

**MINUTES OF THE NSW ASSOCIATION OF MINING RELATED COUNCILS ORDINARY
MEETING HELD AT RYDGES SYDNEY CENTRAL, SURRY ROOM, ON 2nd MARCH
2017**

Present

Cr Peter Shinton	Warrumbungle Shire Council (Chair)
Cr Chris Connor	Wollongong City Council (Deputy Chair)
Steve Loane	Warrumbungle Shire Council
Mr Ron Zwicker	Wollongong City Council
Cr Liz McGlynn	Bland Shire Council
Cr Owen Hasler	Gunnedah Shire Council
Cr Col Hamilton	Narromine Shire Council
Cr Jay Suvaal	Cessnock City Council
Cr Melanie Dagg	Cessnock City Council
M/S Rebecca Ryan	Blayney Shire Council
Cr Scott Ferguson	Blayney Shire Council
Cr Michael Banasik	Wollondilly Shire Council
Cr Robert Khan	Wollondilly Shire Council
Cr Hollee Jenkins (entered at 10.15am)	Singleton Shire Council
Cr Dan Thompson	Singleton Shire Council
Mr Jason Linnane	Singleton Shire Council
Cr Alan Ward	Parkes Shire Council
Cr Mark Hall	Lachlan Shire Council
Mr Glen Wilcox (Life Member)	Lachlan Shire Council

Staff

Mr Greg Lamont	Executive Officer
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Guests

Mr Adam Searle, MLC, Shadow Minister for Industry, Resources and Energy and Industrial Relations.

Apologies

Cr John Davis	Orange City Council
Cr Lilliane Brady OAM	Cobar Shire Council
Mr Peter Vlatko	Cobar Shire Council
Cr Gordon Bradbery OAM	Wollongong City Council
Mr David Henry	Wollondilly Shire Council
Cr Nuatali Nelmes	Newcastle City Council
Cr Jim Nolan	Broken Hill City Council
Mr Brad Cam	Mid Western Regional Council
Cr Des Kennedy	Mid Western Regional Council
Cr Gae Swain	Gunnedah Shire Council
Cr Sharon Wilcox	Cabonne Shire Council
M/S Heather Nicholls	Cabonne Shire Council
Cr Melissa Hedrics	Wentworth Shire Council
Mr Peter Kozlowski	Wentworth Shire Council
Mr Robert Hunt	Lachlan Shire Council

Welcome

The Chair, Councillor Peter Shinton welcomed members to the meeting and declared the meeting open at 9.35am and requested the Association suspend standing orders to have a minute's silence as a mark of respect to the family of Mr Don Tydd, former Executive Officer of Association Mining Related Councils, who passed away recently after a short illness.

Suspension of Standing Orders

OM/1/2017 Resolved (Cr Connor/Cr Hasler) that the Association suspend standing orders to allow a minute's silence as a mark of respect to the family of the late Mr Don Tydd, former Executive Officer of Association Mining Related Councils.

1. Apologies

OM 2/2017 Resolved (Cr McGlynn/Steve Loane) that the apologies of delegates listed be received and noted.

2. Disclosures of Pecuniary Interest

Mr Ron Zwicker declared his interest as a shareholder in AGL Gas Investments.

Prior to dealing with items on the Agenda, the Chair asked each delegate present to stand and individually state their name, Council and to outline the mining activity in their Local Government Area in order to familiarise new delegates with those present.

3. Minutes of the Previous Ordinary Meeting

OM 3/2017 Resolved (Cr Banasik/Cr Khan) that the minutes of the Ordinary meeting held on 4th November 2016 be received and noted.

4. Minutes of the Special Executive Committee Meeting held on 8th December 2016

OM 3/2017 Resolved (Cr Hasler/Cr Shinton) that the minutes of the Special Executive Committee meeting held on 8th December 2016 be received and noted.

5. Business Arising (from either meeting on 4th November and 8th December 2016)

Nil

6. Executive Officer's Report

6.1 Information

For the benefit of delegates, the Executive Officer elaborated on Item 6.1 relating to submissions to the Department of Planning (re Voluntary Planning Agreements, Social Impact Assessment Guidelines and proposed changes to the Environmental Planning Assessment Act and the use of one of our panel of consultants to assist the Association – Warwick Giblin), speakers and correspondence items.

