
Council Meeting Agenda

30 January 2023 at 5.00pm



Painted by local Jenny McCracken, our mural in Merriwa depicts the Painted Honeyeater, a listed species, also one in 51 woodland birds in decline across eastern Australia.

To All Councillors

You are hereby notified that the next meeting of the Upper Hunter Shire Council will be held on Monday, 30 January 2023 in the COUNCIL CHAMBERS, SCONE commencing at 5.00PM, for the purpose of transacting the undermentioned business.

This meeting will be recorded and those in attendance should refrain from making any defamatory statements.

There are to be no other recordings of this meeting without the prior authorisation of Council.

**GREG MCDONALD
GENERAL MANAGER**

1. PRAYER

2. ACKNOWLEDGEMENT OF COUNTRY

3. 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 Upper Hunter Shire 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.

4. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

5. APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

6. PUBLIC PARTICIPATION

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 19 December 2022

8. DISCLOSURES OF INTEREST

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MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 19 DECEMBER 2022 IN THE SCONE COUNCIL CHAMBERS COMMENCING AT 5.00PM

PRESENT:

Cr Maurice Collison (Mayor), Cr James Burns (Deputy Mayor), Cr Ron Campbell, Cr Tayah Clout, Cr Elizabeth Flaherty, Cr Belinda McKenzie, Cr Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Wayne Phelps (Acting Director Corporate & Community Services), Mr Mathew Pringle (Director Planning & Infrastructure Services) and Mrs Robyn Cox (Executive Assistant).

PRAYER

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF ETHICAL OBLIGATIONS

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

Nil

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

Nil

OATH / AFFIRMATION OF OFFICE FOR NEW COUNCILLOR

Cr McKenzie made the affirmation of office

PUBLIC PARTICIPATION:

G.12.3 Merriwa Footpath & Cycleway

Steve Gowland, representing Merriwa District Progress Association, speaking against the recommendation.

CONFIRMATION OF MINUTES:

RESOLVED that the minutes of the ordinary Council meeting held on 28 November 2022 be adopted.

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST:

G.12.6 School Achievement and Creative Arts Excellence Awards

Cr Allison McPhee declared a non-significant conflict for the reason that she is a staff member at a school of some nominees. Cr McPhee advised that she would leave the meeting and take no part in discussion or voting.

STANDING COMMITTEE REPORTS

SCR.12.1 **CORPORATE SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

RESOLVED

That Council:

1. adopt the minutes of the Corporate Services Committee meeting held on 9 December 2022;
2. note the Fund and Function Summary Report;
2. note the Cash and Investment Report;
3. note the Responsible Accounting Officer's Statement on the Investments;
4. note the Capital Works Expenditure Report;
5. endorse and support the Hunter Joint Organisation's campaign on Section 88 contributions for the EPA; and
6. make representations to Member for Upper Hunter Mr Dave Layzell and State Minister for Environment and Water about Section 88.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Councillor Question

Cr Flaherty asked that dot points be included in future Corporate Services Committee reports for revenue, costs, net and variation.

Response: The General Manager agreed that this will be done.

SCR.12.2 **ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Lisa Betts - Administrative Assistant - Environmental & Customer Services

RESOLVED

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 13 December 2022.

Moved: Cr T Clout

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

2. ESC.12.1 – approve Development Application No. 50/2022 for the subdivision of one (1) lot into two (2) lots and the erection of a dwelling-house at Lot 14 DP 249726, 97 Tullong Road, Scone, subject to the conditions of consent in Attachment 2.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

3. ESC.12.2 – approve Development Application No. 143/2019 to regularise the use of a dwelling-house at 9843 Golden Highway Cassilis (Lot 1 DP 1289109), subject to the conditions of consent in Attachment 3.

Moved: Cr L Watts

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

4. ESC.12.3 –

- a) approve Development Application No. 142/2021 for a boundary adjustment, demolition of sheds, dwelling house, two secondary dwellings and a garage at Lots 2 and 3 DP 1190179, 88 and 90 Satur Road, Scone subject to the conditions of consent in Attachment 4.
- b) release the restriction on the use of land numbered 2 in the Section 88B instrument associated with Deposited Plan 1190179 in respect of Lots 2 and 3 DP 1190179.

Moved: Cr L Watts

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

5. ESC.12.4 – approve Development Application No. 163/2022 for commercial alterations and additions at Lot 100 DP 1008166, 98 Kelly Street, Scone subject to the conditions of consent in Attachment 5.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

6. ESC.12.5 – approve Development Application No. 151/2021 for a boundary adjustment at Lots 11 & 12 DP 1165451, 1746 Stewarts Brook Road, Stewarts Brook subject to the conditions of consent in Attachment 6.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

SCR.12.3

INFRASTRUCTURE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday 13 December 2022.

Moved: Cr R Campbell

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

COMMITTEE/DELEGATES REPORTS

C.12.1

COMMUNITY ADVISORY COMMITTEE - SCONE DISTRICT

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Amanda Catzikiris - Community Services Officer

RESOLVED

That Council

1. adopt the minutes of the Scone District Community Advisory Committee meeting held on 19 October 2022;
2. accept the nominations received from Des Collison, Margaret Cooper, Charlotte Boss and Patricia Taylor for membership on the Australia Day Subcommittee – Scone and Aberdeen District;
3. accept the nominations received from Caroline Carter, Lynda Posa, Lynne Ring, Leanda Nutt and Ian Judd for membership on the Scone Tidy Towns Sub-committee.

Moved: Cr L Watts

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

C.12.2**COMMUNITY ADVISORY COMMITTEE - MERRIWA DISTRICT****RESPONSIBLE OFFICER:** Wayne Phelps - Acting Director Corporate & Community Services**AUTHOR:** Tash Taaffe - Community Services Officer**RESOLVED****That Council:**

1. adopt the minutes of the Merriwa District Community Advisory Committee meeting held on 21 November 2022;
2. support the position of Council's Communication team not to share UHSC Facebook posts pertaining to Merriwa and Cassilis to social media community noticeboards – Merriwa Connect and Cassilis Community pages;
3. extend the EOI for sub-subcommittees of the Merriwa CAC until 31 January 2023.
4. accept nominations received from Bryan Baker, Shirley Hunt, Deirdre Peebles, Margaret Wright, Julia Hardy, Dale Wesley, Kay Burgess and Jan Cronin to the Australia Day Subcommittee – Merriwa District;
5. adopt establishment of the Merriwa community nursery at Lots 236 and 237, Hacketts Road, Merriwa and proceed to consultation with relevant user groups.

Moved: Cr R Campbell Seconded: Cr T Clout CARRIED UNANIMOUSLY

C.12.3**SCONE TOWN REVITALISATION COMMITTEE****RESPONSIBLE OFFICER:** Wayne Phelps - Acting Director Corporate & Community Services**AUTHOR:** Chloe Leake - Strategic Projects Support Officer**RESOLVED****That Council:**

1. adopt the minutes of the Scone Town Revitalisation Committee meeting held on 22 November 2022;
2. support the four shortlisted artists to submit a detailed concept design for Public Art at 133 Kelly Street, Scone; and
3. confirm the final artist selection will be made by Council through the recommendation of the Scone Town Revitalisation Committee following a public consultation process.

Moved: Cr T Clout Seconded: Cr J Burns CARRIED

FORCouncillor Burns
Councillor Campbell
Councillor Clout
Councillor Collison
Councillor Flaherty
Councillor McKenzie
Councillor Watts
Councillor Williamson**Total (8)****AGAINST**

Councillor McPhee

Total (1)

C.12.4 **COMMITTEE MEMBERSHIP**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council appoint newly elected Councillor Belinda McKenzie to the following committees which have vacancies following the resignation of former Councillor Sue Abbott:

- Corporate Services Standing Committee
- Murrurundi District Community Advisory Committee
- Audit, Risk & Improvement Committee

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED UNANIMOUSLY

GENERAL ADMINISTRATION REPORTS

G.12.1 **CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2022**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Ian Roberts - Acting Manager Governance & Risk

RESOLVED

That Council note the Code of Conduct Complaint Statistics Report 2022

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED UNANIMOUSLY

Councillor Question

Cr Flaherty asked to be provided copies of Code of Conduct findings for the ones that are completed and those provided confidentiality to all Councillors.

Response: The General Manager took the question on notice and advised that some Code of Conduct findings are dealt with outside of the Council process (ie not reported to Council) and there is confidentiality arrangements around that where they are not shared with Councillors but those that can be will be shared.

G.12.2 **REQUESTS FOR DONATIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council:

1. provide a donation of \$200 to Lions Club of Murrurundi towards their Carols by Candlelight event held on 17 December 2022;
2. provide a donation of \$200 to Cassilis Rodeo to assist with running their 2023 event;
3. not provide the requested donation from St Joseph's Primary School towards their annual swimming program.

Moved: Cr J Burns Seconded: Cr A McPhee CARRIED

FOR	AGAINST
Councillor Burns	Councillor Campbell
Councillor Clout	Councillor Flaherty
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (2)

G.12.3 **MERRIWA FOOTPATH & CYCLEWAY**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

MOTION

That Council continue to apply the resident contribution fees to properties that front the Merriwa footpath and cycleway.

Moved: Cr J Burns Seconded: Cr R Campbell

Cr Flaherty put forward a foreshadowed motion to fund the resident contribution fees to properties that front the Merriwa footpath and cycleway from the Merriwa Reserve Fund.

The original motion was put and resolved.

RESOLVED

That Council continue to apply the resident contribution fees to properties that front the Merriwa footpath and cycleway.

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED

FOR	AGAINST
Councillor Burns	Councillor Clout
Councillor Campbell	Councillor Flaherty
Councillor Collison	Councillor Watts
Councillor McKenzie	
Councillor McPhee	
Councillor Williamson	
Total (6)	Total (3)

The motion was carried therefore the foreshadowed motion was not considered.

G.12.4 **COMMITTEE FOR THE HUNTER - MEMBERSHIP**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Greg McDonald - General Manager

RESOLVED

That Council join the Committee for the Hunter for 12 months at the Silver member rate of \$5,000.

Moved: Cr J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

G.12.5 **2021/2022 ANNUAL REPORT**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

RESOLVED

That Council note the final published Annual Report for 2021/2022.

Moved: Cr L Watts Seconded: Cr T Clout CARRIED UNANIMOUSLY

G.12.6

SCHOOL ACHIEVEMENT AND CREATIVE ARTS EXCELLENCE AWARDS

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Amanda Catzikiris - Community Services Officer

DISCLOSURE OF INTEREST

Cr Allison McPhee declared a non-significant conflict for the reason that she is a staff member at a school of some nominees. Cr McPhee left the meeting and took no part in discussion or voting.

RESOLVED

That Council present the Upper Hunter Shire School Achievement and Creative Arts Excellence Awards on Australia Day to up to eight nominees, as determined by the four Shire High Schools, that meet the selection criteria in the guidelines.

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

Cr McPhee returned to the meeting.

NOTICES OF MOTION

NM.12.1

SUPPORT THE COMMONWEALTH POSTAL SAVING BANK BILL

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council:

1. note that:
 - a. bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia.
 - b. since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all.
 - c. a large proportion of the population, including the elderly, disabled, small businesses and local schools and charities will always have a need for face-to-face financial services despite advances in technology.
 - d. for hundreds of communities, their only access to cash and financial services is through Bank@Post at their community Post Office.
 - e. Bank@Post is an essential service to all communities but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation.
2. call on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.
3. write and make representations to the Hon Mr Barnaby Joyce MP Member for New England and call upon him to support the bill in the Federal Parliament called the Commonwealth Postal Savings Bank Bill when introduced by Mr Bob Katter MP.

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

CLOSED COUNCIL

RESOLVED That Council move into Closed Council with the press and public excluded in accordance with Section 10(2) of the Local Government Act 1993.

Moved: Cr T Clout

Seconded: Cr J Burns

CARRIED

CONFIDENTIAL REPORTS

CR.12.1 ***BILL ROSE SPORTS COMPLEX USER GROUP COMMITTEE - ADDITIONAL MEMBERSHIP NOMINATION***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Sam Wooden - Manager Works Delivery

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

RESOLVED

That Council:

- 1. consider the additional nomination received from Community member; and**
- 2. notify the nominee of the outcome.**

Moved: Cr T Clout

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

CR.12.2 ***STATUS UPDATE ON UPPER HUNTER SHIRE COUNCIL COMMERCIAL BUSINESS OPTIONS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2)(c)(d)(i) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council note the status update report.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Councillor Question:

Cr Flaherty asked to go through a few years of budget for this business prior to COVID to have a comprehensive look at it and she has some specific questions around the business as it currently stands.

Response: The Finance Manager took the question on notice.

CR.12.3

TENDER 06/2023 SUPPLY OF SERVICES - ADDITIONAL SUPPLIERS

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Gavin McKenzie - Project Manager

This matter is considered to be confidential under Section 10A(2)(d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council accept the two additional tenders for the supply of services (Tender 6/2023) for the period from 29 August 2022 to 30 August 2024 and add the two suppliers to the preferred supplier list.

Moved: Cr L Watts

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

LATE REPORT

CR.12.4

TENDER RFT-10048551 - SCONE CBD REVITALISATION STAGE 1 - TENDER UPDATE

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council:

1. **note the information contained in this report; and**
2. **award the tender for a reduced scope including the footpaths, utility and drainage works on the two road blocks Kingdon to St Aubins (no medians works within this zone), St Aubins Park to Daracon Pty Ltd for the price of \$13,238,329.22 + gst**
3. **endorse the General Manager to carry out all the functions required under the contract.**
4. **endorse the General Manager to approve all variations up to value of the contingency**
5. **request the Committee for the Hunter to make representations to the Hon Catherine King, Minister for Local Government, for \$8 million CBD revitalisation funding.**

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

RESOLVED That the meeting move back into Open Council.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Upon resuming Open Council, and in accordance with Council's Code of Meeting Practice, the General Manager provided a summary of resolutions passed in Closed Council.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.49PM.

Planning & Infrastructure Services

COMMITTEE/DELEGATES REPORTS

C.01.1 **MERRIWA AGED HOSTEL COMMITTEE**

RESPONSIBLE OFFICER: Amanda Catzikiris - Community Services Officer

AUTHOR: Tash Taaffe - Community Services Officer

RECOMMENDATION

That Council:

1. adopt the minutes of the Merriwa Aged Hostel Committee annual general meeting held on 15 December 2022;
2. adopt the minutes of the Merriwa Aged Hostel Committee ordinary meeting held on 15 December 2022;
3. accept the nominations from Deirdre Peebles, Cr Ron Campbell, Ross Bishop, Jan Cronin and Julia Hardy;
4. appoint Deirdre Peebles as Chairperson and Ross Bishop as Deputy Chairperson of the Merriwa Aged Hostel Committee;
5. proceed to purchase commercial washing machine as back up.

BACKGROUND

The Merriwa Aged Hostel Committee provides advice and recommendations to Council in relation to the provision of a 16 bed aged care facility in Merriwa. The Committee meets approximately every two months to review the operational and financial aspects of the facility.

REPORT/PROPOSAL

The Coordinator provided details of:

- The waiting list and recent vacancy
- Clinical indicators and reporting
- Resident social activities

The Committee expressed their appreciation of the hardworking staff and acknowledged the outstanding result from the November accreditation visit with all 42 standards being met.

The Treasurer provided the Hostel's 2022 Audited Financial Statements to the Committee.

Further Committee discussion included:

- Welcome to new committee member, Julia Hardy
- Clinical Review Committee
- Continuous Improvement Plan
- Renovation of the kitchen facilities is scheduled for end of January
- A back up commercial washing machine will be ordered in January

ATTACHMENTS

- 1 [↓](#) Merriwa Aged Hostel Committee - AGM - 15 December 2022 - Minutes
- 2 [↓](#) Merriwa Aged Hostel Committee - 15 December 2022 - Minutes

**MINUTES OF THE MERRIWA AGED HOSTEL COMMITTEE
ANNUAL GENERAL MEETING - THURSDAY 15 DECEMBER 2022 -
1.00pm**



PRESENT: Mrs Deirdre Peebles (chairperson), Cr Ron Campbell, Mr Ross Bishop and Mrs Jan Cronin.

IN ATTENDANCE: Ms Suzanne Duggan (Hostel Supervisor), Ms Amanda Catzikiris (Manager Community Services), Ms Tash Taaffe (Community Services Officer - minutes) and Mr Wayne Phelps (Treasurer - Zoom)

Community – Julia Hardy

1. APOLOGIES

RESOLVED

That the apologies received from Barry Gherzi and Julie Wilton be accepted.

Moved: J Cronin

Seconded: R. Bishop

CARRIED

2. DISCLOSURE OF INTEREST - Nil

3. PREVIOUS MINUTES

RESOLVED

That the minutes of the Merriwa AGM Aged Hostel Committee meeting held on 7 December 2020, as circulated, be taken as read and confirmed as a correct record.

Moved: R. Bishop

Seconded: D. Peebles

CARRIED

4. CHAIRPERSON'S ANNUAL REPORT

D Peebles thanked Upper Hunter Shire Council, Committee and hostel staff for their ongoing support and efforts during the year.

RESOLVED that the Chairperson's Report be accepted.

Moved: R Bishop

Seconded: J Cronin

CARRIED

5. HOSTEL SUPERVISOR'S ANNUAL REPORT

The Hostel Supervisor thanked the Committee and staff for their efforts over the last twelve months despite significant challenges with Covid, accreditation and compliance. The Hostel Supervisor also acknowledged the support received from the community and Council over the last 12 months.

RESOLVED that the Hostel Supervisor's Report be accepted.

Moved: D Peebles

Seconded: R Bishop

CARRIED

6. TREASURER'S ANNUAL STATEMENT

The Treasurer circulated the Hostel's 2022 Audited Financial Statements to the Committee and provided a summary of the report.

This is Page 1 of 2 of Minutes of the **Merriwa Aged Hostel Committee** Annual General Meeting of the Upper Hunter Shire Council held on 14 December 2022.

