

## Berrys Bay Community and Stakeholder Working Group

Please note: these are draft Terms of Reference and will be adopted at the first meeting of the CSW Group

### Purpose of the working group

The Berrys Bay Community and Stakeholder Working Group (CSW Group) has been established to advise and assist the NSW Department of Planning, Industry and Environment, as necessary, to understand the current and future needs of the local community in delivering a master plan for 1 and 3A Balls Head Road, Waverton, NSW.

The NSW Department of Planning, Industry and Environment recognises that partnerships are crucial to the successful development of a master plan for the Berrys Bay Site.

Community and stakeholder representatives help the department to understand local public need now and for the future. The department maintains the working group with representatives of community groups, as well as individuals, to formally engage with them on a regular basis to deliver the best outcomes for the public.

In performing this role, the CSW Group will:

1. exchange and discuss information, and promote mutual understanding of key issues and opportunities around the future of the Site
2. provide a forum for the community and stakeholder representatives to present the views of their fellow community members, or members
3. enable community and stakeholder expertise and experiences to help develop and inform the master plan
4. support community and stakeholder representatives to understand the complex process in the development of a master plan
5. review the feedback from the community consultation during the consultative phase
6. champion the project, acting as an authentic representative for the community, and or to members of organisations or groups

### Establishment

The CSW Group has been established by the NSW Department of Planning, Industry and Environment. The department has collaborated with Transport for NSW (TfNSW) and North Sydney Council (Council) on the establishment of this working group.

The CSW Group commences operations in November 2020.

### Responsibilities of the CSW Group

The CSW Group has the following responsibilities:

1. attend meetings of the CSW Group organised by the Chairperson.
2. provide advice and information on behalf of the groups/ community they represent, where appropriate, on the matters for discussion items on the agenda of the CSW Group meetings
3. prepare for meetings and be well-informed on issues before the CSW, and seek additional information if required

4. provide information in a timely manner and give reasonable notice of any matters to be proposed for discussion
5. act as a key point of contact for the groups and/or community that they represent

The responsibilities of the CSW Group may be revised or expanded in consultation with, or as requested by the Chairperson from time to time.

### Authority and Delegations

The CSW Group is not a decision-making body and has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of the department, whether under statute or other law.

### Membership

The CSW Group shall be comprised of the following positions:

1. the CSW Group Chair will be the Director of Development and Transactions, Department of Planning, Industry and Environment
2. one Aboriginal representative with local cultural knowledge and support of local Aboriginal groups
3. two local community residents
4. two representatives from North Sydney Council
5. two representatives from existing community groups supporting matters of local importance such as local heritage, indigenous views, environmental sustainability.
6. two representatives from TfNSW
7. two representatives from NSW Department of Planning, Industry and Environment, in addition to the Chair

### Appointment

The Chairperson appoints members to the CSW Group.

The Chairperson may reappoint members of the CSW Group to serve an additional term or terms.

The Chairperson may appoint additional members with relevant expertise to the CSW Group.

### Term of Appointment

A member holds office for a period not exceeding twelve months.

Terms of individual members may be staggered to support working group continuity and knowledge exchange.

Once appointed, members will be provided appropriate documentation as part of onboarding and induction. Each member must acknowledge in writing their acceptance of these documents and declare any conflicts of interest before commencing as a working group member.

### Resignations / Terminations

The Chairperson may remove an appointed member from membership at any time with cause, with notice.

A member may be removed prior to the expiry of their term if:

- the member is no longer able to commit adequate time to his or her role
- there has been a disagreement with other members that cannot be resolved

- there is a conflict of interest that cannot be mitigated
- the member no longer meets the membership criteria
- the member has failed to attend an adequate number of meetings without providing an apology or valid reason
- breached the board or committee's code of conduct

## Alternates

In the absence of a standing member, a nominated alternate for that expertise area may act in the place of the member.

Members must seek the approval of the Chair in nominating an alternate and provide at least 24 hours' notice to the Chair of the alternates attendance.