Delegates spoke about the utilisation of an external consultant such as Warwick Giblin being of huge benefit to some individual members and the Association generally and the potential for membership growth. It was agreed that opportunities for attracting new members had never been greater with the changing political environment in NSW and upcoming election

schedules and the need to take our issues to the leader in government and all political parties given the heavy lobbying by the NSW Minerals Council.

OM 4/2017 Resolved (Cr Hasler/Cr Connor) that the information be noted.

Suspension of Standing Orders at 10.30am

OM 5/2017 Resolved (Cr Dagg/Cr Hall) that standing orders be suspended to allow delegates to have morning tea and thereafter to have Adam Searle, MLC, Shadow Minister for Industry, Resources and Energy and Industrial Relation to address delegates.

Address by Adam Searle

Deputy Chair–Coal, Cr Connor introduced, Adam Searle, MLC, Shadow Minister for Industry, Resources and Energy and Industrial Relations and thanked him for rearranging his busy parliamentary schedule to attend the meeting of the Association in lieu of the arranged speakers to provide an address to delegates.

Adam Searle thanked delegates for the opportunity to address the Association and outlined his background: born on NSW North Coast, has been a Local Government Councillor, works as a barrister, is a member of the NSW Legislative Council (Upper House) and a member of the Shadow Labor government. He then spoke about the recent changes to portfolios in the NSW Coalition government and his many Shadow roles that he has been allocated and stated that he was still catching up with the issues within them and apologised if he could not answer questions that may be posed by delegates.

He spoke about recent energy issues and the amount of money mining contributes towards the NSW State government \$70billion budget (\$1billion) and that coal contributes to the production of 80% of the electricity produced in NSW. With the sale of generators, poles and wires the recurrent maintenance costs and lack of Federal government direction with power and renewable energy are leaving it all to the market place. Australia is now at the crossroads with what to do with energy for business and the community. Adam said the time is right for the Association to be a louder voice for their communities on energy sources and programs such as Resources for Regions and need to meet with relevant leaders to do so.

When asked by delegates was he aware the Association had been meeting with the NSW Minerals Council on VPA'S and what was Labor's position on VPA'S, Social Impact Assessment Guidelines, changes to the EPA Act and Resources for Regions, Adam indicated he was not in a position to speak on the Labor Party's policy stance on these areas as some of the issues were in the Shadow Treasurer's portfolio (Resources for Regions).

He indicated that until fully briefed on all of the issues in his respective portfolios, he couldn't comment but indicated he would be prepared to take the issues on board and travel to meet with Association members and their communities in the future, if requested.

The Chair thanked Adam Searle for his supportive address and attendance.

Resumption of Standing Orders at 11.00am

OM 6/2017 Resolved (Cr Suvaal/Cr Ward) that standing orders be resumed.

6.2 Recommendations from the Executive Committee

(a) Correspondence

The Executive Officer pointed out that Executive Committee recommended that the correspondence format be minimised with only those items of correspondence that are relevant for decision making or information for delegates to be presented in a table format in future.

The Executive Committee also recommended that a copy of all future minutes and the monthly Newsletter be forwarded to all member councils to assist with the distribution of information to all councillors that are part of the Associations' membership.

An approach for financial assistance was submitted by Ms Dayjil Fincham for a Masters in Water Management overseas study to Lusatia in Germany and the Hunter Valley after having spoken to member councils in the Hunter Valley. The Executive Committee felt it more appropriate that she approach the NSW Minerals Council for assistance as the project has more relevance to their members as the miner.

OM 7/2017 Resolved (Cr Jenkins/Cr Connor) that:

- (a) The correspondence be received and noted;
- (b) All future minutes and Newsletter be forwarded to all member councils as information;
- (c) Ms Dayjil Fincham be advised to approach NSW Minerals Council for assistance as the project has more relevance and benefit to them;
- (d) The Executive Officer present future correspondence in a table format only outlining relevant key items of correspondence.

(b) VPA Working Party

The Executive Officer, Councillor Hasler, Cr Jenkins and Steve Loane provided an update on the progress with the VPA Working Party outlining recent discussions with the NSW Minerals Council senior executive and requested direction from the Association about whether to continue or not with the negotiations.

Delegates discussed the need for the Working Party to continue, to not sign off until all issues have been agreed to and for the need for champions on all sides of the political sphere to step up and ensure the Association has a louder voice with the state government on mining related issues. Councillor Suvaal offered to facilitate a meeting with Country Labor parliament members.