Overall the Hostel sustained a loss of \$480,000. Additional costs were incurred to meet compliance standards, consultants' fees and increased staff costs due to Covid. There was a significant reduction in revenue due to vacancies in the 2020/21 year. Major issues going forward include the depletion of hostel cash assets. Retaining full occupancy is vital to minimise future losses and move the hostel towards a breakeven point.

Discussion took place regarding future development of the hostel to increase the Hostel's viability pending grant funding or benefactors.

RESOLVED that the 2022 Treasurer's Report be accepted.

Moved: Cr R Campbell Seconded: R Bishop CARRIED

7. ELECTION OF COMMITTEE

- Nomination for position of Chairperson: Nominated: D. Peebles - Accepted.
- Nomination for position of Deputy Chairperson: R. Bishop - Accepted.
- Nominations for the membership of the Merriwa Aged Hostel Committee for the 2022-2023 term, as per the Constitution: Ron Campbell, Ross Bishop, Julia Hardy and Jan Cronin.

Moved: J. Cronin Seconded: Cr R Campbell CARRIED

MOTION:

That Council endorse the appointments of Deirdre Peebles as the Chairperson, Ross Bishop as the Deputy Chairperson and the ordinary members Cr Ron Campbell, Deirdre Peebles, Julia Hardy and Jan Cronin as ordinary members of the Merriwa Aged Hostel Committee for the 2022-23 term.

8. NEXT MEETING

The next meeting will be held on Monday, 4 December 2023 at 1.00pm at the Merriwa Old Library meeting room.

The meeting was declared closed at 1.50pm.

**MINUTES OF THE MERRIWA AGED HOSTEL COMMITTEE
MEETING - THURSDAY 15 DECEMBER 2022 – 1.50pm**



PRESENT: Mrs Deirdre Peebles (Chair), Cr Ron Campbell, Mr Ross Bishop, Ms Julia Hardy and Mrs Jan Cronin

IN ATTENDANCE: Ms Suzanne Duggan (Hostel Supervisor), Ms Amanda Catzikiris (Manager Community Services), Tash Taaffe (Community Services Officer - minutes) and Mr Wayne Phelps (Treasurer-Zoom)

1. APOLOGIES

RESOLVED

That the apologies received from Barry Gherzi and Julie Wilton be accepted.

Moved: J. Cronin Seconded: R. Bishop CARRIED

2. DISCLOSURE OF INTEREST - nil

3. PREVIOUS MINUTES

RESOLVED

That the minutes of the Merriwa Aged Hostel Committee Meeting held on 20 September 2022, as circulated, be taken as read and confirmed as a correct record.

Moved: Cr R Campbell Seconded: R. Bishop CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES - nil

5. AGENDA ITEMS

a. Gummun Hostel - Supervisor Report

PURPOSE

The purpose of the report is to provide an update from the Hostel Supervisor on operational activities at the hostel. A report was also circulated from the Activities Coordinator.

The Hostel Supervisor acknowledged the passing of resident Beryl Llewelyn who passed away last week at the age of 104.

R. Bishop requested a thank you letter be sent to Lesley Roser from the Committee thanking her for her efforts.

The Hostel Supervisor advised the kitchen upgrade is progressing well. A PO has been raised for the cabinets and benches. Installation is scheduled for the end of January. Floor coverings will be upgraded at the same time and the medications room expanded.

RESOLVED

That the Committee accept the Supervisor's report.

Moved: Cr R Campbell Seconded: J. Cronin CARRIED

ACTION FOR COMMITTEE: Thank you letter be forwarded to Lesley Roser.

This is Page 1 of 4 of Minutes of the **Merriwa Aged Hostel** Committee meeting of the Upper Hunter Shire Council held on 14 December 2022.

b. Treasurers Report

PURPOSE

To provide a report from the Treasurer of the Merriwa Aged Hostel summarizing the financial position of the hostel.

The report was circulated and taken as read. Revenue is down \$17,000 for this reporting period and losses incurred due to additional personal care wages and the RN. Personal Care subsidies should increase to cover some of these losses. Award wages will increase in coming months in accordance with the state Award designated increase. Finances will continue to be closely monitored.

RESOLVED

That the Committee accept the Treasurer's report.

Moved: Cr R Campbell Seconded: R. Bishop CARRIED

ACTION FOR COMMITTEE: Nil

c. Sub Committee Minutes – Clinical Review Committee and Medication Advisory Committee

A Clinical Review Committee meeting was held on 1 December 2022 with our new RN, Sharee Witney. The next Medication Advisory Committee is scheduled for January 2023 at a date to be finalised in the New Year.

d. Continuous Improvement Plan (CIP)

The Hostel Supervisor circulated the plan and it was taken as read. Discussion took place regarding the purchase of a commercial back up washing machine for \$10 461 from Aqualogic.

Motion: To purchase the commercial washing machine.

Moved : Cr R Campbell Seconded: R. Bishop CARRIED

e. Accreditation Update

The Hostel Supervisor advised of the results from the November accreditation visit with the Hostel meeting all 42/42 standards. D. Peebles commended staff for this outstanding result.

This is Page 2 of 4 of Minutes of the *Merriwa Aged Hostel* Committee meeting of the Upper Hunter Shire Council held on 14 December 2022.

6. ACTION SHEET

Issue	Notes	Personnel	Completion date
<i>Meditrax Policies</i>	<i>Obtain details and costings</i>	<i>Lesley Roser</i>	<i>Update by next Meeting</i>
<i>Draft Extension Plans</i>	<i>Architect to consider alternate options</i>	<i>Mat Pringle</i>	<i>Ongoing</i>
<i>Kitchen Renovations</i>	<i>Replace kitchen and floor coverings</i>	<i>Sue Duggan, Shaun Seckold, Wayne Phelps</i>	<i>Quotes received. Proceed to PO for cabinets, benches and floor coverings for install late January</i>
<i>Fee for service</i>	<i>Medical appointments and travel costs</i>	<i>Amanda Catzikiris</i>	<i>Council has advised residents of proposed charges with no objections. Another option has since been negotiated for non emergency medical transport from Tamworth that currently service MPS will now service Hostel at no cost</i>
<i>Washing Machine</i>	<i>Purchase back up commercial machine</i>	<i>Sue Duggan</i>	<i>Raise PO & proceed to order</i>
<i>Flag</i>	<i>Remind staff to put flag up or ask community volunteer</i>	<i>Sue Duggan</i>	<i>Ongoing</i>
<i>Letter of thanks</i>	<i>Lesley Roser</i>	<i>Tash Taaffe</i>	<i>Completed 16.12.22</i>
<i>Committee members and charter</i>	<i>Advertise on Council website and social media for new members; review Charter</i>	<i>Communications, Amanda Catzikiris</i>	

This is Page 3 of 4 of Minutes of the **Merriwa Aged Hostel** Committee meeting of the Upper Hunter Shire Council held on 14 December 2022.

7. CORRESPONDENCE - nil

8. GENERAL BUSINESS

- (i) **Flag** – Cr Campbell advised the flag outside the hostel is not flying regularly. The Hostel Supervisor said she would remind staff. If very busy or short staffed, sometimes it is not done. D. Peebles suggested approaching a volunteer from the community.
- (ii) **Friends of Gummun Place** – J. Hardy provided an update and said the purpose of the 'Friends of Gummun Place' is to look for ways to ensure the hostel remains viable and able to serve the community.

9. NEXT MEETING – Tuesday 14 February 2023 - 1.00pm at the Merriwa Meeting Room

The meeting was declared closed at 3.30pm.

This is Page 4 of 4 of Minutes of the **Merriwa Aged Hostel** Committee meeting of the Upper Hunter Shire Council held on 14 December 2022.

Corporate & Community Services

FINANCE REPORTS

F.01.1

GRANT FUNDED PROJECTS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

PURPOSE

The purpose of this report is to provide details of grant funding applications submitted by Council and the allocation to projects and events.

RECOMMENDATION

That Council notes and approves the nominated projects to be delivered by grant funding.

BACKGROUND

Council was briefed in December 2022 of additional successful grant funding and potential future grants not yet approved. The nature of most of these grants prohibits Council staff from seeking Council approval prior to application and as such, these are provided for Council consideration.

REPORT/PROPOSAL

The State and Federal Government have over the past 3 years provided numerous stimulus programs following the drought and then ensuing floods through to the COVID-19 pandemic.

These programs have provided allocations to Council for pre-approved funding for eligible projects and tourism activities. Council makes application to these funding bodies to allocate the funding to specific projects and activities for approval.

Council also applies for contestable funding opportunities as and when they arise for specific infrastructure projects and tourism events to promote the shire which are assessed by the funding bodies with other councils and community groups.

The report highlights the funding opportunities Council has been allocated from pre-approved funding allocations and those successful in the contestable market together with the projects applied for under these funding programs.

Total funding of \$13,329,072 has been successfully obtained and a further \$5,570,490 is currently being assessed by the funding bodies.

Corporate & Community Services

Approved Funding

Project	Funding	Council Contribution and/or Other Grant Funding Required	Total Project
State Government – Regional Tourism Activation Fund (Round 2)			
Vintage Hanger for plane restoration works	\$1,486,037	\$0	\$1,486,037
State Government – Resources for Regions (Round 9)			
White Park Equine Complex Upgrade	\$908,714	\$0	\$908,714
Upper Hunter Shire Strategic Branding	\$308,124	\$0	\$308,124
Scone Indoor Sporting Facility Masterplan	\$59,700	\$0	\$59,700
Campbells Corner Restoration	\$852,306	\$0	\$852,306
State Government – Stronger Country Community Fund (Round 4)			
Scone Tennis Refurbished Facilities	\$191,278	\$0	\$191,278
Scone Memorial Swimming Pool Change Room Facilities	\$152,539	\$74,661	\$227,200
Merriwa Olympic Pool Change Room Facilities	\$218,904	\$40,000	\$258,904
Federal Government – Local Roads & Community Infrastructure Fund (Phase 3)			
Scone Library Upgrade	\$1,000,000	\$1,550,000	\$2,550,000
Barrington Forest Road Seal	\$1,460,868	\$5,239,132	\$6,700,000
State Government – Essential Public Asset Reconstruction Works – 9 November 2021 Flood Event			
Documented Flood Damage approved by Transport for NSW	\$2,971,840	\$0	\$2,971,840
State Government – Fixing Local Roads Pothole Repair Round			
Renewal, Heavy Patching and Pothole Repair	\$591,432	\$0	\$591,432
Federal Government – Regional Airports Program			
Upgrade of Runway Surface	\$2,464,736	\$2,464,739	\$4,929,475
Totals	\$12,666,478	\$9,368,532	\$22,035,010

Applications Submitted for Funding awaiting determination

Project	Funding	Council Contribution and/or Other Grant Funding Required	Total Project
State Government - Fixing Local Roads (Round 4)			
Hunter Road – Narcoote to Glenmore Bridge	\$2,999,999	\$2,604,899	\$5,604,898
State Government – Fixing Local Roads Pothole Repair Extended Program			
Renewal, Heavy Patching and Pothole Repair	To be determined by funding body	\$0	Amount per funding approval
State Government – Regional Roads & Transport Recovery Package – Betterment of Causeways across the Upper Hunter			
Causeways	\$1,872,000	\$0	\$1,872,000
State Government – Regional Roads & Transport Recovery Package – Betterment of stormwater drainage for 43 nominated road crossings			
Stormwater drainage crossings	\$698,490	\$0	\$698,490
Totals	\$5,570,490	\$2,604,899	\$8,175,388

Total of application submitted awaiting determination relate to known amounts applied for. Pothole funding amount is to be determined by Transport for NSW and has not been included in this total.

OPTIONS

1. Council note and approve the delivery of the current grant funded projects
2. Council not accept to deliver some or all of the grant funded projects

CONSULTATION

- General Manager
- Director Infrastructure & Planning
- Manager Finance

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Connected Community

Developing and deepening connections of people to each other and their community.

- 1.5 Advocate for, support and provide services and facilities for the community.

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

Corporate & Community Services

5.12 Provide timely and effective advocacy and leadership on key community issues and priorities.

b. Delivery Program

- Service improvement
- Leadership that reviews Council operations and Council wide continuous service improvement
- Means to advocate for appropriate levels of income that are received through the distribution of the Federal Grants

c. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

Council is reliant on grant funding to assist with the delivery of infrastructure projects.

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Sustainability Implications

Council considers the use of sustainable or reusable products in the delivery of its infrastructure projects with inclusion of sustainability section within the tender specifications where applicable.

f. Other Implications

NIL

CONCLUSION

Delivery of major infrastructure projects are predominantly reliant on being funded in full or with the assistance of State & Federal grant funding.

Council has nominated a number of projects for approved funding or submitted applications awaiting assessment for funding, which management believe will be for the benefit of the community and the shire.

ATTACHMENTS

There are no enclosures for this report

General Manager's Unit

GENERAL ADMINISTRATION REPORTS

G.01.1 *DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

PURPOSE

The purpose of this report is to table additional annual *disclosure of interests and other matters* returns, in accordance with Part 4 of the Code of Conduct and section 440AAB of the Local Government Act 1993.

RECOMMENDATION

That Council note the tabled annual *Disclosure of Interests and Other Matters* returns received from Councillors Belinda McKenzie and Allison McPhee.

BACKGROUND

Part 4 of Council's Code of Conduct (the Code) requires Councillors and designated persons to complete a written *disclosure of pecuniary interests and other matters* return each year.

Designated persons are defined by the Code as:

- a) the General Manager
- b) other senior staff of the council for the purposes of section 332 of the Local Government Act 1993
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

Councillors and designated persons completed returns for the period ending 30 June 2022 and these were tabled at the October and November Council meetings.

REPORT/PROPOSAL

Part 4.9 of the Code states:

A councillor must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's interests as specified in schedule 1 to this code within 3 months after:

- a) becoming a councillor, and
- b) 30 June of each year, and

General Manager's Unit

- c) the councillor becoming aware of an interest they are required to disclose under schedule 1 that has not be previously disclosed in a return lodged under paragraphs (a) or (b).

Following the countback election held on 6 December 2022, Belinda McKenzie was declared elected as a Councillor. Cr McKenzie has completed a return for the period ending 30 June 2022.

Cr Allison McPhee has updated her return to include her appointment as member of the Scone Literary Festival Committee.

Both returns will be tabled at this meeting.

OPTIONS

That Council note the written *Disclosure of Interests and Other Matters* returns, as tabled.

CONSULTATION

N/A

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- Ensuring regulatory and statutory compliance

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

This report is prepared in the discharge of obligations under the Code of Conduct.

b. Financial Implications

Nil

General Manager's Unit

c. Legislative Implications

Council's Code of Conduct has been adopted in accordance with the prescribed Model Code of Council, which is prescribed under sections 440-440AA of the Local Government Act 1993.

Section 440AAB(2) of the Local Government Act 1993 states that returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgment, or if the Code does not specify a day, as soon as practicable after the return is lodged.

d. Risk Implications

The non-provision of Disclosures of Pecuniary Interest Returns may affect the Council transparent decision making process.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

Disclosure of Interests and Other Matters returns for 30 June 2022 have been completed by Councillors McKenzie and McPhee and are tabled at this meeting, in accordance with the requirements of the Code of Conduct and section 440AAB of the Local Government Act 1993.

ATTACHMENTS

Nil.

General Manager's Unit

These requests fit within Council's policy under *6(d) Events which promote the Upper Hunter and the Upper Hunter Shire* and are limited to \$200 per event per annum. None of the organisations have received any donations from Council in the current financial year.

OPTIONS

1. Provide donations
2. Provide alternative donation amounts
3. Not provide donations

CONSULTATION

- General Manager
- Acting Director Corporate & Community Services

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Connected Community

Developing and deepening connections of people to each other and their community.

1.6 Provide and support a range of community events, festivals and celebrations.

b. Delivery Program

- Community social and physical infrastructure to support community activities

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council has set aside \$34,000 in the annual budget for the 2022/23 financial year for the granting donations and contributions. The total donations and contributions provided for this financial year has been \$17,692 leaving a remaining balance of \$16,308.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Other Implications

Nil

General Manager's Unit

CONCLUSION

Council has received requests for financial assistance from Scone 1st Scout Group, Upper Hunter Veteran Golfers Association and Towarri Physical Culture.

Council's policy states that Council will, in accordance with a resolution, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions, in accordance with section 356 of the Local Government Act.

ATTACHMENTS

- 1 [↓](#) 1st Scone Scouts - Request for Financial Assistance
- 2 [↓](#) Upper Hunter Veteran Golfers Association - Request for Sponsorship for 2023 event
- 3 [↓](#) Towarri Physical Culture - Request for waiving of hire fees for 2023 season



22 Septembert 2022

General Manager
Upper Hunter Shire Council
PO Box 208
Scone NSW 2337

2023 Scout and Guide Founders Day

Dear Greg McDonald

On Saturday 18 February 2023, approximately 50 *scouts* and *guides* from across the Upper Hunter will be joining for our annual Founders day celebrations. Next year we plan to hold this celebration at St Andrews Reserve, Aberdeen.

We have lodged a booking for the field for this day with council. In the past UHSC have waived their fee to use their fields for such celebration. We are writing to see if Upper Hunter Shire Council would be willing to do so.

Yours in Scouting

Greg Morris SL
for 1st Scone Group Council

[Redacted signature block]

UPPER HUNTER VETERAN GOLFERS ASSOCIATION

GROUP 17 OF NSWVGA

(Aberdeen, Denman, Scone, Murrurundi, Muswellbrook)



30/11/2022

General Manager

Upper Hunter Shire Council.

Re: Veterans Week of Golf 2023 – Sponsorship.

In March 2023 we will hold our nineteenth Veterans Week of Golf on Muswellbrook Golf Course. We expect to attract some 80-90 veteran golfers, male and female, from various parts of NSW. The Upper Hunter Shire Council has assisted in previous years by contributing sponsorship of \$300 and we are asking if the Council might consider making a similar contribution towards next year’s tournament. The Muswellbrook Shire Council and a number of local businesses are also making contributions.