While acting in the place of a standing member, the alternate:

- has all of the functions of the member and is taken to be the member

## Meeting Arrangements

### Secretariat Support

All records, including the agenda, minutes and any reports or recommendations will be prepared and kept by Viennici Tsui, Project Officer, Department of Planning, Industry and Environment.

The secretariat will coordinate with the Chair of the working group to draft and prepare the agenda for each meeting.

The secretariat support must also coordinate with the Chair to ensure that the minutes of the meeting are promptly finalised, signed by the Chair, and distributed to members for confirmation as soon as is practicable after each meeting.

The minutes of the previous meeting should also be tabled at the next working group meeting for approval.

### Meeting Frequency

The CSW Group will meet as frequently as is necessary to undertake its role effectively and, in any event, at least 12 times per year.

The Chair may call a meeting of the CSW Group at their discretion.

A notice of each meeting confirming the date, time, venue and agenda will be forwarded to each member of the CSW Group as soon as practicable prior to the meeting date.

CSW Group meetings are permitted to be held other than in person, by any technological means as consented to by all members of the Committee.

### Business outside of Meetings (Out of Session)

The CSW Group may, for urgent issues, consider a matter out-of-session by the circulation of papers among all the members. The resolution is to be approved in writing by a majority of members.

### Attendees

The Chair of the CSW Group may grant permission for non-member attendees to be present as required at their own discretion.

## Quorum

The quorum for a meeting of the CSW Group requires the following conditions to be met:

1. a majority of its members as appointed at the time

## Publication of Decisions

The confirmed minutes of the meeting will be provided to members.

If the department provides secretariat support and holds documents of the CSW Group, those documents may be subject to an information access application under the *Government Information (Public Access) Act 2009* (GIPA Act). If there is an information access application relating to the working group, the department's GIPA Unit will liaise with the working group about the appropriate response.

Please note that the department is the decision maker in relation to GIPA applications made to it for documents it holds even though those documents relate to the work of the CSW Group.

**Note:** Boards and committees are encouraged to proactively release decisions of their meetings in accordance with the NSW Government's Open Government policy unless there is an overriding public interest against disclosure.

## Code of Conduct

The working group will abide by the Board and Committee Code of Conduct and the Conduct of Members as outlined in the NSW government Board and Committee Guidelines.

## Conflicts of Interest

Conflicts of interest must be disclosed and dealt with by the CSW Group in a transparent way and in accordance with standing departmental policy.

Conflicts of interests that cannot be effectively mitigated may give rise to dismissal from membership to the CSW Group.

For further information on conflicts of interest, refer to the Board and Committee Code of Conduct.

## Communication with the media and third parties

Views that are publicly expressed by a member may be perceived or construed by the broader community as a view of the Berrys Bay Community and Stakeholder Working Group or the Department Planning Industry and Environment.

Any requests from the media to a member should be forwarded to the Chair.

General correspondence and enquiries are through the Secretariat Officer.

Submissions to the CSW Group must be addressed to the Chairperson.

## Remuneration and Allowances

### Remuneration

This is a voluntary working group and there is no remuneration.

## Review

### Periodic reporting on performance

Unless otherwise provided for by the department, the CSW Group shall perform an annual evaluation of its performance and self-evaluate its level of effectiveness. The evaluation framework will be prepared by the Secretariat and endorsed by the members. The report should identify:

- how the working group is delivering on its objectives including a summary of key activities undertaken during the period
- meetings held during the period and attendance
- current membership and any changes that have occurred during the period
- risk management strategies
- results of any reviews undertaken
- ratification of the terms of reference and any subsequent amendments.

### Review of Terms of Reference

The CSW Group will review the Terms of Reference annually to ensure it remains consistent with the Board or Committees' objectives and responsibilities.

## Agreement

These terms of reference are agreed by the CSW Group as at *{Date}* and remain in force until otherwise amended, replaced or voided.

Chair: [Insert Name]

Signature:

Date: