reputational damage.	Medium	Adopt the recommendation	Low	Yes

Options

The following options are available to Council:

1. Resolve to delegate to the General Manager the functions outlined in **Attachment 1** to this report; or
2. Resolve not to delegate to the General Manager the functions outlined in **Attachment 1** to this report and retain the current delegations to the General Manager. If this option were pursued, it would be prudent to request further information from staff regarding the impacts of specific amendments.

Option one is recommended.

Conclusions

Detailed within the recommendation to this report are the proposed delegations to the General Manager of Singleton Council. Endorsing this recommendation will enable the efficient and effective delivery of services to the community on behalf of Council.

Attachments

AT-1 [↓](#) Delegations - General Manager

AT-2 [↓](#) Tender Determination Criteria - November 2023

LOCAL GOVERNMENT ACT, 1993**335 FUNCTIONS OF GENERAL MANAGER**

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

355 HOW A COUNCIL MAY EXERCISE FUNCTIONS

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

377 GENERAL POWER OF THE COUNCIL TO DELEGATE

- (1) A 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 the following--
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under [section 549](#) as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,

- (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under [section 405](#),
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#),
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under [section 194](#),
 - (q) a decision under [section 356](#) to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under [section 234](#) to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if--
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.
- (3) A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

378 DELEGATIONS BY THE GENERAL MANAGER

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under [section 377\(2\)](#).

380 REVIEW OF DELEGATIONS

Each council must review all its delegations during the first 12 months of each term of office.

381 EXERCISE OF FUNCTIONS CONFERRED OR IMPOSED ON COUNCIL EMPLOYEES UNDER OTHER ACTS

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to--
 - the general manager, except with the approval of the council
 - an employee of the council, except with the approval of the council and the general manager.

LOCAL GOVERNMENT (GENERAL) REGULATION, 2021**131 PROCEDURES FOR WRITING OFF RATES AND CHARGES**

- (1) The council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council.
- (2) An amount of rates or charges of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subsection (1), rates and charges can be written off only by resolution of the council.
- (3) A resolution or order writing off an amount of rates or charges must:
 - (a) specify the name of the person whose debt is being written off, and
 - (b) identify the account concerned, and
 - (c) specify the amount written off,or must refer to a record kept by the council in which those particulars are recorded.
- (4) An amount of rates or charges can be written off under this section only:

- (a) if there is an error in the assessment, or
 - (b) if the amount is not lawfully recoverable, or
 - (c) as a result of a decision of a court, or
 - (d) if the council or the general manager believes on reasonable grounds that an attempt to recover the amount would not be cost effective.
- (5) The fact that an amount of rates or charges is written off under this section does not prevent the council concerned from taking legal proceedings to recover the amount.
- (6) The general manager must advise the council of rates and charges written off by written order of the general manager.



TENDER DETERMINATION CRITERIA

CRITERION	REFERRED TO COUNCIL FOR AWARD?	REFER TO LEGISLATION	COMMENTS
Where a tender involves the procurement of services currently provided by staff	Must	Section 377 (1) (i) of LGA*	For tenders relating to the performance of waste services; see Clause 178 (1A) of LGR**
Where there is an actual or perceivable pecuniary or non-pecuniary conflict of interest by the General Manager	Must		A formal declaration should be made and recorded for transparency
Where a tender involves the lease or licencing of community land for a term exceeding 5yrs to a body that is <u>not</u> a non-profit organisation	Must	Section 55 (3) (e) of LGA*	For tender and other requirements relating to leasing and licencing of community land Refer to Chapter 6 -Part 2 –Div. 2 of the LGA*
Where the Executive Leadership Team proposes to not accept any tenders and <u>to enter negotiations</u>	Must	Clause 178 (4) of the LGR**	As per comment above, however with the additional reference to Clause 178 (4) of the LGR** relating to entering negotiations
Where an in-house bid has been tendered for a service or supply	Must		
Where the total term of the contract exceeds 5 years	Must		Includes provisions of extensions
Where the value of tender award exceeds \$3 million ex GST	Must		
Where a tender relates to Council entering into a joint arrangement with a third party	Should	Section 55 (3) (l) of LGA* Section 400L of the LGA*	Excludes PPPs (ref Section 55 (3) (l). However, note that under section 400L of the LGA* a decision to enter into a PPP may only be made by Council resolution. Excludes also those arrangements involving an organisation that has been formed by Council as an “arm’s length” entity. Excludes also those arrangements involving an organisation formed in
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Tender Determination Criteria

			partnership with other councils, or levels of Government, e.g. Hunter Resource Recovery, Hunter Joint Organisation.
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***LGA** - Local Government Act 1993

****LGR** - Local Government Regulations 2021

NOTE: Other than in those cases where a tender must be referred to Council for award (noted above), the General Manager may choose to exercise the delegation to award a tender, or due to the circumstances involved, refer the tender to Council for determination.