The event is being conducted on Muswellbrook Golf Course from Sunday 12th March (registration and practice) to Friday 17th March, with a Presentation Lunch on Thursday 16th March. We cordially invite a representative from the Upper Hunter Shire Council to attend the Luncheon and assist with presentation of trophies. All details of the tournament will be placed on the local Tourism web site and on the NSWVGA web site

We anticipate that our entry numbers will be down on previous years because current circumstances of tighter economic conditions and widespread flooding around the State. Most of our entrants are pensioners and rely on caravan parks rather than more expensive motels. The position regarding caravan sites in Muswellbrook has not improved with our only caravan park, (formerly Pinaroo) having been sold and is not being redeveloped as a caravan park. Because of the acute shortage of caravan sites in and around Muswellbrook once again we request your permission to use up to 5 sites at Jefferson Park and a similar number at St. Andrews Park, Aberdeen.

Thank you for your consideration,

Graham Guest (Hon. Sec.)

President, Paul Gorman

[Redacted signature]

Secretary, Graham Guest

[Redacted signature]

Towarri Physical Culture

A.B.N 64 359 821 353



27th September 2022.

Dear Mr McDonald,

My name is Tenae Sullivan. I am the founding associate of Towarri Physical Culture established in Scone this year. In 2023 we wish to branch our services to the town of Murrurrundi and its surrounding areas to offer dance and movement to those living in these remote areas.

Our current member base for the towns of Aberdeen and Scone sits at 38 members for our very first year which is more than we anticipated however we offer a very low cost sport to our members to make sure that everyone has access to being a part of an active and positive group. We understand the expense of today's economy and have tried to simply cover our costs.

We are a non profit Dance sport that prides ourselves on being inclusive to all girls and ladies aged from 2 years. We are affiliated with the BJP school of Physical Culture which has been in operation for over 130 years in Australia.

We request to hire the Murrurrundi RSL hall for the duration of up to 9 months of the year. Our season runs from February to November one night a week. As the hall hire is considerably more expensive than what we currently hire from you we are requesting to be considered as a non for profit group and ask that you consider a waiver of the hall hire fees. Our classes are scheduled to run for approximately 4 hours a week.

We currently hold an insurance policy with public liability of up to 20 million, and after investigation your officers requested the only proof of our non profit status is our incorporation certificate and ABN. I have attached these to this letter.

Look forward to hearing from you

Kind regards



Tenae Sullivan
Towarri Management Team/ Associate Teacher.

Planning & Infrastructure Services

G.01.3 ***KEEP AUSTRALIA BEAUTIFUL - SUSTAINABLE
COMMUNITIES TIDY TOWNS AWARDS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

The purpose of this report is to nominate two (2) Councillor representatives to attend the 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023.

RECOMMENDATION

That Council nominate two (2) Councillors to attend the Keep Australia Beautiful NSW 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023.

BACKGROUND

At its meeting on 28 November 2022 Council resolved to provide \$500 to both Scone Tidy Towns Committee and Murrurundi Landcare Tidy Towns Group to assist with the costs of members attending the 'Keep Australia Beautiful Tidy Towns Awards' in Singleton from 3 – 5 March 2023.

REPORT/PROPOSAL

Keep Australia Beautiful NSW has invited Councillors and staff to attend the 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023. The awards recognise the sustainability initiatives and achievements of NSW regional Tidy Towns groups, councils, businesses and community groups.

The Murrurundi and Scone Tidy Towns groups have been nominated for awards.

The event was scheduled to be held in November 2022 but was postponed due to the NSW floods.

The event will commence on Friday 3 March with a welcome function. A series of tours around Singleton will be held on Saturday 4 March followed by an awards presentation dinner in the evening. Councillors may attend the entire event, part of the event or the awards dinner only.

A copy of the event program will be provided to Councillors under separate cover.

OPTIONS

1. Nominate two (2) Councillors to attend the Keep Australia Beautiful NSW 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023.
2. Nominate an alternative number of Councillors to attend the event.
3. Not send any Councillor representatives to the event.

Planning & Infrastructure Services

CONSULTATION

- General Manager
- Councillors

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.1 Advocate for, facilitate and support programs that protect and sustain our diverse environment for future generations.
- 2.2 Encourage and support community participation to care for our environment.

b. Delivery Program

- Assistance to Community organisations and individuals to participate in programs to enhance the physical environment

c. Other Plans

Sustainability Action Plan

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Keep Australia Beautiful NSW member ticket price for the event is \$210/person or \$80/person for a dinner ticket only. Ticket costs would be funded from Council's Community Services budget.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

The awards recognise and celebrate the sustainability initiatives and achievements of NSW regional Tidy Towns groups, councils, businesses and community groups.

Planning & Infrastructure Services

f. Other Implications

Nil

CONCLUSION

Keep Australia Beautiful NSW has invited Councillors and staff to attend the 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023. The awards recognise the sustainability initiatives and achievements of NSW regional Tidy Towns groups, councils, businesses and community groups.

The event aligns with Council's CSP 2032 and the Delivery Program.

ATTACHMENTS

- 1 Program of Events Excluded

General Manager's Unit

CONSULTATION

- General Manager
- Mayor
- Councillors

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

- 5.8 Develop leadership skills and build networks through a range of formal and informal opportunities.
- 5.12 Provide timely and effective advocacy and leadership on key community issues and priorities.

b. Delivery Program

- Support for the Mayor and Councillors to fulfil their respective roles

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Councillors' attendance at the 2023 National General Assembly falls within Council's policy, *Councillors – Professional Development*.

b. Financial Implications

Registration, accommodation and disbursements are estimated at approximately \$2,000 per delegate. Funds are available within Council Services budget.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

Nil

f. Other Implications

Nil

General Manager's Unit

CONCLUSION

The NGA provides Council with the opportunity to network with other councils and ensure that Council's view is reflected in the national priorities identified for local government. It is common for the Mayor and General Manager to attend the NGA. Council may nominate additional delegates to attend.

ATTACHMENTS

- 1 [↓](#) 2023 NGA ALGA Discussion Paper



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

2023 NGA

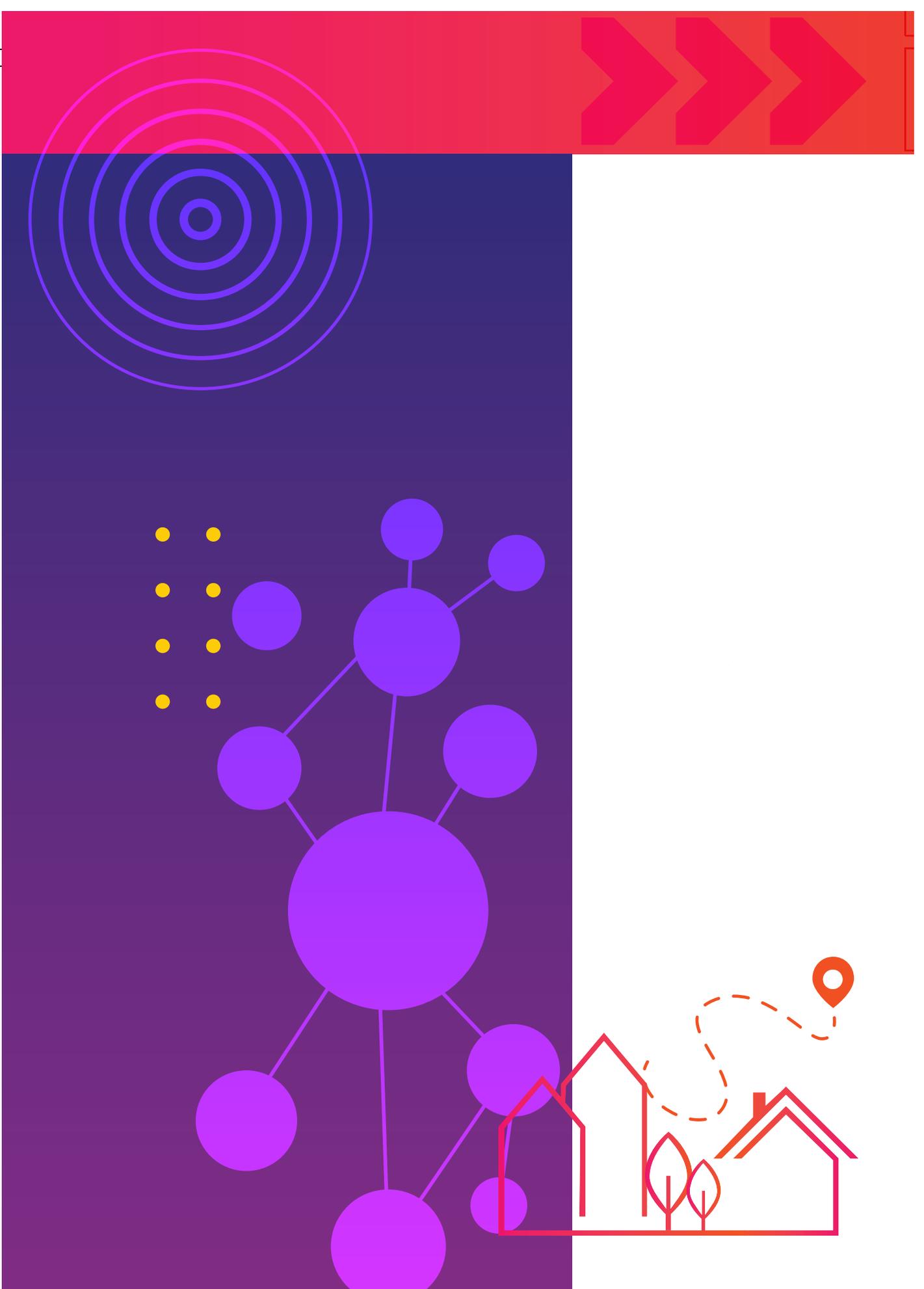
**OUR COMMUNITIES
OUR FUTURE** ▶▶▶

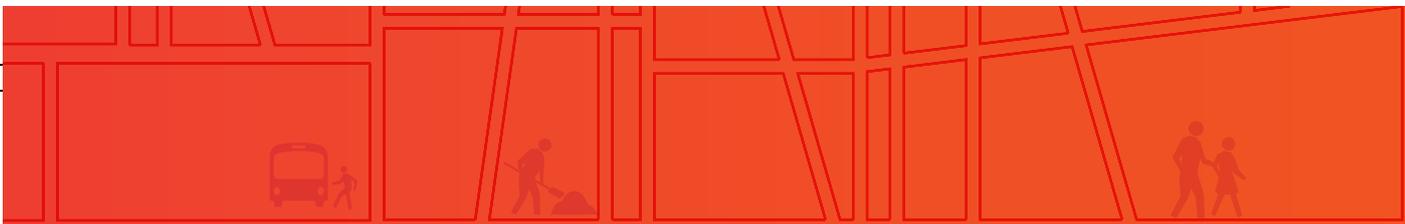
DISCUSSION PAPER
Call for Motions

JUNE 2023

NATIONAL CONVENTION CENTRE
CANBERRA







The Australian Local Government Association (ALGA) is pleased to convene the 29th National General Assembly of Local Government (NGA), to be held in Canberra mid June 2023.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2023 NGA.

It is recommended that all councils and delegates intending to attend this event familiarise themselves with the guidelines for motions contained in this paper.

Key Dates

December 2022	24 March 2023	June 2023 *	June 2023 *
Opening of Call for Motions	Acceptance of Motions	Regional Cooperation & Development Forum	National General Assembly

* Dates are subject to change depending on timing of Australian Council of Local Government

To submit your motion,
visit: alga.com.au



Background to ALGA and the NGA

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations.

Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level.

The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia’s councils and communities.

Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs.

At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

Changes for 2023

The ALGA Board has undertaken a comprehensive review of the motions process.

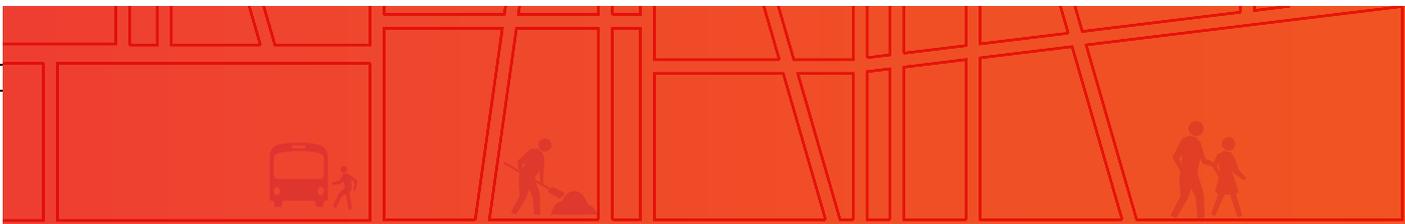
As a result, ALGA has allocated additional time for debate on motions at the 2023 NGA and amended the criteria with a view to improving the quality and relevance of motions included in the Business Papers.

The updated criteria for motions is listed on page 6.

ALGA’s policies and priorities will continue to be informed by motions and determined by the ALGA Board and based on the positions of its member associations.

ALGA’s Board thanks all councils for attending the NGA, and those that will take the time to submit motions for debate at this event.





Submitting Motions

The theme of the 2023 NGA: Our Communities, Our Future.

This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

This discussion paper is a call for councils to submit motions for debate at the 2023 NGA, to be held in Canberra mid June 2023.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented.

They must also meet the guidelines for motions outlined in this paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s should address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available at www.alga.com.au and be received no later than 11:59pm on Friday 24 March 2023.

All notices of motions will be reviewed by the NGA Subcommittee to ensure that they meet the criteria included in this paper.

The Subcommittee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the convenor of the NGA, the ALGA Board will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

If your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 NGA.





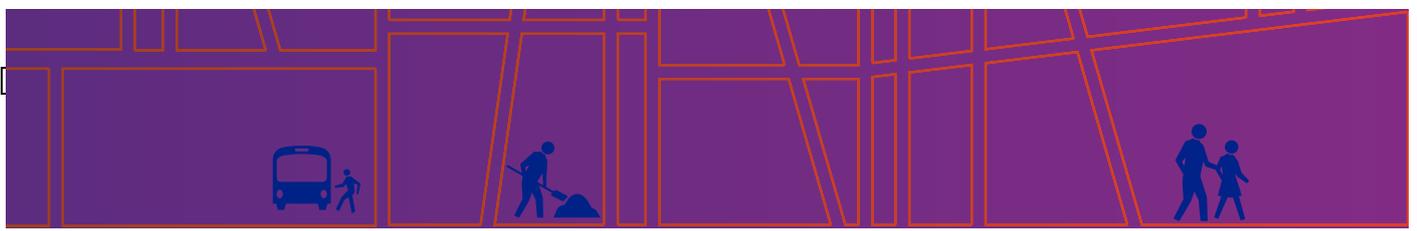
Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...



Other things to consider

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal.

The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

Motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed, relatively simple and capable of being implemented to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Multi-point motions that require cross portfolio coordination have not historically received meaningful responses from the Government.

All motions submitted will be reviewed by the NGA Subcommittee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Subcommittee will consider the motions criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the Subcommittee will group motions together under an overarching strategic motion.

The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate on motions published in the Business Papers and will focus on the strategic motions.

Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.com.au.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

> **Motions should be received no later than 11:59pm on Friday 24 March 2023.**



Setting the scene

'Through a devastating pandemic, through a succession of dangerous and damaging natural disasters, through global uncertainty and painful price rises – The Australian people have demonstrated the best of our national character. Resolute and resilient in hard times. Practical and pragmatic about the challenges we confront. Optimistic and confident in a better future. And ready to work together to build it.'

The Hon Jim Chalmer MP, Federal Treasurer Budget Speech 2022-23

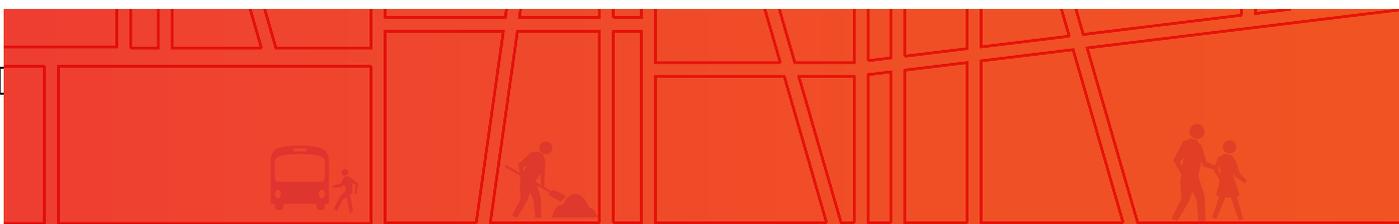
The opening statement of the Federal Treasurer's first Budget Speech describes the backdrop against which the 2023 NGA will be held.

The 2022 NGA was held just weeks after the change in the Federal Government on 21 May 2022. On 25 October 2022, the new Government handed down its first Budget which updated the economic outlook, realigned priorities and outlined how the Government was to meet its election promises.

The Budget update foreshadows deteriorating economic conditions, citing global challenges, slowing growth, high inflation and higher interest rates, and acknowledges the mounting cost of living pressures on individuals, families and communities.

Key updates include:

- The economy is expected to grow solidly this financial year, by 3 ¼ percent – before slowing to 1 ½ percent growth for 2023/24, a full percentage point lower than what was forecast in March;
- That slowing growth will have an effect on employment, but jobs will continue to be created, and unemployment is expected to stay low by historical standards – at 4 ½ percent in 2023/24 and 2024/25;
- Inflation is expected to peak at 7 ¾ percent late in 2022, before moderating over time to 3 ½ percent through 2023/24, and returning to the Reserve Bank's target range in 2024/25; and that
- When that inflation moderates, real wages are expected to start growing again in 2024.



The Government is also committed to repairing the Budget in a ‘measured and responsible’ manner consistent with the objective of maintaining full employment and the delivery of essential services. It foreshadows that this will be achieved through spending restraint, with new spending focused on high-quality and targeted investments and building on the capability of the Australian people, expanding the productive capacity of the economy, and supporting action on climate change.

The Budget also included a focus on measuring and improving community wellbeing.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward.

The 2023 NGA provides you – the elected representatives of Australia’s local councils and communities – with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments’ capacity to deliver services and infrastructure to communities across the nation.

