

Terms of Reference

Mount Thorley Warkworth Voluntary Planning Agreement Community Committee

1. Establishment

The Mount Thorley Warkworth Voluntary Planning Agreement Community Committee (the Committee) will be a Governance Committee (functioning as an Advisory Committee per the Council Committees Policy), established by Singleton Council (Council) to assist Council in engaging with the community to implement the Voluntary Planning Agreement (VPA).

2. Authority

The Committee has been formed on the authority of the signed Mount Thorley Warkworth Voluntary Planning Agreement and will “advise” or “refer” all matters to Council.

3. Functions and Responsibilities

Per the signed Mount Thorley Warkworth Voluntary Planning Agreement, the Governance Committee will operate in accordance with these Terms of Reference and that:

- The contributions to the Bulga Community Project Fund will be used to fund (in whole or in part) proposals that are identified and recommended by the Governance Committee, although final approval of proposals will rest with Council at its absolute discretion)
- In considering whether to recommend such proposals, the Governance Committee is to have regard to community needs and ensure that the proposals will provide a material public benefit
- The Council and the Proponents may identify and recommend proposals to the Governance Committee for consideration
- The Governance Committee will comprise two (2) representatives from Council, one (1) representative from the Proponents as well as five (5) Bula and surrounds Community Representatives. The Committee will be chaired by the Mayor, and in the absence of the Mayor, by the General Manager of Singleton Council.
- The representatives on the Governance Committee must act in good faith and seek to identify and recommend proposals by unanimous consensus

- If unanimous consensus cannot be achieved, the representatives on the Governance Committee may resolve to recommend proposals to Council, proposals by majority vote.

Other functions and responsibilities:

- Recommend to Council a set of principles for the prioritisation of projects which would build sustainability and enhance the quality of life within the community.
- Regularly consult with the community to ascertain the needs and opportunities as they relate to sustainable community projects to be considered for VPA funding and regularly communicate updates to the community.
- Utilise the adopted principles and appropriate community consultation to develop a prioritised list of projects.
- In considering whether to recommend proposals, the Committee is to have regard to community needs and ensure that the proposals will provide a material public benefit. Eligible projects must meet the public purpose under the Environmental Planning and Assessment Act 1979 and the intent of the signed Mount Thorley Warkworth Voluntary Planning Agreement.
- Recommend to Council an agreed program of prioritised projects.

4. Referral of Matters

All Committee minutes will be reported to Council for information and noting as well as for the adoption of any recommendations.

5. Membership

The Committee will consist of the following voting members:

- The Mayor of Singleton as Chairperson of the committee, or the General Manager of Singleton Council, Executive Manager or their delegate in the Mayor's absence
- One (1) Yancoal representative
- Five (5) Bulga and surrounds Community Representatives plus an alternate who will attend meetings in a non-voting capacity unless a Community Representative is absent.

The following staff will attend in an advisory capacity only:

- Two (2) Singleton Council staff members, one of whom will be the General Manager, Executive Manager or delegate.

6. Chairperson

- The Mayor of Singleton is the Chairperson of the Committee.
- In the event of the Chairperson's absence the General Manager of Singleton Council or their delegate will act as Chairperson with full voting the rights activated.
- The Chairperson shall preside at all meetings and shall ensure that all decisions of the Committee are implemented.

7. Length of term

All Committees will be disbanded prior to the commencement of the caretaker period preceding the Local Government Election. At the commencement of the Council term all positions will be declared vacant.

8. Vacancies

Council will undertake an Expression of Interest process consistent with the Council Committees Policy.

9. Operation

- The Committee shall comply with Council's adopted Code of Conduct and Council Committees Policy.
- Meetings may be held in person or virtually, at the discretion of the Chair.
- The Committee shall meet up to four times per year. A meeting may be rescheduled or cancelled if a quorum is not able to be achieved.
- The Committee shall regulate the time and place of meetings, within business hours.
- The Committee shall follow the new project process for selection of VPA funded projects, up to two times per year.
- The Council and Proponents may identify and recommend proposals to the Committee for consideration as part of the new project proposal framework.
- All decisions and recommendations to Council shall be agreed by the Committee, preferably by consensus, or by majority vote of voting members present.
- Whenever the voting on a motion put to a meeting of the Committee is equal, the Chair of the Committee is to have a casting vote as well as an original vote.
- Voting members include the Mayor of Singleton (as Chair or General Manager or Executive Manager of Singleton Council or their delegate in the Mayor's absence),

one Yancoal representative and five Bulga and surrounds Community Representatives and alternate in place of an absent Community Representative.