The decision to determine a tender under delegation, or to refer the tender to Council, shall be at the sole discretion of the General Manager.

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**GM59/24. Matters Approved by General Manager and Mayor
During the Election Period**
Author: Rebecca Bailey

FILE:
22/00298/002

Executive Summary

The purpose of this report is to advise Council of decisions made by the General Manager and Mayor in the absence of Council Meetings during the period 14 August to 15 October 2024.

FOR COUNCIL'S INFORMATION

Report

Council resolved on 13 August 2024 that:

- 1. Subject to the restrictions of section 377 of the Local Government Act, 1993 and section 393B of the Local Government (General) Regulation, 2021, delegated authority be given to the General Manager to exercise and/or perform on behalf of Council all functions for the period 14 August to 15 October 2024.*

Two matters were considered under delegation during the period 14 August to 15 October 2024 as outlined below:

1. Consideration of authorisation of Section 44 of Rural Fire Services Act 1997.

It was resolved that:

- a) Authorisation of Section 44 of Rural Fire Services Act 1997
2. Consideration of a \$15,000 allocation from the Singleton Community and Economic Development Fund (CDEF) to the Regional University Study Hubs Program Cohort 5 Application

It was resolved that:

- a) Council approves a \$15,000 allocation from the Singleton Community and Economic Development Fund (CDEF) to the Regional University Study Hubs Program Cohort 5 Application

Section 226 of the *Local Government Act, 1993* provides for the Mayor “to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council”.

Nil matters were considered and approved by the Mayor during the election period.

Attachments

There are no attachments for this report

General Manager's Report (Items for Information) - GM63/24

**GM63/24. Request for Leave of Absence - Cr McLachlan - 19
October 2024 to 29 October 2024
Author: Governance Lead**

FILE: 24/00008

Executive Summary

The purpose of this report is for Council to consider a request for leave of absence from Councillor McLachlan for the period from 19 October 2024 to 29 October 2024 inclusive. The reason for the leave is for travel.

RECOMMENDED that Council approve leave of absence for Councillor McLachlan for the period from 19 October 2024 to 29 October 2024.

Attachments

There are no attachments for this report.

GM64/24. Councillors Oath or Affirmation of Office
Author: Governance Officer**FILE:** 24/00008

Executive Summary

All elected Councillors are required to take an oath of office or make an affirmation of office in accordance with section 233A of the *Local Government Act 1993*. The purpose of this report is to record the Councillors taking an oath or making an affirmation.

FOR INFORMATION

Under the *Local Government Act, 1993* Councillors are obliged to take an oath or affirmation of office at or before the first meeting of the Council after they are elected. In doing so, Councillors are required to swear or affirm that they will undertake the duties of the Office of Councillor in the best interests of the community and the Council and that they will faithfully and impartially carry out the functions to the best of their abilities.

The oath or affirmation of office operates as a mechanism for inducting Councillors into their role and reinforcing for them the seriousness of the responsibilities and duties that the role entails.

Councillors are required to be physically present when the oath or affirmation is taken or made before the General Manager of the Council, an Australian Legal Practitioner or a Justice of the Peace.

A Councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend Council Meetings until they do so and will be taken to be absent without leave.

If a Councillor is absent without leave for three consecutive ordinary Council Meetings their office is automatically declared vacant and a by-election or countback must be held.

The Oath or Affirmation took place at 4.30pm on 15 October 2024 Singleton Public Library green in front of the General Manager of Singleton Council, and a recording was made.

Councillors who took an oath of office:

- Sue Moore
- Hollee Jenkins
- Mel McLachlan
- Godfrey Adamthwaite
- Scott Yeomans

Councillors who made an affirmation of office:

- Susan George
- Anne McGowan
- Daniel Thompson
- Patrick Thompson
- Peree Watson

Attachments

There are no attachments for this report.