This year’s call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.



1. Productivity

In February 2022, the then Federal Treasurer asked the Productivity Commission to undertake an inquiry into Australia’s productivity performance and provide recommendations on productivity enhancing reform.

This inquiry was the second of a regular series, undertaken at five-yearly intervals, and recognises that productivity growth is vital for Australia’s future. Drawing on the Intergenerational Report the Treasurer notes that ‘... future growth in income and living standards will be driven from productivity growth as the participation effects of young migration are offset by an ageing population.’

ALGA engaged SGS Economics and Planning to undertake research to support its submissions to this inquiry.

SGS Principal and Partner Dr Marcus Spiller presented on some of the findings of this research at the 2022 NGA. In his presentation he identified that local governments generate local economic activity through employment, payment of wages and expenditure on goods and services in the local economy. In addition, SGS identified nine ways local government supports the productive capacity of the broader economy.

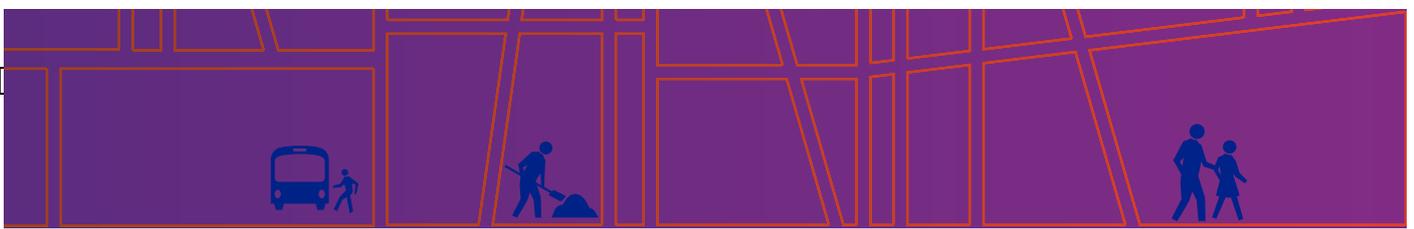
Figure 1 – Nine ways local governments contribute to the productive capacity of the broader economy:



Sources: Adapted from SGS Research for ALGA’s Submission to Productivity Commission (2022)

Are there programs and initiatives that the Commonwealth Government could implement to improve local government’s capacity to support productivity growth?

Are there programs that could support one, or all of the identified ways local government contributes to productivity in the broader economy?



2. Local Government Infrastructure

The 2021 National State of the Assets Report (NSoA) shone a spotlight on local government infrastructure assets. While the technical report shows that local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater and airports and aerodromes are generally in good to very good condition, around 10 percent are not fit for purpose, and around 20 - 25 percent are only fair and over time will need attention.

Over the past 12 months this situation has further deteriorated as a result of natural disasters, and particularly flooding across the eastern seaboard.

The technical report shows that in 2019/20 non-financial infrastructure assets were valued at \$342 billion and were depreciating at \$7.7 billion per year. Replacement costs of these infrastructure assets were in the order of \$533 billion.

While 86 percent of councils have adopted long term financial plans, one third of councils do not have asset management plans for their major assets, or if they do, they are out-of-date. Of the councils that do have asset management plans only 66 percent included financial projections in their financial plan.

Asset management and long-term financial planning are essential tools for councils to manage community assets now and into the future.

Are there programs or initiatives that the Commonwealth Government could adopt to improve the long-term sustainability of council's infrastructure?

Are there programs or initiatives that the Commonwealth Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?



3. Community Wellbeing

While the NSoA focuses attention on physical assets, local governments also provide a wide range of important community services that improve local wellbeing. These services are provided at the discretion of councils based on local characteristics, needs, priorities and resources of the local community.

Australian Bureau of Statistics (ABS) data shows that local government annual expenditure in 2020/21 was \$43 billion. It is important to note that nationally local government is 83 percent self-sufficient. That is, the vast majority of local government services and infrastructure are funded at the local level either through rates, fees and charges, sale of goods and services, and interest, and only 17 percent comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, and often require matching funding which restricts the ability to address local priorities in the way the council and community might like.

Local government community services are broadly defined and may include but not limited to:

- environmental health including food safety;
- childcare, early childhood education;
- aged care, senior citizens;
- services to the disabled;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, program and festivals;
- tourism and economic development activities; and
- library services.

Councils also play a key role making places that are attractive and liveable for current and future workers, and closing the gap between Indigenous and non-Indigenous Australians.

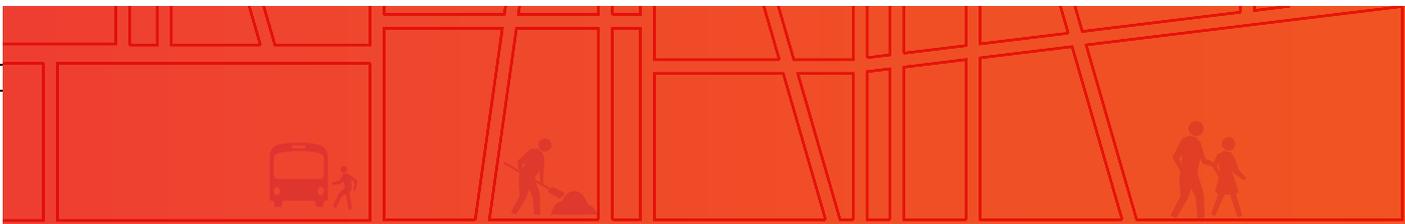
ALGA's research shows that almost one in four councils are heavily reliant on federal Financial Assistance Grants, which make up at least 20 percent of their annual operating revenue. Financial sustainability of local governments remains an ongoing issue which threatens local service provision and community wellbeing.

Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs and initiatives that the Commonwealth Government could implement to improve the delivery of these services?

Are there changes to existing programs, including to administrative arrangements, that would significantly improve local government human service planning and provision of services and infrastructure across Australia?

Are there new programs the Australian Government could develop that would support councils to close the gap between Indigenous and non-Indigenous Australians?

What are the actions the Australian Government could take to support councils to improve their ongoing financial sustainability, and their capacity to deliver the services their communities need?



4. Local Government Workforce

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. In many communities, the council is one of the largest employers.

There are 537 local councils in Australia. Importantly, they are geographically dispersed and provide essential public administration to every corner of the nation.

According to the 2022 National Local Government Workforce Skills and Capability Survey, more than 90 percent of local governments are experiencing skills shortages, resulting in around two thirds of councils having their projects impacted or delayed.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation. The attrition rate (or rate of turnover) of local government staff is estimated to be between 15 – 20 percent per annum.

The most cited skills shortages include engineers, urban planners, building surveyors, environmental officers and human resources professionals.

ALGA's submission to the Productivity Commission's Productivity Inquiry called on all levels of government to work together to improve training pathways and address skills and labour shortages for the benefit of councils, communities, and businesses right across Australia.

While local government must face its immediate workforce challenges, it must also anticipate the changing nature of work, and future skills needed to meet the changing needs of our communities.

Are there programs or initiatives that the Commonwealth Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Commonwealth Government could provide to improve the sector's ability to plan and develop skills fit for the future?



5. Data, Digital Technology and Cyber Security

Provision of information technology to all Australians is vital for innovation, economic growth and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social.

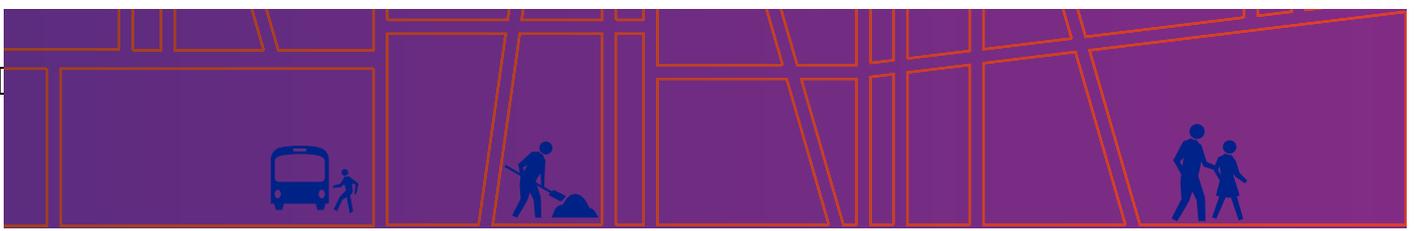
Innovative technology is becoming more broadly available and has the ability to boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, many councils lack basic technological infrastructure and have a shortage of necessary skills and resources.

In October 2022, cyber-attacks on major Australian corporate organisations including Optus and Medibank Private highlighted the critical importance of cyber security. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attack and address cyber security. At a national level, there is a poor understanding of local government's vulnerability to cyber-attacks and a lack or inadequacy of risk management strategies and business continuity planning within the sector. While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your own council experience, and your knowledge of other councils within your state, or territory, are there programs and initiatives that the Commonwealth Government could implement to help local government develop its digital technology services and infrastructure and/or to improve cyber security within the sector?



6. Climate Change and Renewable Energy

Local governments are playing an important leadership role in addressing climate change, supporting a wide range of programs to lower the carbon footprint of their own business operations and in their local communities.

As a sector, local government is leading the debate for lowering carbon emissions, sourcing renewable energy, responding creatively to reduce greenhouse gas emissions from landfills, and facilitating the construction of green buildings and water sensitive design of cities and towns.

Councils also have a role to play supporting communities in transition, moving away from fossil fuels to new industries.

Pragmatically, local government has been at the forefront of addressing the impacts of climate change and adapting to reduce its environmental footprint. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

At the 2022 NGA, there were five Strategic Motions and 15 associated motions debated concerning this issue. Councils are encouraged to review these motions on ALGA's website prior to developing new motions for debate at the 2023 NGA.

Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?





7. Natural Disasters

Over the past five years, Australian communities have experienced unprecedented natural disasters. At the time of writing, almost every community in Australia, particularly those on the East Coast, had been adversely affected by wet weather conditions associated with the La Nina weather pattern.

Councils in Western Australia are still recovering from a cyclone in 2021, and the Black Summer bushfires in 2019/20 burned approximately 250,000 square kilometres across the country.

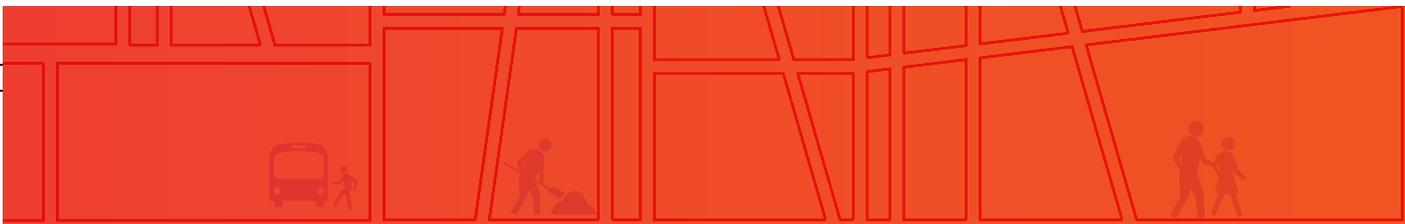
The impacts of heavy rainfall, record breaking floods and associated social disruption and damage to infrastructure have exposed weaknesses as well as the strength of current emergency management systems.

There have been numerous NGA motions in the past regarding natural disasters. This year, councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note, however, that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Commonwealth Government could assist.

What new programs could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?





8. Housing

A lack of affordable housing remains one of the biggest issues for Australian councils and communities.

There is less social and affordable housing stock available than there was a decade ago, and more low-income Australians are experiencing housing stress.

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities.

This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector.

While the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements.

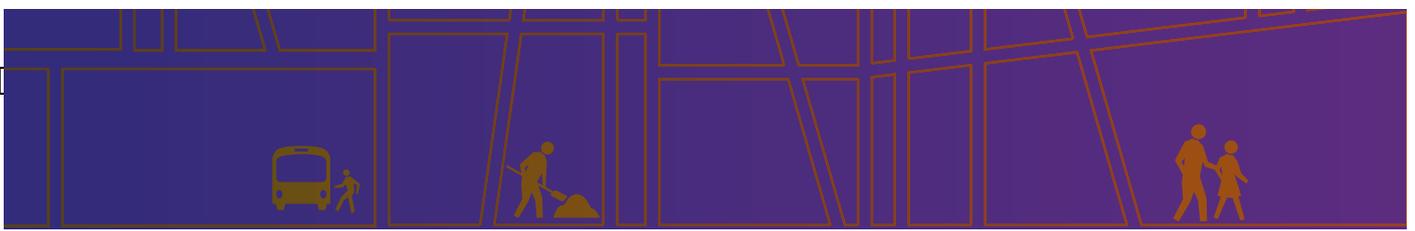
Some councils are going further, addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Local government also plays an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?





Conclusion

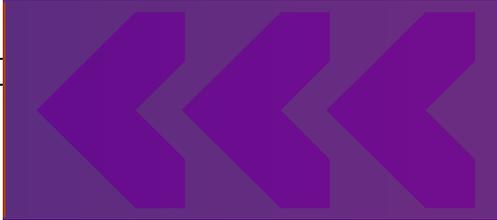
Thank you for taking the time to read this discussion paper and your support for the 2023 National General Assembly of Local Government.

A FINAL REMINDER:

- » Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 24 March 2023.
- » Motions must meet the criteria published in this paper.
- » Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- » Motions should not be prescriptive in directing how the matter should be pursued
- » Motions should be practical, focussed and relatively simple.
- » It is important to complete the background section on the form.
- » Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- » When your council submits a motion there is an expectation that a council representative will be present at the 2023 National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 National General Assembly in Canberra.







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Planning & Infrastructure Services

G.01.5 DARTBROOK COAL MINE - PLANNING AGREEMENT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

The purpose of this report is to consider the outcome of public consultation undertaken in respect of the draft planning agreement for the Dartbrook Coal Mine and to seek Council's approval to enter into the agreement with AQC Dartbrook Management Pty Ltd.

RECOMMENDATION

That Council:

1. pursuant to Section 7.4 of the *Environmental Planning and Assessment Act 1979*, enter into a planning agreement with AQC Dartbrook Management Pty Ltd in respect of the Dartbrook Coal Mine.
2. delegate authority to the General Manager to execute the planning agreement.

BACKGROUND

Council, at its meeting held on 31 October 2022, resolved the following:

That Council:

1. *endorse the draft Voluntary Planning Agreement between Upper Hunter Shire Council and AQC Dartbrook Management Pty Ltd in respect of Dartbrook Coal Mine.*
2. *place the draft Voluntary Planning Agreement on public exhibition for 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979.*

The draft planning agreement was subsequently placed on public exhibition from 16 November 2022 to 14 December 2022.

REPORT/PROPOSAL

One (1) submission has been received in response to the public exhibition of the draft planning agreement.

A copy of the draft planning agreement is provided in Attachment 1 while a redacted copy of the submission is provided in Attachment 2.

The key issues raised in the submission, together with staff responses, are summarised below:

1. *Since our Shire is to suffer impacts it seems appropriate that the Council should take Dartbrook Mine: AQC's offer. Does that mean that UHSC did not make its own demand the initiative and demand compensation. But maybe the AQC offer is in reply to such a demand?*

Response: The contributions payable under the planning agreement were negotiated by Council and AQC and formed the basis of an offer made by AQC to Council in 2018. The offer to enter into a planning agreement was subsequently accepted by Council at its meeting held on 26 November 2018. Following a meeting between staff and AQC in August 2022, the offer

Planning & Infrastructure Services

by AQC was increased. It is noted that the value of the contributions is significantly greater than an original offer made to Council by AQC.

2. *It would be understood by AQC perhaps, that UHSC would not point out to DPIE the difference between "apprentice" and "employee". 2 apprentices is meagre enough, for sure.*

Response: The employment implications of the development were considered as part of the development assessment by the Department of Planning and Environment. The commitment to engage and maintain two apprentices sourced from the Upper Hunter Shire is over and above the labour force requirements of the mine.

3. *The \$20,000 for a UHSC Environmental Officer. Very kind, but if AQC was interested in the Environment it would be pulling out of coal mining. Not purchasing an officer likely to make decisions in favour of coal mining, thus 'undermining' a Council historically awake to its evils.*

Response: The \$20,000 annual contribution towards an environmental officer has been accepted by Council and is considered to be a reasonable level of funding for this purpose. The assertion that an environmental officer is likely to make decisions in favour of coal mining, thus 'undermining' a Council is completely unfounded and misleading as the environmental officer would be under Council's supervision and control.

In view of the above issues and responses, no amendments to the draft VPA are considered necessary.

OPTIONS

1.
 - a) pursuant to Section 7.4 of the *Environmental Planning and Assessment Act 1979*, enter into a planning agreement with AQC Dartbrook Management Pty Ltd in respect of the Dartbrook Coal Mine.
 - b) delegate authority to the General Manager to execute the planning agreement.
2. Not enter into a planning agreement with AQC Dartbrook Management Pty Ltd in respect of the Dartbrook Coal Mine.

CONSULTATION

- AQC Dartbrook Management Pty Ltd

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.1 Advocate for, facilitate and support programs that protect and sustain our diverse environment for future generations.

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- 2.8 Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

- 5.12 Provide timely and effective advocacy and leadership on key community issues and priorities.
- 5.10 Encourage and build strong partnerships between the Community, business and all levels of government to support implementation of the CSP 2032 and to deliver the Community priorities.

b. Delivery Program

- Facilitate and support programs that protect and sustain our environment
- Support and encourage Community participation in the protection of the environment

c. Other Plans

Sustainability Action Plan

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The total annual contributions payable under the planning agreement would be \$130,000 (indexed to CPI). The contributions could be used to supplement Council's annual expenditure on a range of community services and facilities in Aberdeen and the surrounding area.

c. Legislative Implications

The planning agreement is a legally binding agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979*.

d. Risk Implications

The planning agreement includes a number of provisions that will minimise the risks to Council.

e. Sustainability Implications

The development contributions will provide funding for community projects that contribute to the social, economic and environmental sustainability of the Upper Hunter Shire.

f. Other Implications

Nil

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CONCLUSION

The development contributions payable under the planning agreement would provide a reasonable level of funding for the provision of public infrastructure and services that directly benefit the Upper Hunter Shire, particularly the Aberdeen community and surrounding area.

