

MINUTES OF MEETING OF SINGLETON COUNCIL HELD IN THE COUNCIL CHAMBERS QUEEN STREET SINGLETON ON TUESDAY 15 OCTOBER 2024, COMMENCING AT 5.30PM.

PRESENT:

Crs S Moore (Mayor and Chairperson), G Adamthwaite, S George, P Thompson, H Jenkins, A McGowan, M McLachlan, P Watson, S Yeomans and D Thompson.

APOLOGIES

Nil.

IN ATTENDANCE

Justin Fitzpatrick-Barr, General Manager; Vicki Brereton, Director Organisation & Community Capacity; Dwight Graham, Director Corporate & Commercial Services; Mary-Anne Crawford, Acting Director Infrastructure and Planning; Melinda Curtis, Executive Manager and Rebecca Bailey, Governance Lead. There were representatives of the media and members of the public present in the gallery.

CONFIRMATION OF MINUTES

144/24 **MOVED** Cr Jenkins **SECONDED** Cr D Thompson that the minutes of Meeting of Singleton Council held on Tuesday 13 August 2024, be confirmed.

CARRIED

DISCLOSURES AND DECLARATIONS OF INTEREST

Nil

WITHDRAWAL OF ITEMS AND LATE ITEMS OF BUSINESS

Nil.

Presentations

PR3/24 Appreciation of Contribution to the Singleton Community

FILE:24/00008

The Mayor and General Manager presented 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

FILE:24/00008

Mayor and Councillors introduced themselves.

*General Manager's Report (Items Requiring Decision)***GM51/24 Election of Deputy Mayor****FILE:24/00008**

The report was provided 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.

145/24 **RECOMMENDED** that Council:

1. Determined whether the method of election for the Deputy Mayor be by open voting.
2. Elect the Deputy Mayor in accordance with the determined method and the requirements of the *Local Government (General) Regulation, 2021*.

MOVED Cr Adamthwaite **SECONDED** Cr McLachlan

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.

Valid nominations were received from Crs Sue George / Malinda McLachlan and Daniel Thompson.

A vote was held by open voting. Cr Sue George / Malinda McLachlan received 6 and Cr Daniel Thompson received 4 votes.

Councillors Sue George / Malinda McLachlan having the higher number of votes was declared the Deputy Mayor for the period until the day of the next ordinary election for Singleton Council in September 2028.

CARRIED

GM54/24 Determination of Committees, Advisory Groups and Appointment of Delegates

FILE:24/00008

A report was to appoint Councillors to the various Committees and organisations.

146/24 **MOVED** Cr Jenkins **SECONDED** Cr D Thompson 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 (2)	Cr McLachlan	Cr D Thompson
Audit, Risk & Improvement Committee (1)	Cr Adamthwaite	N/A
Floodplain Management Committee (3)	Mayor Cr McLachlan	Cr Adamthwaite
Local Traffic Committee (1)	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 (2)	Cr D Thompson	
Singleton Arts & Culture Advisory Group (2)	Cr P Thompson	Cr D Thompson
Singleton and District Disability Advisory Committee (2)	Cr P Thompson	Cr McLachlan
Singleton Heritage Advisory Committee (1)	Cr George	
Singleton Interagency Committee (1)/alt	Cr D Thompson	Community Development Officer
United Wambo VPA Community Committee (1)	Mayor (Alt) Cr George	
Wambo Coal Singleton Hall of Fame Committee (2)	Mayor Cr Adamthwaite	Cr Adamthwaite
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

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 CCC (1)	Cr Jenkins	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

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 McGowan Cr McLachlan	Mayor
General Managers Performance Review Panel (Mayor & 1 & 1 appointed by GM)	Cr D Thompson	Mayor
Singleton Community Economic Development Fund Joint Management Board (Mayor & 2)	Mayor Cr Adamthwaite Cr George	Determined by Board
Sustainability Advisory Committee (2)	Cr Adamthwaite Cr McGowan	

CARRIED

GM57/24 Annual Conference Attendance by Councillors FILE:21/00158/001

A report was provided to consider annual conference attendance by Councillors in accordance with the Councillors Expenses & Facilities Policy.

147/24 **MOVED** Cr Adamthwaite **SECONDED** Cr D Thompson 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 – 2024 Councillor Jenkins – 2025 - Mayor.
 - h. Waste Conference – Councillor Jenkins.
 - i. National Sports Convention – Councillor McLachlan.
2. That Councillor P Thompson attend the Cities Power Partnership – Climate Summit for Local Government 2024 or Adapt NSW Forum 2025 –.

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.

CARRIED

GM62/24 LGNSW 2024 Annual Conference motions

FILE:24/00008

A report was provided to consider the proposed motions for submission to LGNSW for inclusion in the Conference business papers.

148/24 **MOVED** Cr D Thompson **SECONDED** Cr Adamthwaite 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).

CARRIED

GM50/24 Council Meeting Dates and Times

FILE:24/00008

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

149/24 **MOVED** Cr Adamthwaite **SECONDED** Cr George 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.

CARRIED

GM55/24 Countback to Fill Any Vacancies

FILE:24/00008

A report was provided for Council to consider using a countback of votes to fill casual vacancies that may occur in the office of councillors in the first 18 months after the ordinary election held on 14 September 2024.

150/24 **MOVED** Cr Jenkins **SECONDED** Cr D Thompson 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.

CARRIED

GM56/24 Review of Delegations of Authority - Mayor and Deputy Mayor

FILE:24/00008

A report was provided 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.

150/24 **MOVED** Cr McLachlan **SECONDED** Cr Watson that Council issue the following delegations:

Mayor

1. All previous delegations of Functions to the Mayor be revoked.
2. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:
 - Authority to exercise and/or perform the role of the Mayor pursuant to section

226 of the *Local Government Act, 1993*.

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

Deputy Mayor

1. All previous delegations of Functions to the Deputy Mayor be revoked.
2. The Deputy Mayor may only exercise these functions:
 - a. At the request of the Mayor; or
 - b. If the Mayor is prevented by illness, absence or otherwise from exercising these Functions; or
 - c. If there is a casual vacancy in the office of Mayor.
3. Pursuant to section 377 of the *Local Government Act, 1993* Council delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's functions as follows:

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

CARRIED

GM58/24 2024 - Review of Delegation of Authority to the General Manager**FILE:22/00439**

A report was provided 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.

151/24 **MOVED** Cr McLachlan **SECONDED** Cr Jenkins 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.
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.

CARRIED

GM63/24 Request for Leave of Absence - Cr McLachlan - 19 October 2024 to 29 October 2024

FILE:24/00008

A report was provided 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.

152/24 **MOVED** Cr Jenkins **SECONDED** Cr D Thompson that Council approve leave of absence for Councillor McLachlan for the period from 19 October 2024 to 29 October 2024.

CARRIED

General Manager's Report (Items for Information)

GM59/24 Matters Approved by General Manager and Mayor During the Election Period

FILE:22/00298/002

A report was provided 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.

NOTED

GM64/24 Councillors Oath or Affirmation of Office

FILE:24/00008

A report was provided to advise that all elected Councillors have taken an oath of office or make an affirmation of office in accordance with Section 233A of the *Local Government Act 1993*.

NOTED

The meeting closed at 7.12PM and the minutes pages 1 to 11 were confirmed on 22 October 2024 and are a full and accurate record of proceedings of the meeting held on 15 October 2024.

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Mayor/Chairperson

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General Manager