

# Moobi Foundation



## Charter, Framework and Procedures

Initiated by **pamada** as part of the Upper Hunter Energy Park  
Committed to by the **Moobi Foundation** Review Panel  
Financially administered by **Upper Hunter Shire Council**

**v07 180313**

**Funding generated by the  
Upperhunterenergypark coming directly into  
the community**

**Creating a source of green, clean and 100%  
renewable energy**

**Bringing the benefits to the community of  
Scone**

Issue	Revision	Issued To	Qty	Issue Date	Author	Reviewed
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## Moobi Foundation

# Bringing funding, generating business and support to the community of Scone

### At a glance.....

The Upper Hunter Energy Park is an extension of the belief that to produce sustainable long term electricity from clean renewable sources is not only possible, but desired. The flow-on benefits to a community in terms of sustainably, and better economic, health, environmental and social outcomes are significant.

To enhance the reward to the community, as a specific measure, the Moobi Foundation (the Foundation) has been created. It is an initiative of Pamada; the proponent bringing to life the Upper Hunter Energy Park.

This document structures how funds flow from the Moobi Foundation to the community of Scone; the community which has been instrumental in making the project happen.

### We declare.....

**THIS CHARTER** was made on **30 October 2014** with the support of Upper Hunter Shire Council, NSW Government Department of Planning, the Upper Hunter Energy Park and from significant and valued individuals and support groups. For the initial creation of this Charter, thanks, in particular, must go to:

- Upper Hunter Shire Council;
- Scone Chamber of Commerce; and
- NSW Department of Planning.

It is hoped this Charter remains valid and active over time. It may be changed to better suit community needs.

It is believed that the Moobi Foundation structure could be grown to accept contributions from like-minded individuals, businesses, groups and even other similar foundations to better enhance the community benefits and should further funding be available it may extend the benefits more broadly than the Upper Hunter Shire Council area. *[The Foundation is looking into obtaining 'charity' status to make it more attractive for others to obtain tax benefits for their contributions]*

The Moobi Foundation meets the requirements of Condition 2.40 of the Conditions of Approval for the Upper Hunter Energy Park. The relevant Condition of Approval dated 31 January 2010 is attached in Appendix A.

## **1 INTRODUCTION and BACKGROUND**

### **1.1 Background**

The fundamental concept of the Upper Hunter Energy Park has always been to create electricity from renewable, clean and green sources of energy such as: wind, solar and hydro eco-generating devices. It is seen as an exemplar for future electricity generation and a model for sustainable development.

The Moobi Foundation was proposed by Pamada, the project's creator, in the earliest submissions to government, as well as in commitments made to the community of Scone. It is a way of further promoting the positive benefits of the enterprise and sharing the benefits to the local community directly.

The NSW Government, through consideration of the application for the project, agreed a foundation would be a positive approach to sharing with the local community, not only the environmental benefits, but the social, economic and cultural benefits, in a structured way.

The Moobi Foundation's core areas of interest are:

- Education;
- Health and Well Being;
- Community and Culture;
- Environment; and
- Growing and/or making businesses more competitive in the Community.

All programmes supported by the Moobi Foundation are supplementing, not replacing existing programmes available. It is intended the programmes focus on supporting individuals, groups and businesses of the locality focused around the Scone Township.

Funding from the Upper Hunter Energy Park is designed to grow with the cost of living for the life of the project. The decisions regarding funding choices are to be managed and determined by the project, with ongoing peer review by a highly regarded local independent panel of citizens. The Upper Hunter Shire Council are to provide administrative transparency for the Moobi Foundation by administering the bank account directed by Upper Hunter Energy Park Management Team.

### **1.2 Statutory Framework**

The Moobi Foundation arose from the commitment made by Pamada and subsequently as a result of a Condition of Approval issued by the Minister of Planning for NSW on 31 January 2010. This Charter establishes the commitment, framework and process of the Foundation, which is to commence at the operation of the Upper Hunter Energy Park.

## 2 UPPER HUNTER ENERGY PARK: THE PROJECT

### 2.1 Location

The site of the Upper Hunter Energy Park is approximately 10-12 km due west of the township of Scone in the Hunter Valley of NSW, Australia.

### 2.2 The Energy Park

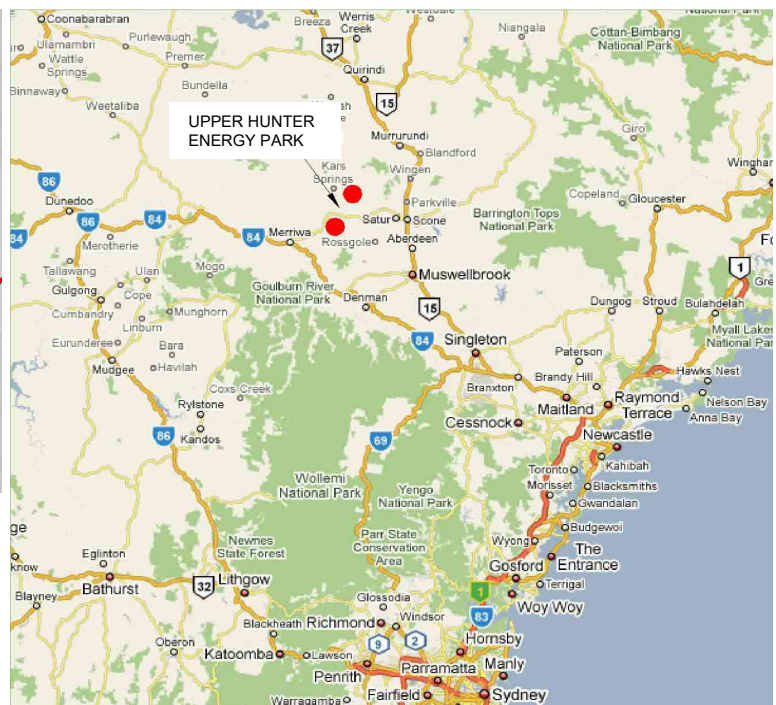
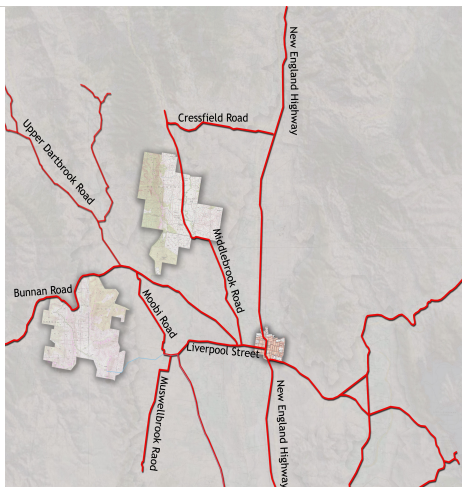
The Project is designed to create electricity from diverse sources of eco-generating devices; wind turbines, solar photovoltaic (PV) and a closed loop mini hydro plant.

### 2.3 A Community Benefit

The purpose of the Moobi Foundation is to enhance and support the community of Scone, supporting it with community infrastructure that may be in many forms: physical infrastructure, services, tourism, supporting bursaries or any number of programmes that fit the broad objectives of the Foundation as identified in this document.

It is important that the Moobi Foundation not only support the community directly, but assist the Upper Hunter Energy Park becoming 'owned' by the community and being seen unambiguously as a community asset. Something to be inherently proud of. The Moobi Foundation can enhance the message that Scone is a green and clean, and special part of Australia.

The Foundation will be run day to day by the Upper Hunter Energy Park Management Team. Determination of programmes will be made by the Management Team with strict regard to the objectives of the Moobi Foundation Charter. All applications for funding will be submitted to the Management Team who will provide their recommendation to the independent Review Panel. The Upper Hunter Shire Council will administer the financial payments and banking needs of the fund.



*Upper Hunter Energy Park Location Plan*



### 3 AREAS OF SUPPORT

#### 3.1 Generally

The Foundation may allocate funding to any area that is deemed to be best suited for the promotion of the objectives of this Charter.

At its core, the Upper Hunter Energy Park seeks to send a positive message and be an enterprise that demonstrates ecological, financial and social sustainability.



#### 3.2 Areas of Interest

Funding each year must be allocated to the broad categories as set out below. Some discretion is acceptable should a programme or request be presented to Upper Hunter Energy Park that would fit the broad objectives of this Charter yet not be noted below.

The funding each year cannot exceed the agreed budget, however, any funds in surplus from one year to the next, may be added to the budget for subsequent years.

Categories of funding are, with possible examples are:

### **3.2.1 Generally**

- The benefits of renewable energy as a pillar to a more sustainable means for living and a cleaner environment, not just for our communities but for our flora and fauna as co-beneficiaries of the environment.
- A means of communicating positive impacts of renewable energy to the Government, businesses and the community.