ATTACHMENTS

- 1 [↓](#) Planning Agreement
- 2 [↓](#) Submission

Planning Agreement

Planning Agreement

Upper Hunter Shire Council ABN 17 261 839 740

AND

AQC Dartbrook Management Pty Ltd ABN 62 007 377 577

DRAFT

Planning Agreement

Planning Agreement

Date	
Parties	<p>UPPER HUNTER SHIRE COUNCIL ABN 17 261 839 740 of 135 Liverpool Street, Scone NSW 2337</p> <p style="text-align: right;">(Council)</p> <p>AND</p> <p>AQC Dartbrook Management Pty Ltd ABN 62 007 377 577 of 6 Stair Street Kayuga NSW 2333]</p> <p style="text-align: right;">(Dartbrook)</p>
Background	<p>A. Dartbrook operates the Dartbrook Coal Mine, which is located north of the township of Muswellbrook in the Upper Hunter Valley in New South Wales.</p> <p>B. On 11 March 2022, Dartbrook was granted Modification 7 of Development Consent DA231-07-2000 for the Dartbrook Coal Mine.</p> <p>C. Condition 11.4(b) of the Dartbrook Extension Consent requires Dartbrook to enter into a Planning Agreement with Council in accordance with the terms of Dartbrook's offer for Contributions as set out in Schedule 2 of this Agreement.</p> <p>D. Dartbrook has offered to enter into a Planning Agreement on the terms of this Agreement to make Contributions for the purposes of satisfying Condition 11.4(b) of the Dartbrook Extension Consent.</p> <p>E. This Agreement is entered into pursuant to an arrangement under Division 7.1 of Part 7 of the Act.</p>

Operative Provisions

1 Definitions

In this Agreement, unless the context indicates a contrary intention:

Act means the *Environmental Planning and Assessment Act 1979* (NSW);

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Agreement;

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

Business Day means a day on which banks are open for general banking business in NSW, excluding Saturdays, Sundays and public holidays;

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Planning Agreement

Claim means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this Agreement;

Contributions means a contribution made by Dartbrook under this Agreement, pursuant to Schedule 2;

CPI means the All Group Consumer Price Index for Sydney as published by the Australian Bureau of Statistics;

Dartbrook Coal Mine means the coal mine operated by Dartbrook pursuant to the original Dartbrook Consent;

Dartbrook Consent means Development Consent DA231-07-2000 for the Dartbrook Coal Mine which was granted by the Minister for Urban Affairs and Planning on 28 August 2001 as modified;

Dartbrook Extension Consent means the Development Consent granted in response to Development Application DA231-07-2000-Mod-7;

Development means the development approved pursuant to the Dartbrook Extension Consent;

Development Application has the same meaning as in the Act;

Development Consent has the same meaning as in the Act;

Dispute means any dispute between the parties in connection with this Agreement;

End of Mining Operations means when Dartbrook ceases extracting, processing and transporting coal from the Dartbrook Coal Mine and all associated mine rehabilitation has been completed;

Land means the land owned by Trepang Services Pty Ltd as at the date of this Agreement upon which the Development is situated being the land comprised in Appendix 1 of the Dartbrook Extension Consent;

Law means:

- (a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;
- (b) any Approval, including any condition or requirement under it; and
- (c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

Notice means a written notice, consent, approval, direction, order, information, application, request or other communication.

2 Interpretation

In this Agreement, unless the context indicates a contrary intention:

- (a) **(documents)** a reference to this Agreement or another document includes any document which varies, supplements, replaces, assigns or novates this Agreement or that other document;
- (b) **(references)** a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this Agreement;

Planning Agreement

- (c) **(headings)** clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this Agreement;
- (d) **(person)** a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;
- (e) **(party)** a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;
- (f) **(president, CEO or managing director)** the president, CEO or managing director of a body or Authority means any person acting in that capacity;
- (g) **(requirements)** a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (h) **(including)** including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;
- (i) **(corresponding meanings)** a word that is derived from a defined word has a corresponding meaning;
- (j) **(singular)** the singular includes the plural and vice-versa;
- (k) **(gender)** words importing one gender include all other genders;
- (l) **(parts)** a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;
- (m) **(rules of construction)** neither this Agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;
- (n) **(legislation)** a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;
- (o) **(time and date)** a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in, Australia, even if the obligation is to be performed elsewhere;
- (p) **(joint and several)** an agreement, representation, covenant, right or obligation:
 - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
 - (ii) on the part of two or more persons binds them jointly and severally;
- (q) **(writing)** a reference to a notice, consent, request, approval or other communication under this Agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;
- (r) **(replacement bodies)** a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;
- (s) **(Australian currency)** a reference to dollars or \$ is to Australian currency;

Planning Agreement

- (t) **(month)** a reference to a month is a reference to a calendar month; and
- (u) **(year)** a reference to a year is a reference to twelve consecutive calendar months.

3 Planning Agreement under the Act

- (a) The parties agree that this Agreement is a planning agreement within the meaning of section 7.4 of the Act.
- (b) Schedule 1 of this Agreement summarises the requirements for planning agreements under s 7.4 of the Act and the way this Agreement addresses those requirements.

4 Application of this Agreement

This Agreement applies to the Land.

5 Operation of this Agreement

- (a) This Agreement commences on and from the date it is executed.
- (b) On and from the date of termination of this Agreement in accordance with clause 9, this Agreement will cease to have effect and the Council will immediately return to Dartbrook any title documentation or other security it holds under this Agreement.

6 Application of s 7.11, s 7.12 and s 7.24 of the Act

- (a) This agreement does not exclude the application of section 7.11 of the Act to the Development.
- (b) This agreement does not exclude the application of section 7.12 of the Act to the Development.
- (c) This agreement does not exclude the application of section 7.24 of the Act to the Development.
- (d) This Agreement does not prevent the parties from entering into other planning agreements within the meaning of Section 7.4 of the Act in relation to the Development.
- (e) The benefits under this Agreement are not to be taken into consideration in determining a development contribution under sections 7.11, 7.12 or 7.24 of the Act.

7 Contributions to be made under this Agreement

7.1 Contributions

- (a) Dartbrook must make Contributions to Council in accordance with Schedule 2 of this Agreement and any other relevant provision of this Agreement to the satisfaction of Council.
- (b) Council will apply each Contribution made by Dartbrook under this Agreement:
 - (i) for the benefit of the public; and
 - (ii) otherwise in accordance with this Agreement.
- (c) Council will publicly acknowledge the contribution of the Dartbrook Mine under this Agreement.
- (d) Council will on an annual basis provide Dartbrook Mine a report on how the contribution have been invested.

 Planning Agreement

7.2 Monetary Contributions

- (a) The parties agree that the monetary Contributions per annum shall be paid in quarterly instalments commencing on the date that this agreement is signed by both parties.
- (b) Monetary Contributions paid in accordance with Schedule 2 must be paid by cash, bank cheque made payable to Upper Hunter Shire Council or by electronic transfer into a bank account, the details of which are to be provided by Council to Dartbrook.
- (c) A monetary Contribution is made for the purposes of this Agreement when Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by deposit by means of electronic funds transfer of cleared funds into the bank account nominated by Council.

7.3 Apprentices

- (a) As stated in Schedule 2, Dartbrook will use its best endeavours to engage and maintain, at a minimum, 2 apprentices sourced from residents within the Upper Hunter Shire local government area from the date of this Agreement until the End of Mining Operations.

7.4 Adjustment for CPI

The amount of the Contributions in column 3 of the table in Schedule 2 are subject to adjustment for changes in CPI as follows:

$$DCP = \frac{DC \times A}{B}$$

where:

- DCP = the actual Contribution payment amount payable at the time the particular payment is made;
- DC = the particular Contribution payment amount required to be paid as per column 3 of the table in Schedule 2;
- A = the most recent CPI published by the Australian Bureau of Statistics prior to the date the payment is due to be made; and
- B = the most recent CPI published by the Australian Bureau of Statistics prior to the date of this Agreement.

8 Registration of this Agreement

Pursuant to section 7.6 of the Act, the parties agree that the existence of this Agreement will not be registered on titles to the Land.

9 Termination

- (a) This Agreement terminates on:
 - (i) the date on which a Court of competent jurisdiction declares that either the Dartbrook Consent or the Dartbrook Extension Consent (if applicable) is invalid;
 - (ii) the date of End of Mining Operations; or
 - (iii) at such time it is mutually agreed between the parties in writing.

10 Review of this Agreement

- (a) This Agreement may be reviewed or modified by agreement of the parties provided that no review will be undertaken within the 3 years following the date of this Agreement.
- (b) No review or modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

Planning Agreement

- (c) A party is not in breach of this Agreement if it does not agree to an amendment to this Agreement requested by a party in, or as a consequence of, a review.

11 Dispute Resolution

11.1 General

This clause applies to any Dispute arising in connection with this Agreement.

11.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (Notice of Dispute) to the other party of:

- (a) the nature of the Dispute;
- (b) the alleged basis of the Dispute; and
- (c) the position which the party issuing the Notice of Dispute believes is correct.

11.3 Representatives of parties to meet

- (a) The representatives of the parties must promptly (and in any event within 20 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified Dispute.
- (b) The parties may, without limitation:
 - (i) resolve the Dispute during the course of that meeting,
 - (ii) agree that further material or expert determination in accordance with clause 11.6 about a particular issue or consideration is needed to effectively resolve the Dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or
 - (iii) agree that the parties are unlikely to resolve the Dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant Dispute.

11.4 Further Notice if not settled

If the Dispute is not resolved within 20 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the Dispute (Determination Notice) by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 Mediation

If a party gives a Determination Notice calling for the Dispute to be mediated:

- (a) the parties must agree to the terms of reference of the mediation within 10 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the mediator will be agreed between the parties, or failing agreement within 10 Business Days of receipt of the Determination Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) the mediator appointed pursuant to this clause 11.5 must:
 - (i) have reasonable qualifications and practical experience in the area of the Dispute; and
 - (ii) have no interest or duty which conflicts or may conflict with his or her function as a mediator, he or she being required to fully disclose any such interest or duty before his or her appointment;

Planning Agreement

- (d) the mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;
- (e) the parties must within 15 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation;
- (f) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a Dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and
- (g) in relation to costs and expenses:
 - (i) each party will bear its own professional and expert costs incurred in connection with the mediation; and
 - (ii) the costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

11.6 Expert determination

If the Dispute is not resolved under clause 11.3 or clause 11.5, or the parties otherwise agree that the Dispute may be resolved by expert determination, the parties may refer the Dispute to an expert, in which event:

- (a) the Dispute must be determined by an independent expert in the relevant field:
 - (i) agreed upon and appointed jointly by the parties; and
 - (ii) in the event that no agreement is reached, or no appointment is made within 10 Business Days of the agreement, to refer the Dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;
- (b) the expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;
- (c) the determination of the Dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (d) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (e) each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and
- (f) any determination made by an expert pursuant to this clause is final and binding upon the parties unless:
 - (i) within 20 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and intends to commence litigation; or
 - (ii) the determination is in respect of, or relates to, termination or purported termination of this Agreement by a party, in which event the expert is deemed to be giving a non-binding appraisal.

11.7 No suspension of contractual obligations

Subject to any interlocutory order, the referral to or undertaking of a Dispute resolution process under this clause 11 does not suspend the parties' obligations under this Agreement.

Planning Agreement

12 Enforcement

12.1 Default

- (a) In the event a party considers another party has failed to perform and fulfil an obligation under this Agreement, it may give notice in writing to the other party (Default Notice) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 30 days.
- (b) In determining a reasonable time, regard must be had to both the nature of the default and the action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.
- (c) If a party disputes the Default Notice it may, if the Default Notice relates to a Dispute, refer the Dispute to dispute resolution under clause 11 of this Agreement.

12.2 General enforcement

- (a) Without limiting any other remedies available to the parties, this Agreement may be enforced by a party in any Court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Agreement prevents:
 - (i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; or
 - (ii) the Council from exercising any function under the Act or any other Law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

13 Assignment

- (a) Dartbrook must not assign or deal with any right under this Agreement without the prior written consent of Council and any proposed assignment or dealing must not take effect until this Agreement has been registered against the title to the Land.
- (b) Council may withhold its consent to any proposed assignment by Dartbrook unless it is satisfied on reasonable grounds that the proposed assignee has sufficient financial and technical resources to enable it to comply with Dartbrook's obligations under this Agreement.
- (c) Any change of ownership or control (as defined in section 50AA of the *Corporations Act 2001* (Cth)) of a party (excluding Council) shall be deemed to be an assignment of this Agreement for the purposes of this clause.
- (d) Any purported dealing in breach of this clause is of no effect.

14 Approvals and consents

Except as otherwise set out in this Agreement, and subject to any Law, a party may give or withhold an Approval or consent to be given under this Agreement in that party's absolute discretion and subject to any conditions determined by that party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 Council's position

15.1 Agreement does not fetter Discretion

This Agreement is not intended to operate to fetter, in any manner the:

- (a) power of Council to make any Law; or

Planning Agreement

- (b) exercise by Council of any statutory power or discretion including;
(all referred to in this Agreement as a "Discretion").

15.2 Severance of provisions

- (a) No provision of this Agreement is intended to, or does, constitute any unlawful fetter on any exercise of any Discretion. If, contrary to the operation of this clause, any provision of this Agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:
- (i) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 15 is substantially satisfied; and
- (ii) in the event that clause 15.2(a)(i) cannot be achieved without giving rise to a fetter on a Discretion, the relevant provision is to be severed and the remainder of this Agreement has full force and effect.

16 Notices

16.1 Notices

- (a) Any Notice that must or may be given or made to a party to this Agreement is only given or made if it is in writing and sent in one or more of the following ways:
- (i) delivered or posted to that party at its address set out below;
- (ii) faxed to that party at its fax number set out below; or
- (iii) emailed to that party at its email address set out below

Council

Attention	The General Manager
Address	135 Liverpool Street, Scone NSW 2337
Email	council@upperhunter.nsw.gov.au

Dartbrook

Attention	Jeff Beatty
Address	Dartbrook Mine 6 Stair Street Kayuga NSW 2333
Email	Jeff.beatty@tetraresources.com.au

- (b) If a party gives the other party 3 Business Days' notice of a change of its address, number or email, any Notice is only given or made by that party if it is delivered, posted or emailed to the latest address or email.
- (c) Any Notice is to be treated as given or made at the following time if it is:
- (i) delivered, when it is left at the relevant address;
- (ii) sent by post, 5 Business Days after it is posted.
- (d) If any Notice is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

Planning Agreement

16.2 Notices sent by email

- (a) A party may serve a Notice by email if the Notice:
 - (i) includes a signature block specifying:
 - a. the name of the person sending the Notice; and
 - b. the sender's position within the relevant party;
 - (ii) states in the body of the message or the subject field that it is sent as a Notice under this Agreement;
 - (iii) contains an express statement that the person sending the Notice has the authority to serve a Notice under this Agreement; and
 - (iv) is sent to the email address specified in clause 16.1(a) or the email address last notified by the intended recipient to the sender.
- (b) The recipient of a Notice served under this clause 16.2 must:
 - (i) promptly acknowledge receipt of the Notice; and
 - (ii) keep an electronic copy of the Notice.
- (c) Failure to comply with clause 16.2 does not invalidate service of a Notice under this clause.

16.3 Receipt of Notices sent by email

- (a) A Notice sent under clause 16.2 is taken to be given or made:
 - (i) when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above;
 - (ii) when the Notice enters an information system controlled by the recipient; or
 - (iii) when the Notice is first opened or read by the recipient, whichever occurs first.
- (b) If under clause 16.3 a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 5pm (local time), it will be taken to have been given or made at the start of business on the next Business Day in that place.

17 Interest to accrue**17.1 Interest**

- (a) Dartbrook agrees to pay interest on any amount under this Agreement which is not paid on the due date for payment. Interest accrues daily from (and including) the due date to (but excluding) the date of actual payment and is calculated on actual days elapsed and a year of 365 days.
- (b) Dartbrook agrees to pay interest under this clause on demand from Council.

17.2 Rate of interest

The rate of interest applying to each daily balance is the maximum rate permitted to accrue on unpaid rates by Section 566(3) of the *Local Government Act 1993* (NSW).

Planning Agreement

18 General

18.1 Relationship of the Parties

- (a) Nothing in this Agreement constitutes a partnership between the parties, nor does it constitute one party to be the agent of the other.
- (b) A party cannot in any way or for any purpose bind another party or contract in the name of another party.

18.2 Entire Agreement

This Agreement constitutes the entire agreement of the parties in relation to its subject matter and supersedes all prior agreements, understandings and negotiations between the parties. Subject to any contrary requirement of any Law, no other covenants or provisions are implied or arise between the parties by way of collateral or other agreement. The existence of any such implication or collateral or other agreement is expressly negative to the extent permitted by Law.

18.3 Construction

No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of or seeks to rely on this Agreement or any part of it.

18.4 Confidentiality

The parties agree that the terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any party.

18.5 Governing Law and Jurisdiction

- (a) The laws applicable in New South Wales govern this Agreement.
- (b) Each party irrevocably submits to the non-exclusive jurisdiction of the New South Wales Courts and Courts competent to hear appeals from those Courts.

18.6 Counterparts

This Agreement may be executed in any number of counterparts and all such counterparts taken together will constitute the same instrument. A party can execute this Agreement by signing any counterpart. Counterparts can be exchanged electronically by way of email.

18.7 Costs

- (a) Dartbrook must pay to Council the Council's reasonable costs (exclusive of GST) and disbursements in connection with the negotiation, preparation, execution, registration and release and discharge of this Agreement and any other document relating to this Agreement, and for all advertising and associated costs, within 7 days of a written demand by Council for such payment.
- (b) Dartbrook must also pay to Council the Council's reasonable costs of enforcing this Agreement within 7 days of a written demand by Council for such payment.

18.8 Further assurances

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

18.9 Representation and warranties

The parties represent and warrant that they have the power and authority to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any Law.

