

Department of Planning and Environment

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Terms of Reference

Lostock Dam to Glennies Creek Dam Pipeline Project

Community (including landowners) and Industry Reference Groups

October 2023



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Contents

1	Introduction.....	4
1.1	Role of reference groups	4
2	Membership.....	5
2.1	Reference group members	5
2.2	Selection criteria.....	5
2.3	Other participants	7
3	Operational guidance	8
3.1	Confidentiality.....	8
3.2	Conflict of interest.....	8
3.3	Media/social media protocols	8
3.4	Grievances.....	9
3.5	Review.....	9
4	Administrative arrangements	9
4.1	Meeting structure and operations	9
4.2	Attendance and quorum.....	10
4.3	Secretariat	10
4.4	Reference group communications.....	10
4.5	Sitting fees.....	11
4.6	Review.....	11

1 Introduction

Currently in the early planning stages, the proposed Lostock Dam to Glennies Creek Dam Pipeline Project aims to enhance water security and reliability within the current system and support improved drought resilience and water connectivity in the Upper Hunter catchment.

The proposed project involves connecting Lostock and Glennies Creek (also known as Lake St. Clair) dams via a two-way bulk water transfer pipeline (including pumping stations and other associated infrastructure).

It also involves a proposed Paterson River pumping station near the township of Paterson to access river flows downstream of Lostock Dam and the construction of an associated water treatment plant and pipeline to connect to the Hunter Water supply network in the Maitland region.

Water Infrastructure NSW is committed to building and maintaining respectful, trusted and collaborative relationships with relevant communities, including First Nations communities, and other stakeholders to ensure this proposed water infrastructure project achieves the best possible outcomes.

We are now seeking to extend these engagement activities by forming two stakeholder reference groups providing insights from a local community (including landowners) and industry perspective to inform project development.

1.1 Role of reference groups

The project's reference groups will provide an official forum and the apparatus to ensure regular and ongoing direct contact between the Department for Planning and Environment's Water Infrastructure NSW and representatives from industry and the broader community across the project footprint.

Two types of reference groups are being established. These include a:

- Community (including landholders) reference group
- Industry reference group.

These reference groups will:

- be informed and consulted throughout major stages, developments and progress during the project lifecycle
- provide feedback and local knowledge and insights to help shape the project
- help provide further insights into matters which may be raised by the community or industry
- support the flow of communication to the broader community or industry.

This is particularly important in the lead up to development and submission of the Final Business Case for the project. Should the project proceed following an investment decision, the reference groups will continue to bring in local knowledge to help shape key aspects of the project.

2 Membership

2.1 Reference group members

Membership of both the community/landholder and industry reference groups is set by the department and may vary throughout the project according to project phases and needs.

Each reference group will have a maximum of 10 members.

Members will be appointed following an expression of interest and selection process being run by the department.

Members should be based locally, or represent business/industry interests, within the project footprint. This is defined as:

- Cessnock City Council
- Dungog Shire Council
- Maitland City Council
- Muswellbrook Shire Council
- Singleton Shire Council
- Upper Hunter Shire Council.

Regular attendees at reference group meetings will include the project manager and members of the project team, along with departmental engagement representatives.

The department will provide secretariat services to support the smooth running of the groups and will also appoint an independent facilitator.

2.2 Selection criteria

Community (including landholders and property managers) reference group member criteria

To be an eligible community reference group member, applicants must:

Either:

- be a community member, or a member of a community organisation, residing, or representing a community group, in one of the following local government areas:
 - Cessnock City Council
 - Dungog Shire Council

- Maitland City Council
- Muswellbrook Shire Council
- Singleton Shire Council
- Upper Hunter Shire Council.
- or a landholder/property manager in one of the following local government areas:
 - Cessnock City Council
 - Dungog Shire Council
 - Maitland City Council
 - Muswellbrook Shire Council
 - Singleton Shire Council
 - Upper Hunter Shire Council.

And:

- have a vested interest in related issues within the project area
- be able to consider the level of impact and/or benefit of the project to the environment, wider community, landholdings or assets
- not be a current state or federal member, or former/current councillor of the council areas listed above
- be willing to contribute openly, cooperatively and effectively as part of a small, diverse group
- be willing to adhere to the reference group Code of Conduct.

Industry reference group members criteria

To be an eligible industry reference group member, applicants must:

Either:

- be a Board member, senior executive, owner or employee of a business/commercial enterprise operating in one of the following local government areas:
 - Cessnock City Council
 - Dungog Shire Council
 - Maitland City Council
 - Muswellbrook Shire Council
 - Singleton Shire Council
 - Upper Hunter Shire Council.
- or a representative of an industry association/peak body representing business/commercial interests in one of the following local government areas:
 - Cessnock City Council
 - Dungog Shire Council
 - Maitland City Council
 - Muswellbrook Shire Council

- Singleton Shire Council
- Upper Hunter Shire Council.

And:

- have a vested business/commercial interest in related issues within the project area
- be able to consider the level of impact and/or benefits of the project to business interests in the project area
- not be a current state or federal member, or former/current councillor of the council areas listed above
- be willing to contribute openly, cooperatively and effectively as part of a small, diverse group.
- be willing to adhere to the reference group Code of Conduct.

2.3 Other participants

If reference group members cannot attend a meeting, they may provide comment on papers prior to the meeting or propose an alternative attendee.

The department may request the replacement of any member who fails to attend three consecutive reference group meetings.

The department may invite other individuals or groups to present or observe the reference group meetings.

Where agreed by the facilitator, the reference group members may also invite other guests to attend meetings to provide expert advice and support to a specific topic raised. These may include:

- representatives or government agencies
- technical experts or consultants
- members of the public.

The independent facilitator will consult with other members of the group before the department secretariat issues an invitation to a guest. If there is any disagreement from other members about the invitation, the facilitator will have the final say on whether an invitation is made.

A guest's attendance is limited to the duration of discussion on the nominated specific topic and, while it is not anticipated there will be regular items requiring a vote, for avoidance of doubt, guest do not have voting rights.

All guests must complete a confidentiality and conflict of interest agreement before attending a meeting.

Reference group members will be advised in advance of a meeting where additional guests may be present. Ideally this will be a minimum of one week in advance.

3 Operational guidance

3.1 Confidentiality

Confidential information will be shared with the reference groups. We ask reference group members to respect confidentiality and not discuss or share information outside the meeting about confidential matters.

Members can share information with members of the group or organisation they are representing, however we ask confidential information with their shared with their Board or leadership team. The project facilitator will note where confidential information is being shared with reference group members for the avoidance of doubt.

We also ask reference group members to respect the opinion of other reference group representatives on confidential issues and to not discuss other member's views or share their views outside the meeting.

To support an environment of trust and the sharing of information, it is required members sign a non-disclosure agreement. Should members need to seek input from their membership or stakeholders, this is to be discussed and agreed with the facilitator and department secretariat.

3.2 Conflict of interest

Members must declare through the facilitator any conflicts of interest before each meeting and manage those conflicts in consultation with the facilitator.

A conflict may relate to a position a member holds, personal relationships, pecuniary interests, or to the content of a specific item for deliberation.

3.3 Media/social media protocols

To encourage open discussion at the meetings, members of the reference group must agree to adhere to the following media/social media protocols:

- the minutes are the authoritative record of the meeting
- members of the reference group are not authorised to provide written or verbal statements to the media/social media representing the views of the reference group
- reference group members can continue to use media/social media on project matters in an individual capacity, ensuring it is clear the views are theirs and not the views of other reference group members or the department.

3.4 Grievances

If a member of the reference group has a concern with any aspect of the group (members, team cooperation, peer conflict etc.) they should approach the facilitator with their concerns.

The facilitator will record the complaint and determine if further action needs to be taken to rectify the situation. The identity of any individual filing a concern or complaint will be kept confidential.

3.5 Review

These terms of reference may be amended, varied or modified in writing after consultation and agreement with reference group members.

The reference groups will be formed in 2023 and will run in mid-2024. At the conclusion of this period, the department and reference group members will assess the purpose and effectiveness of groups in consultation with the independent facilitator. The department will then consider the outcomes of this assessment to decide if the reference groups should continue. The reference groups terms of reference will also be reviewed at this time.