It was agreed that a meeting be held with the Joint Chairs, Executive and Working Party members of the Association and NSW Minerals Council in Orange as soon as practicable to clarify the issues. Further meetings be organised with the Deputy Premier and Leader of the National Party to outline the status on negotiations with the VPA Working Party and the regional and rural importance of them being addressed.

OM 8/2017 Resolved (Cr Hasler/Cr Connor) that:

- (a) Progress with the Joint VPA Working Party be noted and a meeting be arranged between Chair and CEO NSW Minerals Council and Chair AMRC and Executive Officer plus VPA Working Party delegates in Orange in the near future;
- (b) The AMRC not go to the Minister for a "sign-off" without having agreement on all aspects of the VPA negotiations being discussed by the NSW Minerals Council and the AMRC VPA Working Party such as the non-road social and economic impact calculator and involvement of IPART;
- (c) A meeting be arranged between AMRC Executive and the Deputy Premier, the Hon John Barilaro, to provide an update on the status and importance of negotiations on

the VPA with the NSW Minerals Council and the Association in relation to regional and rural communities.

(c) Financial Position Update

The Executive Officer provided an update to the Executive Committee on the financial position of AMRC since the financials were reported to the delegates on 8th December 2016. Several improvements to internal controls and transparency were discussed.

OM 9/2017 Resolved (Cr Connor/Cr Jenkins) that:

- (a) The Financial Report for October 2016 to 31st December 2016 and amended budget for 2016-17 be received and noted.
- (b) The AMRC engage a suitably qualified cost effective entity to undertake an Audit as at 30th June 2017;
- (c) The Executive Officer present a Quarterly Financial Report in a format that includes Estimate, Actual and balance of Income and Expenditure;
- (d) The Executive Officer be delegated authority to expend up to \$5000 on any one transaction, thereafter all expenditure to be authorised by one other being either Chair or any of the two Deputy Chairs;
- (e) A list of transactions to be submitted to the Executive Committee Quarterly outlining expenditure and authorisations.

(d) Resources Advisory Forum (RAF)

Cr Hasler, AMRC's delegate to the RAF, provided an update on activities at the Resources Advisory Forum and indicated he had submitted a series of comments and questions to the Forum staff for response. A copy of his document will be forwarded to delegates shortly.

The next meeting of RAF will be on 16th March 2017 whereby those responses from Department of Planning staff should be forthcoming.

OM 10/2017 Resolved (Cr Hasler/Cr Connor) that the information be noted and a copy of the discussion paper to the Resources Advisory Forum by Cr Hasler be distributed to delegates by the Executive Officer.

(e) Strategic Framework Review 2017–2020

The Executive Officer provided an update on the need to review the Strategic Framework 2013–2016, to establish an achievable Plan with Goals, Actions, Key Performance Indicators and to develop a Marketing Strategy to increase membership of the Association and recommended that the Executive Committee conduct a workshop to do this.

The Executive Officer distributed a discussion paper for the delegates to consider prior to the workshop.

The Executive Committee recommended that a working party be established, chaired by Cr Connor Deputy Chair-Coal, consisting of up to six delegates to review the Strategic Framework for 2017–2020 and submit a draft to the next meeting of the Association in August 2017.

Cr Connor to contact the working party members and communicate with them on the issues in relation to the review and to update the Strategic Framework to meet the needs of the Association for the next three years.

OM 11/2017 Resolved (Cr Hasler/Cr Connor) that:

- (a) A working party, Chaired by Cr Connor, Deputy Chair-Coal, be formed consisting of up to six delegates, to review the Strategic Framework 2013–2016 for the period 2017-2020;
- (b) The Association appoint delegates to be part of the working party at its Ordinary meeting held on 2nd March 2017;
- (c) The working party to submit a Draft Strategic Framework for 2017–2020 to the next meeting of the Association in August 2017.

(f) VPA Working Party briefings

Cr Hasler requested that this item be listed for consideration, as the meetings with NSW Minerals Council and AMRC on VPA's had been constructive however member councils may need to have private briefings on the details regarding contribution models and guidelines agreed to by the parties in order to assist them to better understand the process and in future negotiations with miners on VPA's.

It was agreed that the details are complex and this would be one way of assisting member and potential member Councils to comprehend the process undertaking and details agreed upon by the negotiating parties.

OM 12/2017 Resolved (Cr Hasler/Cr Jenkins) that the information be noted and a letter be forwarded to all member councils advising them of the availability of the VPA Working Party.