Planning Agreement

18.10. Severability

Subject to clause 15, this Agreement must, so far as possible, be interpreted or construed so as not to be invalid, illegal or unenforceable in any respect but if any provision on its true interpretation or construction is held to be illegal, invalid or unenforceable:

- (a) that provision will, so far as possible, be read down to the extent that it may be necessary to ensure that it is not illegal, invalid or unenforceable and as may be reasonable in all the circumstances so as to give it a valid operation of a partial character; or
- (b) if the provision or part of it cannot effectively be read down, that provision or part of it will be deemed to be void and severable and the remaining provisions of this Agreement will not in any way be affected or impaired and will continue notwithstanding that illegality, invalidity or unenforceability.

18.11. Waiver

- (a) A right or remedy created by this Agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.
- (b) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

Planning Agreement

Schedule 1
Summary of requirements (Section 7.4)

Subject and subsection of the Act	Planning Agreement
Planning instrument and/or Development Application Section 7.4(1)	The Dartbrook Extension Consent approved on 11 March 2022
Description of the land to which the planning Agreement applies Section 7.4(3)(a)	See the definition of Land in clause 1.
The scope, timing and manner of delivery of contribution required by the Planning Agreement Section 7.4(3)(b)	See clause 7.
Applicability of section 7.11 of the Act Section 7.4(3)(d)	Not excluded. See clause 6.
Applicability of section 7.12 of the Act Section 7.4(3)(d)	Not excluded. See clause 6.
Applicability of section 7.24 of the Act Section 7.4(3)(d)	Not excluded. See clause 6.
Mechanism for dispute resolution Section 7.4(3)(f)	See clause 11.
Enforcement of the Planning Agreement Section 7.4(3)(g)	See clause 12.
Registration of the Planning Agreement Section 7.4(3)(g)	Not to be registered against the Land. See clause 8.
No obligation to grant consent or exercise functions Section 7.4(9)	See clauses 14 and 15.

Planning Agreement

Schedule 2 Contributions

Description of Contribution Column 1	Purpose of Contribution Column 2	Contribution Column 3	Funding Timeframe Column 4
Dartbrook community contribution	Funding for the provision of public infrastructure and services within the Upper Hunter Shire local government area particularly focusing on the Aberdeen area and its surrounds.	\$110,000.00 per year subject to CPI indexation capped at 5%.	The parties agree that the monetary Contributions per annum shall be paid in quarterly instalments commencing on the date that this agreement is signed by both parties.
Contribution of funding toward an environmental officer	Funding toward an environmental officer, who will be responsible for environmental matters associated with development in the Upper Hunter Shire local government area.	\$20,000.00 per year subject to CPI indexation capped at 5%.	The parties agree that the monetary Contributions per annum shall be paid in quarterly instalments commencing on the date that this agreement is signed by both parties.
Training of apprentices	To assist in building a skilled labour force in the Upper Hunter Shire local government area.	Use best endeavours to engage and maintain 2 apprentices sourced from residents within the Upper Hunter Shire local government area.	

Planning Agreement

EXECUTED AS AN AGREEMENT:

EXECUTED by Upper Hunter Shire Council)
ABN 17 261 839 740 by its authorised delegate)
pursuant to Section 377 of the *Local)*
Government Act 1993 (NSW), in the presence
of:

.....
Signature of Witness

.....
General Manager

.....
Name of Witness (Print)

.....
Name of General Manager

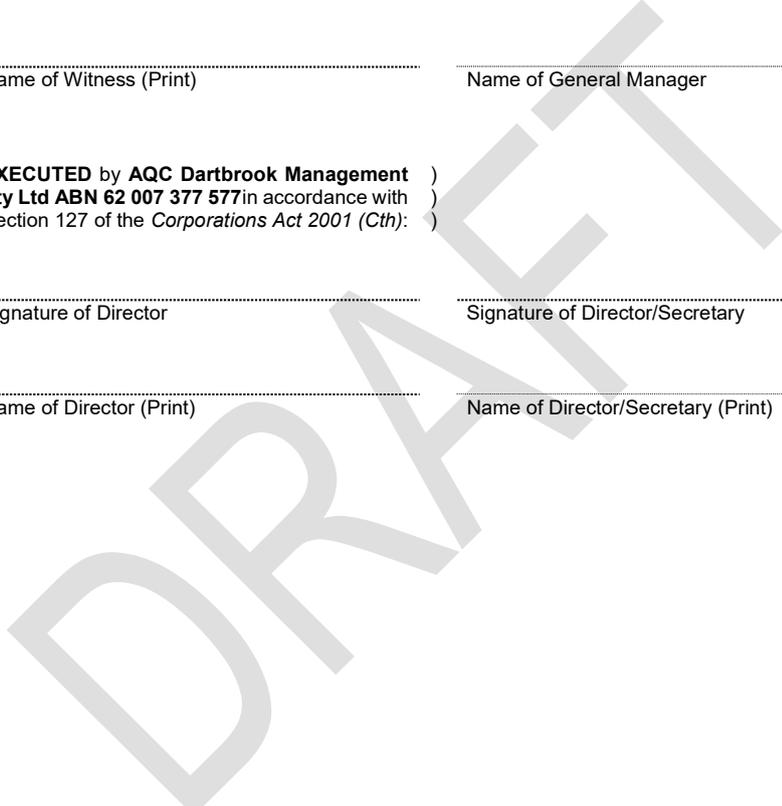
EXECUTED by AQC Dartbrook Management)
Pty Ltd ABN 62 007 377 577 in accordance with)
Section 127 of the *Corporations Act 2001 (Cth)*:)

.....
Signature of Director

.....
Signature of Director/Secretary

.....
Name of Director (Print)

.....
Name of Director/Secretary (Print)



DARTBROOK MINE, Voluntary Planning Agreement. DRAFT seen on UHSC Website, 12.12.22

Comment by Bev Atkinson, [REDACTED]

To the General Manager, Upper Hunter Shire Council.

Dartbrook Mine: AQC's offer. Does that mean that UHSC did not make its own demand? That's not clear. Since our Shire is to suffer impacts it seems appropriate that the Council should take the initiative and demand compensation. But maybe the AQC offer is in reply to such a demand?

The GM on radio some time back said that impacts are *not* suffered in our Shire, (so in effect, not much compensation is warranted.) But on my map, the underground Dartbrook mine is in the Upper Hunter Shire as well as the Muswellbrook Shire. The expansion affects both locations on my graphics. If this is not so, then the graphics are not sufficiently clear about it. Further, the UHS sector of the mine is the closest to Aberdeen, whose St Joseph's School overlooks that land, hears the noise and breathes the air. The mine emits methane even when dormant.

18.1 says that the agreement does not entail collusion or binding between parties, in effect.

1) However, it would be understood by AQC perhaps, that UHSC would not point out to DPIE the difference between "apprentice" and "employee". 2 apprentices is meagre enough, for sure.

But add on the Employees, and it would be revealed that (as per the Consultant's Application for this Mine resumption) there is such full employment in the mining industry, that any truly 'local' workers will be simply coerced by financial inducement to leave their current useful and healthy work to go underground in bad conditions, for substantial salary increase. The consultant predicted exactly the number of job losses as there will be job "gains" in starting up this mine. (156 jobs out of 156 jobs was the Consultant's estimate.) So in fact, in our Shire Towns, if locals go down that mine, our own natural economy and above-ground society will be impoverished. The training and experience, clients and suppliers of new coal workers.. gone, wasted. No pothole money can replace the social capital lost permanently, or the health and natural economy lost underground.

So, *not mentioning* this major intention, mentioning (only) 2 apprentices (by definition not taken from other jobs) is a kind of "understanding" which the Council may be accused of agreeing to.

Perhaps Council did not read the Consultant's stated employment plan? It should have arisen in Court and stopped the expansion, since Approval is always swung by a fictitious idea of 'community benefit, social benefit, jobs.'

2) The \$20,000 for a UHSC Environmental Officer. Very kind, but if AQC was interested in the Environment it would be pulling out of coal mining. Not purchasing an officer likely to make decisions in favour of coal mining, thus 'undermining' **a Council historically awake to its evils.**

So I hope the Council will review this VPA, study the Consultant's employment intentions for Aberdeen and 'local' employment, and re-open the matter for public discussion.

Thank you,

Bev Atkinson.

Planning & Infrastructure Services

G.01.6

UPPER HUNTER DEVELOPMENT CONTROL PLAN 2023

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

The Upper Hunter Development Control Plan 2023 (UHDCP) is being referred to Council for adoption following public exhibition.

RECOMMENDATION

That Council:

1. adopt the Upper Hunter Development Control Plan 2023.
2. publish notice of its decision in accordance with Section 14 of the *Environmental Planning and Assessment Regulation 2021*.
3. repeal the Upper Hunter Development Control Plan 2015 on the date on which the Upper Hunter Development Control Plan 2023 commences.

BACKGROUND

Council, at its meeting held on 31 October 2022, resolved to:

- a) *endorse the draft Upper Hunter Development Control Plan.*
- b) *place the draft Upper Hunter Development Control Plan on public exhibition for a period of 28 days.*

The draft UHDCP was subsequently placed on public exhibition from 16 November 2022 to 14 December 2022.

REPORT/PROPOSAL

The UHDCP will replace the current Upper Hunter Development Control Plan 2015.

The purpose of the UHDCP is to:

- provide a detailed development assessment framework that delivers outcomes desired by the Upper Hunter community
- provide clear and concise development guidelines for various forms of development
- encourage innovation in design and development by not over-specifying development outcomes
- provide certainty in development outcomes for developers and the community.

Essentially, the UHDCP has been prepared to provide guidance on the implementation of the aims, objectives, land uses and provisions of the Upper Hunter Local Environmental Plan 2013.

The UHDCP applies to all development that may only be carried out with consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Planning & Infrastructure Services

When determining a development application, the Council (or other relevant consent authority such as the Land and Environment Court) will take into consideration the extent to which any applicable objectives or development outcomes specified by the UHDCP will be satisfied or achieved by the design, construction or operation of the proposal.

A copy of the final UHDCP has been provided under separate cover.

OPTIONS

1. That Council:
 - a) adopt the Upper Hunter Development Control Plan 2023.
 - b) publish notice of its decision in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.
 - c) repeal the Upper Hunter Development Control Plan 2015 on the date on which the Upper Hunter Development Control Plan 2023 commences..

2. That Council:
 - a) adopt the Development Control Plan 2023 with amendments.
 - b) publish notice of its decision in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.
 - c) repeal the Upper Hunter Development Control Plan 2015 on the date on which the Upper Hunter Development Control Plan 2023 commences..

3. Not proceed with the Development Control Plan.

CONSULTATION

The UHDCP was placed on public exhibition from 16 November to 14 December 2022 in accordance with Council's Community Participation Plan and Section 13 of the *Environmental Planning and Assessment Regulation 2021*. As part of the public exhibition process, notice was given in a local newspaper, on Council's website and social media.

No submissions were received.

In preparing the document, consultation was undertaken internally with Council's Infrastructure Services Department, Heritage Advisor and Councillors.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.
- 2.8 Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.
- 2.3 Ensure all actions, decisions and policy response to natural hazards and climate change remain current.

Planning & Infrastructure Services

b. Delivery Program

- Assessment of planning applications

c. Other Plans

- Upper Hunter Development Control Plan 2015
- Upper Hunter Local Environmental Plan 2013
- Local Strategic Planning Statement

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The cost of preparing the development control plan has been funded from Council's budget.

c. Legislative Implications

Council, as the relevant planning authority, may prepare a development control plan pursuant to Section 3.43 of the Environmental Planning and Assessment Act 1979.

The Environmental Planning and Assessment Regulation 2021 sets out the form of a development control plan and the requirements for public exhibition and adoption.

d. Risk Implications

The risk implications of endorsing the plan are minimal.

e. Sustainability Implications

The UHDCP contains a new chapter on sustainability which will ensure improved sustainability outcomes for new development in the Upper Hunter Shire LGA.

f. Other Implications

Nil

CONCLUSION

The draft UHDCP was placed on public exhibition in accordance with Council's Community Participation Plan and Section 13 of the *Environmental Planning and Assessment Regulation 2021*. No submissions were received.

The UHDCP 2023 replaces the current Upper Hunter Development Control Plan 2015 and provides an updated set of guidelines that will provide greater certainty for developers and the community and assist Council in delivering good development outcomes.

ATTACHMENTS

Provided under separate cover.

General Manager's Unit

POLICY MATTERS

H.01.1

POLICIES FOR REVIEW

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

PURPOSE

To review and adopt the policies provided in the attachment/s to this report.

RECOMMENDATION

That Council:

1. revoke the policy, *Community Relations – Community Interaction*;
2. revoke the policy, *Acquisition – Purchasing – Local*.

BACKGROUND

All new and revised policies of Council are endorsed by the Senior Management Group, and then put to Council for consideration and adoption, in accordance with the Controlled Documents operational policy.

REPORT/PROPOSAL

There are no policies included for adoption this month.

The following policies are attached for revocation by Council:

- a. Community Relations – Community Interaction
- b. Acquisition – Purchasing - Local

It is recommended that the policy, *Community Relations – Community Interaction*, be revoked as it is incorporated within Council's *Community Participation Plan*, adopted by Council on 25 May 2020, and policy, *Community Relations – External Communications*, adopted by Council on 27 June 2022.

It is recommended that the policy, *Acquisition – Purchasing – Local*, be revoked as it is covered under Council's operational policy, *Procurement* approved by the General Manager on 11 January 2023 (Attachment 3).

OPTIONS

Council may adopt, amend or revoke the draft policies provided, as it sees fit.

CONSULTATION

- Senior Management Group

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

General Manager's Unit

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- Advice and policy development that supports decision making

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Controlled Documents operational policy identifies Council's process for creating, reviewing and revoking Council policies.

b. Financial Implications

Nil

c. Legislative Implications

Legislative references for each policy are provided in the policy details, as relevant.

d. Risk Implications

Current and accurate policies support Council in managing risks and help to ensure consistency of service.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

The attached policies have been reviewed by the Senior Management Group, and are provided to Council for consideration to revoke.

ATTACHMENTS

- [1↓](#) Policy - Community Relations - Community Interaction - 26/09/11
- [2↓](#) Policy - Acquisition - Purchasing - Local - 31/10/16
- [3↓](#) Operational Policy - Procurement - 11/01/2023

UPPER HUNTER SHIRE COUNCIL

COMMUNITY RELATIONS – POLICY – *Community Interaction*

Policy

Upper Hunter Shire Council is committed to promoting the effective participation of our community in planning, decision making, operations and communications.

The Community Interaction Policy outlines Upper Hunter Shire Council's commitment to ensure that the range of interactions between council and community members are conducted in a timely, consistent, inclusive, proactive and professional manner and reflect the criteria set out in the Community Interaction Matrix.

This policy is intended to cover both the day to day interactions between Council and the community on operational matters and issues of strategic importance for the community. The operational area will be managed through an integrated response system that delivers consistent, timely and fair outcomes for community members. Strategic projects and processes will all incorporate a structured, planned approach to selecting and implementing the types of interaction that will lead to the best possible outcomes for the community.

Background

The Local Government Act Section 7 states that one of the purposes of the Act is to provide a legal framework for an open system of local government in NSW. The Act is also intended to encourage and assist the effective participation of local communities in the affairs of local government.

Community members, councillors and staff work together in a variety of situations and contexts, in regards to a broad range of community, commercial and personal matters.

The purpose of this policy is to provide a clear and consistent framework to guide these interactions. The policy will be complemented by a package of practical tools to assist community members and council in these interactions.

Objectives -

- Ensure that community interaction is coordinated and integrated in a consistent manner across Council and utilises the most effective methods and technologies.
- Ensure timely and effective communication with the community on all relevant matters
- Establish, maintain and strengthen partnerships between council and community members
- Outline the requirements for project management of community consultations
- Ensure meaningful community engagement in consultative processes
- Ensure that council decisions are well informed, consider community views and result in the best possible outcomes for the Upper Hunter Shire community.
- Provide a framework and practical tools to guide all council and community interactions
- Build a network of community contacts

Principles of Community Interaction

Upper Hunter Shire Council considers that meaningful and effective community interaction:

- Is based on the belief that those who are affected by a council's decision have a right to be involved in the decision making process within the constraints of the legislative framework;
- Seeks the input and facilitates the involvement of those potentially affected by or interested in a decision;
- Seeks the input of participants in determining how they participate;

- Provides participants with the information required to participate in a meaningful and effective way;
- Recognises that the community may hold a diversity of opinions regarding commercial, community and domestic concerns;
- Communicates to participants how their input affected the decision.

Procedures

Upper Hunter Shire Council will ensure that all legal requirements are met in relation to consultation and notification as per State and Commonwealth Legislative and Regulations.

Reports and business papers prepared for the information and consideration of Upper Hunter Shire Councillors will indicate the procedures and implications for community interaction.

The Community Interaction Matrix will be used to determine the appropriate format and protocols for all community interactions and covers both Councillors and staff.

The Communications Officers will participate in the planning of all major projects which incorporate a community consultation and engagement component. The Communications Officer will liaise with staff to advise on the most appropriate method/s for community interaction, and assist staff in the use of the Community Interaction Matrix and accompanying Community Interaction Tool Kit.

Community Interaction Matrix

The Community Interaction Matrix, is a framework to guide community members, councillors and staff in all areas of interaction. The Matrix will provide clear advice on time frames, formats and lines of communication.

The framework maps the pathways for routine council processes, statutory obligations, planning, one off events and critical incidents. The framework indicates the minimum levels that will be used in planning and delivering activities and projects that fall within Council's legislative responsibilities.

Community Interaction Toolkit

The Community Interaction Toolkit includes practical assistance in determining the appropriate level and form of community interaction and outlines the tasks and protocols required to complete the selected approach. The toolkit will include advise on how to incorporate new and innovative approaches into community interaction activities.

The Toolkit will be updated as required outside of the policy review process, to ensure accuracy, currency and relevance.