### **3.2.2 Education**

- Bursaries, Scholarships, Apprenticeships, Internships and Mentoring Programmes;
- Funding of educational material regarding renewable energy, energy, agricultural life, indigenous heritage in the area or on the site;
- Programmes to enhance skills;
- Funding support to tertiary educational facilities in support of their renewable energy programmes;
- Funding of educational excursions (including transport, accommodation, travel expenses, food, etc.);
- Funding of community support groups excursions (including transport, accommodation, travel expenses, insurance, etc.); and
- Support for teaching programmes about renewable energy.

### **3.2.3 Health and Well Being**

- Supervised walking and/or jogging around the site of the energy park (including insurance and 'group trainer');
- Support of local sporting teams;
- Arranging for organised talks and/or tours to the site for those not normally able to leave a place of care (i.e. sick kids, elderly....);
- Contributions towards sporting and health equipment; and
- Long term monitoring of the impacts of all energy generation on the local communities.

### **3.2.4 Community, Regional Support and Culture**

- Improvements to community infrastructure and services;
- Sustainability initiatives;
- Opportunities for local economic and tourist development; and
- Recognition of Aboriginal custodianship of the region.

### **3.2.5 Environment**

- Long term monitoring of the impacts of all energy generation on the local landscape, flora and fauna; and
- Further research into the benefits of renewable energy.

### **3.2.6 Supporting Businesses in the Community**

- Support local contractors in the construction and operation of the Energy Park (should the skills and terms be available and acceptable);
- A programme that supports local businesses to implement energy savings/clean energy production for their business; and
- Transport, accommodation, travelling expenses, insurances and the like for groups to view the renewable energy assets.



## 4 STRUCTURE

### 4.1 Foundation Structure

#### 4.1.1 Decision Making

Decisions regarding the choice of programmes to support are made by the Upper Hunter Energy Park Management Team and it will recommend to the independent Review Panel. All programmes are subject:

- to be measured against the objectives of this Charter;
- must be consistent with the Charter; and
- are to be considered by the independent Review Panel.

All applications for funding must be submitted to the Management Team for merit consideration before the final review is made by the independent Review Panel. If, in the unlikely event that, the Review Panel disagrees with the Management Team's recommendation, the Management Team will need to re-submit a new proposal until such a time that the Review Panel is satisfied it meets the objectives of the Charter.

If, in the unlikely event, the Review Panel cannot constitute a quorum, then after 2 attempts of meeting, the recommendation is deemed approved. An annual report from the Management Team must be prepared and submitted to the NSW Department of Planning, the Upper Hunter Shire Council and the Review Panel for their information outlining:

- The programmes supported in the most recent year;
- A full financial report;
- Forecast funding for the next year;
- If the Management Team propose any changes to the Charter; and
- Applications for the next year.

#### 4.1.2 Review Panel Tenure

Review Panel members are nominated by Upper Hunter Energy Park Management Team in the first instance and will be appointed by the other panel members thereafter.

A Review Panel's member tenure is a maximum term of 3 years, and a maximum number of 2 terms consequently. Of the Review Panel, initially 2 must retire after the first year, but may nominate themselves should they wish and 2 others must retire after 2 years, and may nominate themselves for another term and so on to keep the Review Panel fresh and relevant.

### 4.2 Review Panel Appointees

There are ten independent volunteer Review Panel members, with a quorum of 6 making up its recommendation of the Panel. (Voting on all matters is to be recorded but not needed to be reported in the annual report).

Six suggested names from a list such as:

Representative of	Upper Hunter Shire Council
Representative of	Scone Chamber of Commerce
Representative of	Scone Schools (Primary, Secondary and Tertiary)
Representative of	Country Women's Association (Scone Chapter)
Scone Citizen	
Scone Citizen	
Scone Citizen	
Scone Citizen	

#### 4.3 Nomination

At the retirement of a Review Panel member, the member can offer themselves for reappointment for a maximum of 2 consecutive terms. Any member may nominate a new Review Panel member upon the retirement of a member.

Should a member retire and not be available for re-appointment, then the Upper Hunter Energy Park Management Team must consult the existing Review Panel members to find consensus as soon as possible for an appointment of a new member.