(g) Resources for Regions Grant Funding

It was noted that the former Executive Officer of the Association was appointed as a delegate to the Resources for Regions Grant Funding body and permission is to be obtained for the Association to nominate a replacement delegate.

OM 13/2017 Resolved (Cr Connor/Cr Hasler) that the Association seek permission from the Resources for Regions Grant Funding body to nominate a replacement delegate to represent the Association.

(h) Performance Management of Executive Officer

It was noted that the Performance Review for the Executive Officer will consist of a panel of Chair and two Deputies with Executive Officer submitting a report beforehand on achievements in relation the approved Key Performance Indicators.

OM 14/2017 Resolved (Cr Connor/Cr Hasler) that the information be noted

7. General Business

(a) *Treasurer for Association*

Delegate Steve Loane foreshadowed that a Notice of Motion will be put to the Executive Committee to conduct a Special Ordinary meeting to consider a change to the constitution for the appointment of a Treasurer to the Association.

OM 15/2017 Resolved (Steve Loane/Cr Jenkins) that the information be noted.

(b) Resources for Regions

Delegates discussed the need to take up the Resources for Regions issues (particularly obtaining a commitment to get a set percentage of royalties derived from local government areas to be put back into the communities from where they came) with the government, Opposition, minority party leaders, local members and relevant Ministers in view of the impending elections in NSW at State and Local Government levels in 2017.

OM 16/2017 Resolved (Cr Hasler/Cr Banasik) that the Association Chair and Executive Officer make representations in writing and meet with appropriate Ministers and leaders of all parties on the Resources for Regions Program issues and invite them to future meetings of the Association to discuss the issues with delegates.

(c) Mines Subsidence Board to be Wound Up

Cr Thompson is a current Mines Subsidence Board Hunter Valley member who has been informed that the Board is being phased out in 2017 and will be replaced by another entity within a government department within the Division of Resources and Energy, Trade and Investment, to focus on rehabilitation of mines not mines subsidence. This new body will only have industry representatives and it was indicated that the Association should be part of that new advisory group

The concern is that a levy is currently placed on mining companies by the Mines Subsidence Board and the funds are used to rectify or acquire homes that have been affected by mines subsidence or for rehabilitation. This is now to be returned to miners to repay mining bonds imposed on mining projects by the State Government, to be overseen by a new Advisory Group within the government. This is to occur in 2018/19 and the quantum in the fund is in the vicinity of \$20million. The fund has been in existence for over 40 years.

OM 17/2017 Resolved (Cr Thompson/Rebecca Ryan) that the Association write to the relevant Ministers for Industry, Trade, Planning, Resources and Energy requesting that funds from the Mines Subsidence Board Levy Fund not be returned to mining companies but the majority of it, in the vicinity of \$14-18million be put into a rehabilitation fund to be administered by an Advisory Group consisting of representatives from Local Government, Industry and the relevant government agency in the Division of Resources and Energy, Trade and Investment departments for rehabilitation of mine site purposes.

(d) IPART Rating Review

Rebecca Ryan indicated that following the submission by the Association on separating mining rates from the General Rate calculation IPART has revealed its position - it should be part of the General Rate as a business rate not a mining rate and not separate.

Rebecca requested the Association approach the Office of Local Government to consider the mining rate as a separate rate as outlined in the Association's submission to the rating enquiry.

Delegates agreed to maintain the Association's position on a separate mining rate and to write to the Minister for Local Government requesting it legislate accordingly.

OM 18/2017 Resolved (Cr Hasler/Cr Dagg) that the Association continue to maintain its rating position and write to the Minister for Local Government requesting the mining rate be legislated as a rate separate from the General Rate.

8. Next Meeting

It was resolved at the Ordinary Meeting in Picton on 4th November 2016 that the next Ordinary meeting of the Association be held in Broken Hill on 12th May 2017 commencing at 9.30am, preceded by the Executive Committee meeting on Thursday 11th May 2017 at 9am thereafter followed by a delegates' mine site visit in the afternoon and networking dinner that night.

There being no further business the meeting closed at 12.20pm.

The minutes (pages 1-8) were confirmed at a meeting of the Ordinary Committee held on the 12th May 2017 and are a concise and accurate record of proceedings of the Ordinary meeting held on 2nd March 2017.

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**Cr Peter Shinton
Chairperson**