4 Administrative arrangements

4.1 Meeting structure and operations

- Meetings will be held in workshop style and all members will have the opportunity to contribute.
- Initially, meetings are intended to be held monthly in the lead up to the submission of the Final Business Case in 2024, which seeks an investment decision for the project.
- Any additional ad-hoc meetings will be decided by consensus of the reference group.
- Meetings may be face-to-face or online. Where meetings are held face-to-face, they will be held in the Singleton local government area.
- Meetings will generally run for half day periods, which will be around three hours plus breaks.
- A call for agenda items will be issued by the department secretariat two weeks before a meeting, with the final agenda determined by the department and distributed one week before the meeting, in consultation with the independent facilitator.
- Recordings of meetings using an electronic device is not permitted without prior agreement from the facilitator, all reference group members and any guests in attendance.
- Where possible, specific recommendations or actions arising from discussions will be agreed through consensus. Where this is not possible, different views and opinions will be noted.

- If members leave the group, the facilitator will seek to replace them through a process agreed by the reference group.
- The meeting frequency and locations will be reviewed as needed by the department secretariat in consultation with reference group members and the facilitator.

4.2 Attendance and quorum

A quorum will comprise half the total number of members plus one. At least two members and two representatives of the department must be present. A meeting will not be convened without a quorum.

4.3 Secretariat

Secretariat support will be provided by the department. The secretariat will be responsible for managing administrative functions including:

- preparing and distributing meeting agendas and papers
- keeping and distributing meeting minutes and actions
- maintaining action lists and progress of actions
- distributing information to and from other groups as applicable
- supporting members participation in meetings.

The minutes of each meeting shall be recorded live and key points will be agreed by reference group members at the end of each meeting. Meeting minutes will include:

- a summary of the discussion and feedback from the group
- endorsements of recommendations and a record of any dissenting views
- actions including who is responsible for these actions and a timeframe to resolve them.

A summary of feedback and how it has been used to inform the FBC will be included in the final FBC report.

4.4 Reference group communications

The department will provide reference group members with approved materials prior to each meeting.

These materials will be approved for sharing with members for the purpose of generating discussion and gathering feedback to inform reference group meetings.

All materials developed by reference group members must be approved by the Water Infrastructure NSW prior to use or distribution.

4.5 Sitting fees

Equal sitting fees will be paid to Lostock Dam to Glennies Creek Dam Pipeline Project members (excluding public sector employees) for their participation in meetings and as recognition of their value and expertise, and to support member retention and group functionality.

Sitting fees have been set to align with guidance contained in the [Public Service Commission Classification & Remuneration framework](#). A full day will be paid for meetings of four hours or more duration. Half-day sitting fees will be paid for meetings of less than four hours.

Sitting fees have been set at \$220 per day and \$110 per half day for members.

Sitting fees may be remitted to members through either payroll or fee for service invoice at the discretion of the member.

Where payroll is elected, sitting fees are subject to ordinary PAYG Tax withholding requirements and will attract an additional superannuation payment in accordance with the rate prescribed in the Superannuation Guarantee Act 1992. A Tax file declaration and Superannuation standard choice form will be required to be submitted by the member on appointment.

Where fee for service invoice is elected, the sitting fee above is the GST exclusive amount. If a member is registered for GST and substantiates this, an additional 10% charge for GST may be added to invoices and will be paid by the department. PAYG Tax withholding will not be undertaken and there is no entitlement to an additional amount for superannuation.

An allowance equal to the sitting fee rate (\$220 per day) will be paid for one day of engagement with declared/disclosed stakeholder networks prior to each of the two face-to-face reference group meetings.

4.6 Review

Once final, the Terms of Reference may be amended, varied or modified in writing after consultation and agreement with reference group members.

The reference groups will be formed in 2023 and will run for eight months. At the conclusion of this period, the department and reference group members will assess the purpose and effectiveness of the reference group in consultation with the independent facilitator. The department will then consider the outcomes of this assessment to decide if the reference groups should continue. The reference groups Terms of Reference will also be reviewed at this time.