References

Customer Service - POLICY - Standards - Service
Customer Service - POLICY -Complaints Handling
Governance - POLICY - Model Code of Conduct

This Policy was adopted by Council at its meeting held on 26 September 2011.

Review Date

October 2012 by the Director of Corporate Services

Authorised by:.....
Steve Pryor, Acting General Manager

11 October 2011
Date



PLANT, EQUIPMENT & STORES – POLICY – ACQUISITION – Purchasing – *Local*

Policy

- Council accepts a 'local' price within 10% of the otherwise best available price subject to a maximum invoice value of \$10,000 including GST (excluding any trade-ins).
- The items purchased do not include any items that need to be covered by the requirements of the Local Government (General) Regulations 2005 in regard to tendering.

Objective

- To purchase items for use at the best available value to ratepayers through the use of contracts, tenders and quotations, depending on the value of the items.
- To have a positive influence on the local economies within the Shire by purchasing locally whenever possible within reasonable limits.

Definition

"Local" refers to any supplier whose primary business location is within the Upper Hunter Shire Council local government area.

Procedures

Nil

References

This policy was adopted by Council at its meeting on 31 October 2016, and replaces that of the same title adopted 27 May 2016.

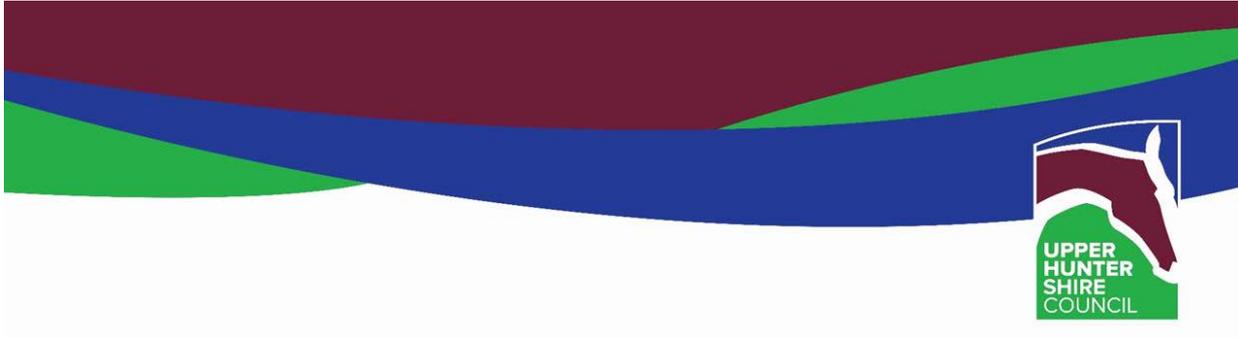
INT-29093/16

Review Date

November 2020, by Director Corporate & Community Services.

Authorised by: 
Waid Crockett, General Manager

31/10/2016
Date



POLICY - OPERATIONAL

Procurement

Date approved by Senior Management Group	11 January 2023
Minute #	23/004
Endorsed by	Senior Management Group
CM Ref	CD-1/23
Due for review	September 2026
Related documents	
Responsible officer	Director Corporate and Community Services.
Department/Section	Procurement
Category	Corporate
Community Strategic Plan goal	<p>Responsible Governance</p> <p>5.1 Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.</p> <p>5.3 Effective financial and asset management to ensure council's long-term sustainability</p>

Policy – Operational: Procurement



Introduction

The Policy is to provide guidelines and framework around the procurement process of Council.

Objective

The objectives of Upper Hunter Shire Council's Procurement Operational Policy are as follows:

- To ensure compliance with the NSW Local Government Act 1993 and the NSW Local Government (General) Regulations 2005 in relation to the procurement of goods and services
- To clearly define a procurement framework, responsibilities and procedures
- To assist Council in achieving the most advantageous price and purchasing conditions
- To ensure that Council's procurement policies, practices and procedures are best practice and meet the highest level of public accountability

Scope

This Policy applies to all contracting and procurement undertaken under staff delegation activities at the Upper Hunter Shire Council (Council) and is applicable to Council staff.

It is recognised this will enhance achievement of each of Council's objectives, such as sustainable and socially responsible procurement, supporting local economies and obtaining value for money, leading to a better result in the provision of services for the community.

This Policy provides direction on the conduct of procurement activities throughout the sourcing, management and disposal phases. It also covers the general procurement framework but does not extend to the related accounts payable processes.

Council must comply with this Policy before entering into a contract for the purchase of goods or services or the carrying out of works. It is to be read subject to any Regulations made under the Act.

Policy

Council officers have a responsibility to perform their duties and conduct themselves in a manner which ensures that they maintain a reputation for fair dealing and that the integrity of the procurement function is beyond reproach.

The Policy aims to:

- Provide clear guidelines to Council to allow consistency and control over procurement activities
- Demonstrate accountability to ratepayers
- Provide guidance on ethical behaviour in public sector procurement
- Demonstrate the application of best practice in purchasing
- Demonstrate the consideration of sustainability in procurement in respect to social, economic and environmental factors.
- Increase the probability of obtaining the right outcome when procuring goods and services.

Policy – Operational: Procurement

The following guidelines are given to assist in satisfying these responsibilities.

- **Fair and Honest Dealing**

Council officers must ensure that prospective contractors and suppliers are afforded equal opportunity to tender/quote for all goods and services required. Impartiality should be maintained at all times so that no action is taken which could evoke criticism of Council. It is important that Council officers protect the commercial interests of all existing and potential contractors or suppliers. Disclosures must not be made, other than in the course of official council business, of information supplied by means of the tender or quotation process. Confidentiality of commercially sensitive material such as prices, discounts, rebates, profits, manufacturing and product information or other matters which come to notice in the course of official duties, must be maintained at all times in accordance with Council's Operational Policy.

- **Supplier Contact**

Council encourages its officers to research the market to identify new sources of supply for goods/services required by Council and to encourage such sources to tender or quote details of their products/expertise to Council.

Any contact must be carried out having regard to this Operational Policy and ensuring that contact is made in such a way as not to deliberately disadvantage other contractors or suppliers.

- **Conflict of Interest**

Council officers are advised to avoid situations where private interests conflict with their Council procurement duties and/or this Operational Policy. This conflict extends to business undertakings by way of contract or purchase agreement with members of the officer's family or with a firm in which the officer has a pecuniary or non-pecuniary interest. Officers finding themselves in this situation are required to disclose the details to their Director or the General Manager.

- **Gifts and Hospitality**

Council officers must not, by virtue of their position, accept or acquire for any personal advantage any gift, gratuities and hospitality from contractors, suppliers or their representatives, either current or potential.

In accordance with Council's Code of Conduct, Council officers must disclose such gifts and hospitality in the Council Register of Gifts and annual return of pecuniary interest.

If an officer is approached and offered gifts, commissions or bribes, or is approached in any irregular manner the matter should immediately be reported to their Director or the General Manager.

Policy – Operational: Procurement

- **Audit**

Council's internal auditor will carry out internal audits of procurement activities.

- **Responsibilities**

Where the instructions set out in this Operational Policy are not adhered to, the information is to be brought to the attention of the Manager of the Council officer who has acted in an improper manner.

Should the non-compliance continue to occur, the matter is then to be referred to their Director for appropriate investigation and if necessary, disciplinary action.

- **Quality Assurance**

Quality is an integral and core element in the provision of all goods, services and works. Council encourages contractors and suppliers to have quality assurance accreditation under Australian Standard 3902 or International Standards ISO 9002 for manufacturers and distributors and Australian Standard 3901 or International Standard ISP 9001 for design and manufacture and systems.

- **Procurement Preference**

All matters being equal, Council prefers to purchase Australian made products and services and to purchase them locally. Council has a local purchasing policy outlined on page 11 of this Operational Policy.

- **Benefits of the Procurement System**

Council's procurement activities shall be carried out in accordance with this Operational Policy and its officers are obligated to ensuring that all its activities involving procurement are carried out bearing in mind the following principles:

- **Open and Effective Competition**

The objective of this principle is to maximise the prospect of obtaining the most advantageous outcome for Council and that contractors or suppliers wishing to do business with Council are given a reasonable opportunity to do so.

Open and Effective Competition will be achieved by:

- procurement procedures and processes being visible to Council, contractors, suppliers and the public
- Council officers accepting responsibilities and accountabilities
- contractors and suppliers having a real opportunity to do business with Council
- invitations to contractors or suppliers being specified to encourage competition among contractors and suppliers with a view to value for money

Policy – Operational: Procurement

- **Value for Money**

Council bases procurement decisions on the principle of 'value for money' over the lifecycle of products rather than the 'lowest cost' and gives preference to the purchase of environmentally friendly products where they are performance competitive and cost competitive with the existing product purchase.

Officers making decisions on the procurement of goods and services must evaluate the following issues in determining the appropriate contractor or supplier of goods and services.

Officers are to ensure the following:

- contractors or suppliers have equal opportunity to clarify what is being sought
- all documentation to suppliers is clear and concise and that it does not contain inconsistencies or is ambiguous
- the performance of prospective contractors or suppliers is investigated to ensure that they could provide service that is value for money
- communicating with contractors/suppliers on their performance and encouraging improvement in performance

- **Ethical Behaviour and Fair Dealing**

Council officers are to ensure that they act with integrity and in a way that shows a proper concern for the public interest.

These actions can be achieved by:

- promoting a high standard of integrity in procurement activities
- establishing criteria for awarding quotations/tenders before awarding the purchase
- ensuring that the confidentiality of all information is maintained at all times
- Council's Procurement Operational Policy is to be made known to current or prospective contractors and suppliers at all times in dealing with such companies or persons.

PROCUREMENT PROCESS AND PROCEDURE

1. Procurement Categories

Council's practices in procurement of all goods and services operate within seven categories. The terms and conditions for advertising and issue of tenders or quotations by Council are outlined in this Operational Policy.

For the purpose of this Operational Policy, all values quoted are inclusive of Goods and Services Tax (GST) and should include freight costs where freight is added to the invoice.

The value is based on the total value of the order and for motor vehicles will be the gross value where there is no trade-in or where the vehicle is being disposed of to a different

Policy – Operational: Procurement

organisation. Where the vehicle is being traded to the same supplier, the net value is used.

The seven categories of procurement are as follows:

1.1 Direct Procurement

Providing the pricing is competitive, a supplier may be selected and direct procurement may occur where the expenditure on the subject goods or services is less than \$5,000 (inc. GST) and is approved by a staff member with appropriate delegations.

Verbal quotations should be obtained where possible.

1.2 Invited Quotations

Three (3) written quotations, where possible, are to be sought and documented where expenditure is anticipated to be equal to or greater than \$10,000 (inc. GST) and less than \$100,000 (inc. GST). Direct procurement may proceed subject to being approved by a staff member with appropriate delegations.

1.3 Public Quotations

Quotations are to be publicly sought where expenditure is anticipated to be equal to or greater than \$60,000 (inc. GST) and less than \$250,000 (inc. GST). The documentation inviting quotations and analysing the outcomes of this process should be attached to the order for audit purposes.

Council staff must complete a copy of the Procurement Operational Policy – Public Quotation/Tendering checklist. This completed document must be save into TRIM.

1.4 Public Tenders

Subject to section 55 (3) of the LGA, tenders are to be publicly advertised where expenditure is expected to be equal to or greater than \$250,000 (inc. GST). The documentation inviting tenders and analysing the outcome of the tender process must be the subject of a report to Council.

If there are circumstances as outlined in section 55(3) of the LGA, direct procurement may proceed by Council resolution.

As provided for in clause 168 of part 7, division 2 of the Local Government (General) Regulation 2005, Council may publicly invite Expressions of Interest initially. After considering submissions, Council may invite selected applicants to tender for the proposed contract, or may decline to invite tenders from any of the respondents.

Council staff should complete a copy of the Procurement Operational Policy – Public Quotation/Tendering checklist. This completed document must be saved into TRIM.

1.5 Schedule of Rates

A tender must be publicly advertised calling for fixed rates from contractors for projects to be executed by Council on an 'as required' basis. Such projects may include maintenance tasks, goods procurement, or minor capital works. No more than

Policy – Operational: Procurement

three contractors are to be selected for inclusion in the Schedule of Rates Contracts for any category of work to be conducted unless specific circumstances dictate otherwise (e.g. multiple units hired concurrently).

Tenders for the Schedule of Rates may be invited by Council directly or may be invited through entities such as the Hunter Councils, Local Government Procurements or the NSW State Government. The outcome of the tender process, through which council's Schedule of rates contractors are selected, must be the subject of a report to Council.

1.6 NSW Government Contracts

Goods, materials or services may be obtained, if listed in the NSW State Contract, without the need for other tenders or quotations from the entities so specified during the period so specified and at a rate not exceeding the rate so specified.

1.7 Hunter Councils Regional Procurement, Local Government Procurement & Procurement Australia

Goods, materials or services may be obtained if available through Hunter Councils Regional Procurement or Local Government Procurement or Procurement Australia without the need for other tenders or quotations from the entities so specified during the period so specified and at a rate not exceeding the rate so specified.

Any proposed purchase through a Hunter Councils tender and where the anticipated value of the supply to Upper Hunter Shire Council exceeds the limit specified under 1.4 then Council may only accept the tender by resolution.

Council staff are encouraged to compare prices (including freight and any rebates) against other suppliers to ensure best value to Council is obtained.

2. Discretionary Contract Renewal/Extension

Where a contract is due to expire and provision has been made in the original contract for renewal/extensions, and a proven advantage will be delivered to Council in so doing, the General Manager may renew/extend the contract without calling for new tenders or quotations.

The renewal of the tender or quotation is subject to the tendering regulations and cannot exceed \$250,000 (inc. GST).

3. Emergency Procurement

In an emergency Council may provide for procurement by means other than those described in the preceding provisions, whilst adhering to the spirit of relevant guidelines.

The use of emergency orders should only be limited to:

- emergency works – as outlined in Council's Business Continuity Plan or otherwise determined by the General Manager;
- breakdown at water or sewerage treatment plants or other Council infrastructure which exposes Council to a public, staff or environmental safety risk;
- breakdown of major plant with no suitable temporary replacement available.

Policy – Operational: Procurement**4. Sustainable Procurement****4.1 Sustainable procurement definition**

Sustainable Procurement involves decision making that has the most positive environmental, social and economic impacts possible across the entire lifecycle of goods and services. The United Nations Environment Programme defines Sustainable Procurement as a “process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a Total Cost of Ownership in terms of generating benefits not only for the organisation, but also to society and the economy whilst minimising damage to the environment.”

4.2 Applying sustainable procurement in Council

Sustainability will be embedded in Council's work. All Council staff will have a clear and shared understanding about what it means and how they can apply it to their daily tasks.

Council applies Sustainable Procurement by:

- refining sustainability strategies for contracting activities;
- examining organisational, project and/or community needs for anticipated contracting activities;
- researching, trialling and identifying the most sustainable options of goods and/or services to be procured that will meet organisational, project and/or community needs now and into the future;
- going to market for goods and/or services meeting the optimal solution identified; and
- planning and undertaking sustainability evaluations as part of contracting activities.

4.3 Principles and objectives

Council commits to applying principles of sustainability to all of its decision-making and activities. In addition, Council applies sound contracting principles to its procurement activities. The following economic, environmental and social objectives have been determined in line with these principles.

Policy – Operational: Procurement



Area	Principles	Objectives
<p>Economic</p>	<p>Council is committed to procurement that supports local business and economic diversity in the municipality. Where practicable Council will give preference to goods manufactured or produced in Australia and will actively seek tenders, EOIs, quotations and proposals from local businesses whilst ensuring:</p> <ul style="list-style-type: none"> • Value for Money • open and effective competition • the development of competitive local business and industry <p>Note: "Local" in the context of this Policy denotes the Local Government Area of the Upper Hunter Shire.</p>	<p>Council's economic sustainability commitment and approach aims to:</p> <ul style="list-style-type: none"> • achieve Value for Money on a Total Cost of Ownership (including disposal) basis, rather than just initial cost. • consider life cycle impacts of products purchased. • ensure probity and accountability in the procurement process. • commit to source locally. • build relationships with local businesses and encourage purchasing from local suppliers to help build their capacity. • increase local employment.
<p>Environmental</p>	<p>Council will give preference to tender, EOI, quotation and other offers that deliver environmentally preferable outcomes and deliver strategies to avoid and reduce natural resources waste generation and drive energy efficiency. To support the achievement of objectives and targets within Council's Strategic Plan, Council will minimise its impact on the environment by:</p> <ul style="list-style-type: none"> • purchasing goods, services and works which avoid air, water and soil pollution. • minimising natural resource and biodiversity depletion. • supporting suppliers to reduce carbon emissions in the supply chain. • actively avoiding suppliers who have involvement or investments in industries whose activities directly result in high carbon emissions (e.g. fossil fuel industry) • purchasing environmentally preferred goods and services whenever they present an acceptable Value for Money outcome. 	<p>Council's environmental sustainability commitment and approach aims to:</p> <ul style="list-style-type: none"> • maximising energy efficiency and reducing greenhouse gas emissions and contribute towards Council's carbon neutral status. • minimise waste production by: <ol style="list-style-type: none"> 1. reduced usage of non-renewable resources 2. reduced demand for raw materials and natural resources 3. promoting a market for recycled materials • reduce water consumption and activities that impact diversity.

Policy – Operational: Procurement



<p>Social</p>	<p>Council is committed to building stronger communities and meeting social objectives which benefit the community and commits to integration of measures in its procurement processes and documentation which promote improved social outcomes. Council's socially sustainable procurement strategy will be underpinned by:</p> <ul style="list-style-type: none"> • creation of training and employment opportunities for unemployed, disadvantaged municipal residents or marginalised job seekers. • creation of opportunities for small, medium and social enterprises, Indigenous and Disability Employment enterprises. • promotion of equity, diversity and equal opportunity. • provision for broad public involvement on issues that affect the community, such as addressing complex local challenges like intergenerational employment, crime, vandalism and economic decline. 	<p>Council's social sustainability commitment and approach aims to:</p> <ul style="list-style-type: none"> • ensure vendors do not exploit workers and provide fair wages, including inclusive and sustainable business practices. • maintain a social procurement program to increase social procurement spend across the municipality. • ensure sourced products are accessible by all segments of the community. • Increase employment opportunities for Indigenous people, disabled people, disadvantaged people and long term unemployed. • Increase gender equity. • prevent, detect and remove modern slavery from Council's supply chain. • Increase spend on local business to 10 per cent. • Increase annual employment opportunities for disadvantaged jobseekers living in the Upper Hunter Shire. • Increase spend with Aboriginal businesses, Australian Disability Enterprises or NSW social enterprises to 0.1 per cent.
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5. Procurement Flowchart

To assist with the procurement process included in the Policy at Appendix A is the the Local Government Good Practice Toolkit (Procurement) Flowchart which provides a visual aspect of the procurement process and should be used to give guidance to Council staff in carrying out the procurement function.