10. Conflicts of Interest

- Members shall observe the provisions of the Local Government Act, 1993 and Council's Code of Conduct in relation to declaring conflicts of interest for business placed before the Committee.
- The agenda will have a standing item for conflicts of interest.
- All conflicts of interest are to be declared to the Chairperson either prior to or at the commencement of the meeting.
- All conflicts of interest and any action taken will be recorded in the minutes.
- If a committee members determines that they have a real or perceived conflict of interest in a matter that is being considered at a meeting, they may be excused from discussions and deliberations.

11. Quorum

- A quorum will consist of a majority of current voting members.
- If a quorum is not achieved, the meeting will either be held over until the following meeting date or rescheduled to a suitable time.

12. Conduct

- All committee members must comply with the applicable provisions of Council's Code of Conduct in performing their duties and must:
 - Not engage in bullying behaviour (as defined in the Code of Conduct) towards the Chairperson, other Council officials or any members of the public present during Committee Meetings.
 - Not engage in conduct that disrupts Committee Meetings, or that would otherwise be inconsistent with the orderly conduct of meetings.
 - Disclose the nature of any pecuniary or non-pecuniary conflicts of interest to the Chair as soon as practicable in accordance with Council's Code of Conduct.
- Councillors must comply with the Councillor and Staff Interaction Policy at all times and only contact staff that are nominated in the Councillor/Staff Liaison Listing. Should they wish to contact a Council staff member outside of a committee meeting they may only do so via the General Manager or relevant Director.

- It is important for committee members to recognise that meetings are not a suitable forum for making action requests of Council staff. All requests outside of a Committee's Terms of Reference must be made via the appropriate channels ie. Customer Request.

13. Meetings

- Committee meetings are to be carried out in accordance with this Terms of Reference and Council's Committee Policy.
- Committee members are required to be fully prepared for each meeting and make every reasonable effort to attend or participate in each meeting.
- Committee meetings will be conducted with due consideration for each person with a disability and in an environment which is accessible to all members.

14. Observers and Visitors

- A Councillor who is not a member of a Committee may attend the Committee as an observer. However, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting, to move or second a motion (if required), or to vote at the meeting. The Councillor as a courtesy should in advance of the meeting advise the Chair by email of their intention to attend the meeting.
- The General Manager or their representative may invite other Council staff to attend to speak on a particular agenda item or to provide specialist advice. Council staff attending in this capacity cannot move or second a motion or vote at the meeting.

15. Agendas and Minutes

- Agendas and Minutes are to be prepared and circulated in accordance with Council's Committee Policy.
- All meeting documents are to be recorded on the relevant Content Manager container.
- Council staff will arrange for all Committee Minutes to be reported to Council for endorsement of recommendations or information. Per the signed Mount Thorley Warkworth Voluntary Planning Agreement, the final approval of proposals will rest with Council at its absolute discretion.
- Council staff will make all necessary meeting arrangements.

16. Access to Information and Advice from the Committee

- Committee members may have reasonable access to Council resources and information for the purposes of carrying out responsibilities associated with their role on the Committee.
- The Committee may call for reports from the General Manager or their delegate on matters contained within the Committee functions.
- The Committee shall be bound to maintain the confidentiality of information submitted to it, where such information is noted as being confidential.
- Any legal matter or advice that is considered by the Committee is to be dealt with in a manner that ensures the protection of legal privilege.

17. Evaluation and Review

- The Committee shall review its Terms of Reference and provide them to Council for adoption at the beginning of each term of Council or when initiated by the Chair.
- The Chair of the Committee will initiate a review of the performance of the Committee at the end of every term of Council. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from the General Manager or relevant Director and any other relevant stakeholders, as determined by the Chair.

18. Document History

| Date | Version | Responsible Officer | Changes |
|-------------|----------------|----------------------------|--|
| 21/10/2024 | 2 | VPA Projects Officer | Updated to align with signed MTW VPA agreement and Council Committees Policy |
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