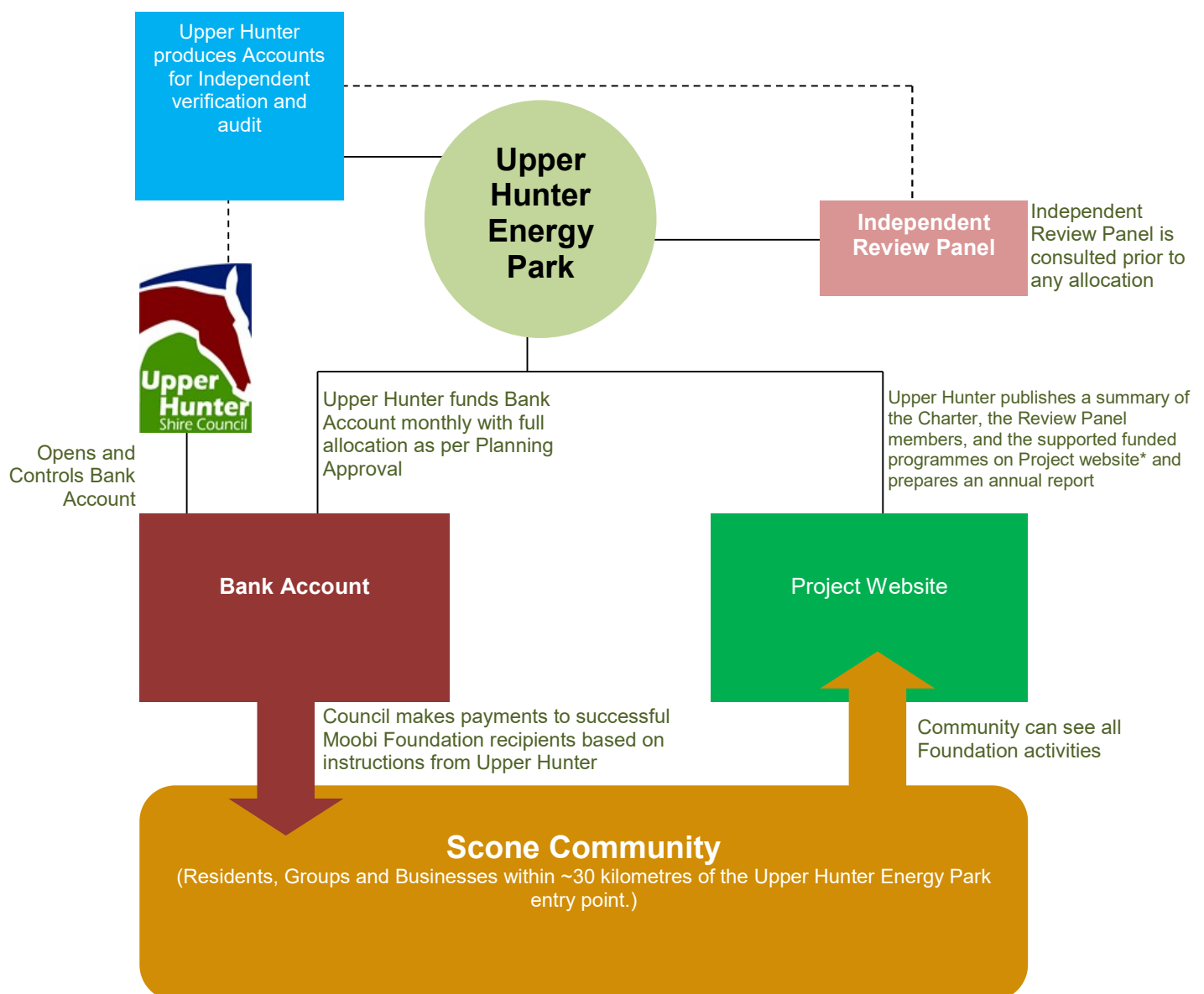
The Upper Hunter Energy Park Management Team may choose to advertise the position in the local media.

#### 4.4 Alternates to Review Panel Members

Alternates to the Review Panel members are not permitted.

#### 4.5 Remuneration of Review Panel Members

The position of a member of the Review Panel is voluntary and without pay. Reasonable costs and disbursements of the members will be met from the Foundation funds.



## **5 FINANCIAL MATTERS**

### **5.1 Budget for the running of the Foundation**

The funding required by the Conditions of Approval to be provided by Upper Hunter Energy Park is \$86,700 indexed to CPI and is based on the CPI calculation date starting June Quarter 2009. As at the date of initial presentation of this Charter, the indexed sum was approximately \$98,800 and growing.