Policy – Operational: Procurement**6. Local Purchasing Policy****6.1 Objective**

Upper Hunter Shire Council through the provisions of this Operational Policy aims to encourage the development and promotion of business and industry within the Shire boundaries and in so doing will assist in creating growth of such business or industry.

6.2 Criteria

Local preference is defined as any business or industry either located in or operating from premises within the Upper Hunter Shire boundaries.

6.3 Condition

Council accepts a 'local' price within 10% of the otherwise best available price subject to a maximum invoice value of \$10,000 including GST (excluding any trade-ins).

The items purchased do not include any items that need to be covered by the requirements of the Local Government (General) Regulations 2005 in regard to tendering.

It is noted that motor vehicles are dealt with under Council policy, *Plant, Equipment & Stores – Replacement & Disposal – Plant, Equipment & Vehicles*.

6.4 Purchasing Delegations

Council officers are able to sign/approve purchase requisitions and official Council orders within their limitations as delegated by the General Manager.

Orders are required prior to all purchases except those listed in the Financial Management – Authorisations – Delegations to Incur Expenditure.

Responsibilities

Role	Responsible for
All staff	<ul style="list-style-type: none"> • Undertaking all procurement in accordance with this Policy and associated procedures • Maintaining an audit trail for all procurement activities.
Finance and Procurement team	<ul style="list-style-type: none"> • Ensuring this Policy and associated processes remain relevant and up-to-date • Maintaining appropriate procurement systems • Monitoring procurement expenditure, aggregated spends, and compliance with this Policy and relevant legislative requirements • Educating the organisation on this Policy and providing practical guidance and advice to support all stages of the procurement process

Policy – Operational: Procurement



Senior Manager Group	<ul style="list-style-type: none"> • Taking all necessary steps to ensure Council's full compliance with this Policy, including undertaking or delegating the tasks of: <ol style="list-style-type: none"> 1. establishing and maintaining supporting internal systems, procedures and processes 2. monitoring and addressing non-compliance • Making decisions in circumstances where it may be necessary to deviate from the principles outlined in this Policy
Audit, Risk & Improvement Committee	<ul style="list-style-type: none"> • Monitor compliance with this policy
Project managers	<ul style="list-style-type: none"> • Monitor procurement expenditure and aggregated spend

References and Related Legislation

- Procurement Operational Policy Process Flowcharts
- Code of Conduct for Staff
- FINANCIAL MANAGEMENT – OPERATIONAL POLICY – Authorisations – Delegations to Incur Expenditure
- Statement of Business Ethics for Contractors, their staff and business associates
- Local Government Act 1993
- Local Government (General) Regulation 2005
- NSW Government Code of Practice for Procurement January 2005
- NSW Government Tendering Guidelines December 2011
- NSW Department of Local Government Tendering Guidelines for Local Government October 2009
- Interpretation Act 1987
- Occupational Health and Safety Act 2011
- Tendering Checklist
- Code of Accounting Practice & Financial Reporting

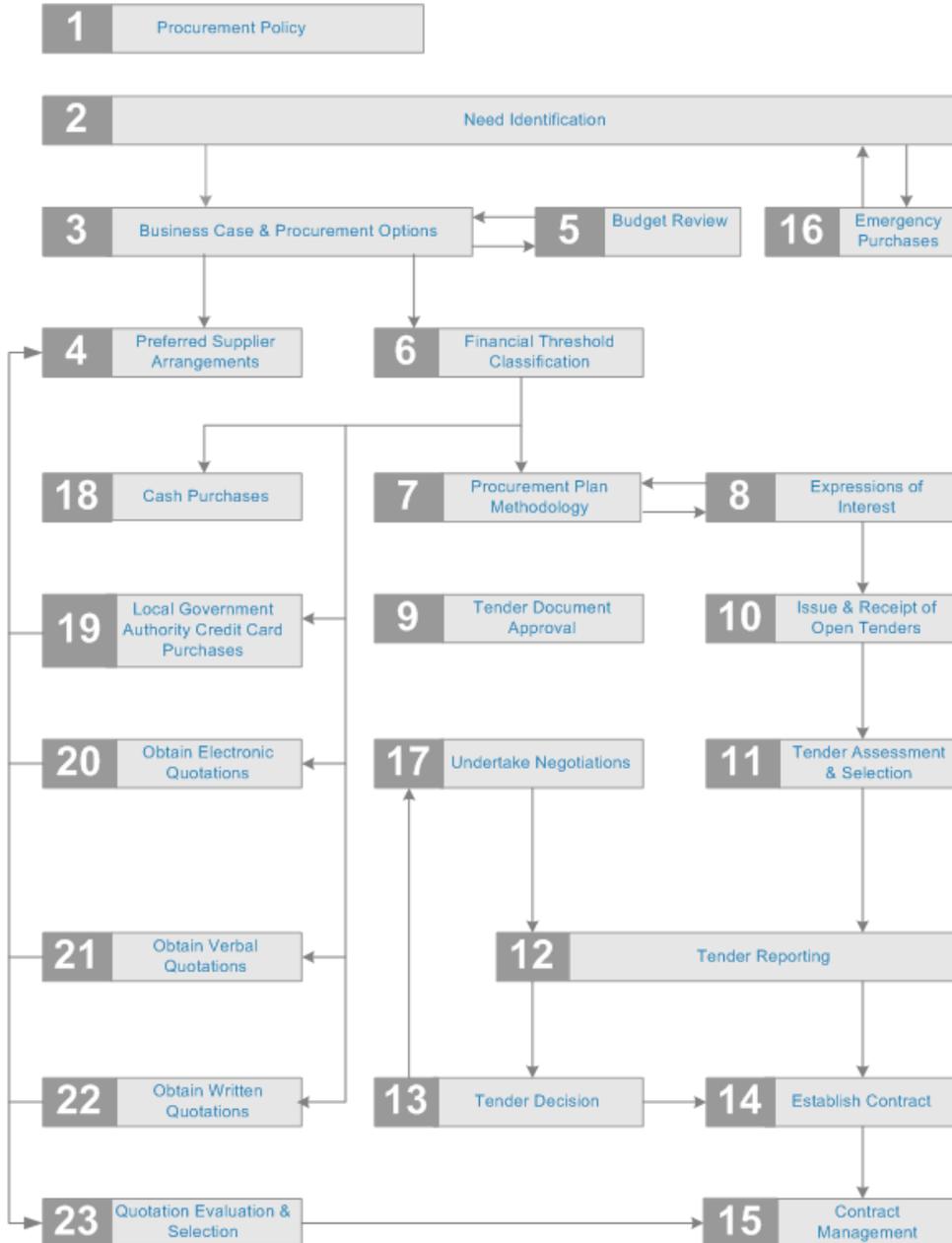
Version History

Version No.	Date	CD Ref	Reason for Review
1	16/09/2014	INT-10003/14	
2	13/07/2016	INT-21283/16	Timed review
3	28/04/2020	CD-56/20	Timed review
5	11/01/2023	CD-1/23	Timed review



Appendix A

LOCAL GOVERNMENT GOOD PRACTICE TOOLKIT



General Manager's Unit

GENERAL MANAGER COMMENT:

1. Section 248(1) of the Local Government Act 1993 provides that Council must pay each Councillor an annual fee, however Section 254A of the Act provides opportunity for Council to withhold payments from a Councillor and allows payments to be withheld when a Councillor is absent from ordinary meetings of the Council. It also references other circumstances which may be prescribed in the regulations. In this regard, Clause 404 of the Local Government (General) Regulation 2021 provides that fees can be reduced if the fee would adversely affect the Councillor's entitlements to pensions, benefits or entitlements and the Councillor also agrees to the reduction.

These legislative provisions are reprinted below.

If resolved by Council it would be proposed that changes be made to the Councillor Expenses and Facilities Policy to include a section on the withholding of annual fee proportions for non-attendance at Council meetings. The philosophy would be that there would be two tiers of withholding, the first tier being smaller and applied when the Councillor is absent but the meeting can still proceed as it has a quorum, the second tier being higher when the Councillor is absent and the meeting cannot proceed due to not being able to achieve a quorum. The second tier would be very unlikely as other Councillors would need to be apologies or absent. The level of the withheld fee would be discussed with Councillors in briefing sessions prior to adoption. The present legislation limits this to ordinary Council meetings only and does not apply to briefings or committee meetings.

Local Government Act

254A Circumstances in which annual fees may be withheld

- (1) *Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council—*
 - (a) *for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or*
 - (b) *in any other circumstances prescribed by the regulations.*

Local Government Regulation

404 Circumstances in which councillors' annual fees may be reduced or not paid

For the purposes of section 254A of the Act, a prescribed circumstance for the non-payment or reduction of a councillor's annual fee is the circumstance where both of the following conditions are satisfied—

- (a) *the payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales),*
 - (b) *the councillor agrees to the non-payment or reduction.*
2. The invoicing of Councillors may not be able to be achieved under the present legislation as there does not appear to be any provisions that would enable the recovery of the costs incurred in funding these investigations.

General Manager's Unit

QUESTIONS WITH NOTICE

QWN.01.1

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RECOMMENDATION

That Council note the questions received and responses provided.

BACKGROUND

The following questions with notice have been received. Responses to each question are provided below.

Cr McPhee

1. Could Council please be provided with the following information:
 - a) The number of Ordinary meetings each councillor has attended in 2022.
 - b) The number of times each councillor has attended for his/her nominated standing committee meetings in 2022.
 - c) The number of times each councillor has logged into LG Hub – the platform councillors use to review all agendas, meeting minutes and associated material – in 2022.
2. Could Council please be provided with how much Upper Hunter Shire Schools received in UHSC approved donations in 2022.

Responses

Question 1:

Attachment 1 provides a summary of Councillor attendance at ordinary Council meetings and Standing Committee meetings.

Table 1 provides a summary of Councillor activity within LG Hub for 2022.

Count of Action	Adam Williamson	Allison McPhee	Elizabeth Flaherty	James Burns	Lee Watts	Maurice Collison	Ron Campbell	Tayah Clout	Grand Total
Jan	8	35	5	69	17	38	11	20	203
Feb	17	19	1	29	9	15	23	11	124
Mar		29	10	20	11	16	17	19	122
Apr	20	58		19	11	31	19	35	193
May	36	36		23	23	33	19	17	187
Jun	24	24		6	19	31	8	14	126
Jul	20	21		30	11	10	10	13	115
Aug	18	10		13	8	23	1	16	89
Sep	20	52		34	16	24	20	26	192
Oct		40		54	30	34	28	24	210
Nov	10	44	8	24	37	34	12	18	187
Dec	20	26		19	15	23	10	11	124
Grand Total	193	394	24	340	207	312	178	224	1872

Table 1

General Manager's Unit

Question 2:

In 2022 Council received requests from St Joseph's Primary School and Merriwa Central School for donations.

Table 2 shows donations Council resolved to provide to these schools.

Meeting Date	School	Donation Provided	Reason for Request
28/3/22	St Joseph's Primary	\$360	Towards pool entry fees associated with students participating in the learn to swim / school swimming carnival.
27/6/22	Merriwa Central	\$200	To waive fees for the hire of the Merriwa School of Arts Hall for the Little Sprouts Community Reading Day

Table 2

Table 3 shows requests received which Council resolved to not provide donations for reasons that they had already received contributions in the financial year and/or the request did not meet the criteria within the policy which are:

- a) Residents (individual and teams) representing the Shire;
- b) Events which promote the towns of Aberdeen, Merriwa, Murrurundi and/or Scone;
- c) Events which promote the Upper Hunter and the Shire;
- d) The rental subsidy that may be provided to a community service organisation which occupies a Council building or property as a tenant.

Meeting Date	School	Requested Amount (not provided)	Reason for Request
30/5/22	St Joseph's Primary P&F	\$590	To waive hire fees of Merriwa Showground for Junior Campdraft and Fete Day
19/12/22	St Joseph's Primary	\$642	To assist with pool fees associated with Learn to Swim / School Swimming Program and annual Swimming Carnival

Table 3

All Upper Hunter Shire Schools received donations of \$200 towards their end of year presentation days in accordance with Council's Delivery Program and Operational Plan. Details are provided in Table 4.

School	Donation
Aberdeen Public	\$200
Belltrees Public	\$200
Blandford Public	\$200
Ellerston Primary	\$200
Merriwa Central (primary & secondary)	\$400
Cassilis Public	\$200
Murrurundi Public	\$200
Scone Grammar (primary & secondary)	\$400
Scone High	\$200
Scone Public	\$200
St Joseph's High – Aberdeen	\$200
St Joseph's Primary – Merriwa	\$200
St Mary's Primary - Scone	\$200
Total	\$3,000

Table 4

ATTACHMENTS

- 1 [↓](#) Councillor Attendance at Council & Standing Committee Meetings - 2022

Councillor Attendance at Council and Standing Committee Meetings in 2022

✓ Present A Apology ✓ In Attendance X Absent

2022	Cr Abbott	Cr Burns	Cr Campbell	Cr Clout	Cr Collison	Cr Flaherty	Cr McPhee	Cr Watts	Cr Williamson	Comments
Ordinary Council Meetings										
10 January 2022 (Extraordinary)	✓	✓	✓	✓	✓	✓	✓	✓	✓	
31 January 2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	
28 February 2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	
3 March 2022 (Extraordinary)	A	✓	✓	✓	✓	✓	✓	✓	A	
28 March 2022	✓	✓	✓	✓	✓	A	✓	✓	✓	
26 April 2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	Cr Abbott attending via Zoom
30 May 2022	A	✓	✓	✓	✓	A	✓	✓	✓	Cr Abbott on leave of absence until 16/11/22
27 June 2022	A	✓	✓	✓	✓	✓	✓	✓	✓	
25 July 2022	A	✓	✓	✓	✓	✓	✓	✓	✓	Cr Flaherty attended via Zoom
29 August 2022	A	✓	✓	✓	✓	A	✓	✓	✓	Cr Flaherty on leave of absence until 3/10/22
26 September 2022	A	✓	✓	✓	✓	A	✓	✓	✓	
31 October 2022	A	✓	✓	✓	✓	✓	✓	✓	✓	
28 November 2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	
19 December 2022	✓	✓	✓	✓	✓	✓	✓	✓	✓	
2022	Cr Abbott	Cr Burns	Cr Campbell	Cr Clout	Cr Collison	Cr Flaherty	Cr McPhee	Cr Watts	Cr Williamson	Comments
Environmental & Community Services Committee										
Members: Crs Watts, McPhee, Flaherty & Campbell										
8 February 2022	✓		✓		✓	✓	✓	✓		
8 March 2022	✓				✓	✓	✓	✓		
12 April 2022			✓		✓	✓	✓	✓		
10 May 2022					✓	A	A	A		
14 June 2022			✓		✓	✓	✓	✓		Cr Flaherty attended via Zoom
July - no meeting held										
9 August 2022			✓		✓	A	✓	✓		Cr Flaherty has pending request for leave of absence
13 September 2022			✓		✓	A	✓	✓		Cr Flaherty on leave of absence until 3/10/22
11 October 2022			✓		✓	A	✓	A		
8 November 2022					✓	✓	✓	✓		
13 December 2022			✓	✓	✓	X	✓	✓		Cr Collison attended from 10.40am
2022	Cr Abbott	Cr Burns	Cr Campbell	Cr Clout	Cr Collison	Cr Flaherty	Cr McPhee	Cr Watts	Cr Williamson	Comments
Infrastructure Services Committee										
Members: Crs Campbell, Collison, McPhee, Clout										
8 February 2022	✓		✓	✓	✓		✓			
8 March 2022										
12 April 2022			✓	✓	✓		✓			
10 May 2022				A	✓		✓			
14 June 2022			✓	✓	A		✓			
12 July 2022			✓	A	A		✓			
9 August 2022			✓	✓	✓		✓			
13 September 2022			✓	A	✓		✓			
11 October 2022			✓	✓	✓		✓			
8 November 2022			✓	✓	✓		✓			
13 December 2022			✓	✓	✓		✓			
2022	Cr Abbott	Cr Burns	Cr Campbell	Cr Clout	Cr Collison	Cr Flaherty	Cr McPhee	Cr Watts	Cr Williamson	Comments
Corporate Services Committee										
Members: Crs Burns, Abbott, Flaherty & Williamson										
18 February 2022	✓	✓			✓	✓			✓	
18 March 2022	✓	✓							A	
14 April 2022	A	✓				X			✓	Cr Flaherty was absent
20 May 2022	A	A				✓			✓	
17 June 2022	A	✓			✓	X			✓	Cr Flaherty was absent
15 July 2022	A	A				✓			✓	Cr Flaherty arrived at 9.10am
19 August 2022	A	✓				A			✓	Cr Flaherty has pending request for leave of absence
16 September 2022	A	✓			✓	A			✓	Cr Burns (via Zoom) - Cr Flaherty on leave of absence
21 October 2022	A	✓			✓	✓			A	Cr Flaherty arrived at 9.08am
18 November 2022	—	✓				X			✓	Cr Burns attended via Zoom.
9 December 2022	—	✓				✓			✓	



Corporate & Community Services

CONFIDENTIAL REPORTS

CR.01.1

***STATUS UPDATE ON UPPER HUNTER SHIRE COUNCIL
COMMERCIAL BUSINESS OPTIONS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2)(c)(d)(i) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to provide a status update on the progress of the Expressions of Interest (EOI) sought by Council.