Upper Hunter Energy will automatically adjust the contribution on each anniversary of the first payment into the Foundation Trust Account.

Each quarter Upper Hunter Energy shall send to an account controlled by the Upper Hunter Shire Council one quarter of the agreed quantum for the year. As funding programmes are approved and subject to available funds in the account, Council will remit to the beneficiary such funds agreed to be funded.

### **5.2 Upper Hunter Energy Park**

Upon commencement of operation of the Upper Hunter Energy Park, the Upper Hunter Energy Park will:

1. Establish and keep involved an independent Review Panel;
2. Provide funding in accordance with the Conditions of Approval and this Charter;
3. Establish template documentation for applications for funding;
4. Prepare an annual report of the activities of the Foundation and place it on the project website and make the accounts available to Upper Hunter Shire Council and Review Panel members; and
5. Make documentation for applications available from the project website.

### **5.3 Upper Hunter Shire Council**

Upon commencement of operation of the Upper Hunter Energy Park, the Council will:

1. Establish and manage a separate bank account and specific banking protocols for use of the account;
2. Provide access for viewing of the account to an authorised representative of Upper Hunter Energy Park;
3. Provide a non-dedicated meeting room for the independent Review Panel meetings up to 4 times a year; and
4. Receive applications from the Community for Moobi Foundation funding and pass onto the Management Team and the Review Panel for its consideration and recommendation.

### **5.4 Costs**

The Foundation account shall fund:

- Bank charges, fees and the like;
- Fund establishment costs (on the basis of any independent advice required);
- Independent Accounting, bookkeeping, and legal advice; and
- Reasonable disbursements of the Review Panel members (but Review Panel members give their time voluntarily).

The Foundation will not fund:

- Any expense not approved for funding or is inconsistent with the objectives of this Charter;
- Any Upper Hunter Energy Park costs in managing the Foundation including the preparation of budgets; and
- Any Upper Hunter Shire Council costs in managing the bank account or its participation with the Foundation.

## **6 COMMENCEMENT**

This Charter is established on the date of this document, however, funding commences once the Upper Hunter Energy Park commences operations. The Management Team and Review Panel will commence with accepting applications for funding once construction of the wind farm stage has commenced.

## **7 PR AND COMMUNICATION**

### **7.1 Communication**

Upper Hunter Energy will arrange for all public communication regarding the Foundation and its programmes. Prior to any communication, Upper Hunter Energy will inform the Review Panel and the Upper Hunter Shire Council. Upper Hunter Energy will also keep the Upper Hunter Energy Park Community Forum informed.

### **7.2 Website**

Subject to confidentiality of any particular programme, all applications for funding that are approved are to be noted on the Upper Hunter Energy Park website. Similarly, subject to confidentiality, the Annual report shall be placed on the Upper Hunter Energy Park website.

## **8 MISCELLANEOUS**

### **8.1 Governing law**

This Charter is governed by the laws of New South Wales.

### **8.2 Reviews**

At an interval of no sooner than every three years, Upper Hunter Energy is to review the Charter and suggest any variations to the Charter to the Upper Hunter Shire Council and the Review Panel if it feels a review is appropriate. Upper Hunter Energy and the Council may approve the variations subject to the objectives of the Charter being maintained. Both Upper Hunter Energy and Council must agree to any variations.

Any variation of this Charter must be in writing and agreed to by the parties.

There is no obligation on the parties to make the review process public.



## Appendix A

### Relevant Condition of Planning Approval

*2.40 Prior to the commencement of construction of the project, the Proponent shall establish a **Community Enhancement Program Fund** to be administered by Upper Hunter Council to fund community enhancement measures in the Upper Hunter local government area to offset any potential residual amenity impacts associated with the project within this local government area. Community enhancement measures may include (but are not necessarily limited to) improvements to community infrastructure and services, sustainability initiatives and opportunities for local economic and tourist development. The Proponent shall contribute the sum of \$86,700 per annum to the fund, from the commencement of operation of the project until the end of its operational life. The contribution shall be adjusted to take account of any increase in the Consumer Price Index over time, commencing at the June 2009 quarter. The terms for the administration of the funds shall be agreed between the Proponent and Upper Hunter Council and submitted for the Director-General's approval prior to the commencement of construction.*