

## Terms of Reference

### 1. Background / Introduction

- 1.1. The *Coastal Management Act 2016* (CM Act) commenced on 3 April 2018 and requires local councils along the NSW coastline to prepare Coastal Management Programs (CMP). CMPs are required to be prepared in accordance with the Objectives of the CM Act and the NSW Coastal Management Manual.
- 1.2. The Newcastle Coastal Planning Working Group was originally established in February 2019 to provide strategic guidance and technical advice to the preparation of a CMP for the Newcastle area. Meetings ceased in February 2020 due to a focus on the development of the Stockton CMP 2020. Newcastle Coastal Planning Working Group meetings were not reinstated as it was felt adequate consultation was occurring through individual agency and community stakeholder meetings which targeted issue specific liaison.
- 1.3. The original Terms of Reference (July 2019) included 'Section 5.3 Term of Appointment'. This section terminated appointments to the Newcastle Coastal Planning Working Group at the '*certification of the Newcastle CMP or 31 December 2021, whichever may come first*'. Noting the proximity to the cessation date and the requirement for an expanded scope to better support the development, certification, implementation and review of CMPs for the Newcastle LGA.
- 1.4. Appointments to the original Newcastle Coastal Planning Working Group have officially ceased, as per Section 5.3 of the July 2019 Terms of Reference (TOR).
- 1.5. Following certification of the Stockton CMP 2020, City of Newcastle embarked on the development of other CMPs. The need for the Newcastle Coastal Management Program Working Group was realised and the group was re-established under TOR May 2021.

### 2. Intent

- 2.1. The Newcastle Coastal Management Program Working Group (Working Group) has been reinstated to facilitate regular liaison between public authority landholders, key agencies, stakeholders, and the community pertaining to the Coastal Management Program(s) within the Newcastle LGA.
- 2.2. It is intended that the Working Group will exist to collaboratively share information to resolve coastal and estuary management issues to the benefit of all stakeholders, residents, and the environment of the Newcastle LGA.

### **3. Objectives**

- 3.1. To provide strategic guidance on the; preparation, certification, implementation and review of Coastal Management Programs pertaining to the Newcastle LGA under the *Coastal Management Act 2016* and associated guidelines.
- 3.2. To take a holistic approach to resolving the complexity of issues across CMP areas while balancing the needs of public authority landholders, and stakeholders now and into the future.

### **4. Scope**

- 4.1. Strategic Guidance (Section 3.1) provided by the Working Group includes, but is not limited to:
  - 4.1.1. identification and review of studies and technical documents required to inform the CMP process;
  - 4.1.2. providing and reviewing advice on coastal / estuarine issues, including current or emerging issues;
  - 4.1.3. assisting the resolution of issues arising at all stages of the CMP process;
  - 4.1.4. providing information from respective Working Group Member organisations (Appendix A) for consideration to relevant matters at hand; and
  - 4.1.5. identifying stakeholder / partners that should be included to assist the resolution of coastal / estuarine issues.

### **5. Authority of Working Group**

- 5.1. The Working Group is a technical reference group and as such has no executive or decision-making powers.
- 5.2. The Working Group's function is to assist and advise, and as such does not direct any City of Newcastle or other agency staff members in their duties.

## 6. Members

### 6.1. Composition of the Newcastle Coastal Management Program Working Group.

- 6.1.1. The Working Group shall include representatives of public authority landholders, key agencies, stakeholders and the community relevant to the CMPs within the Newcastle LGA.

### 6.2. Members Expenses and related Allowances.

- 6.2.1. Members (Section 6.3) and Community Representative Members (Section 6.4) will not be remunerated for their participation or travel to attend meetings/site visits.

### 6.3. Member Organisations

- 6.3.1. City of Newcastle will formally invite public authority landholders, agencies, stakeholders, (identified in Appendix A) to nominate a representative as a Member of the Working Group.
- 6.3.2. Nominated Members will be the key contact for the Member organisation (Appendix A) on coastal / estuarine issues and have the delegation to commit their organisation to actions that may arise through the course of the Working Group.
- 6.3.3. The invitation to join the Working Group will be in accordance with Part 3, Division 4 Section 23 of the *Coastal Management Act 2016*:

***Other public authorities to have regard to coastal management program and coastal management manual***

*(1) Public authorities (other than local councils) are to have regard to coastal management programs to the extent that those programs are relevant to the exercise of their functions.*

*(2) In particular, those public authorities are to have regard to relevant coastal management programs and the coastal management manual in the preparation, development and review of, and the contents of, any plans of management that those public authorities are required to produce and, in doing so, are to have regard to the objects of this Act.*

- 6.3.4. Appendix A may be amended (Section 17.3) to include / remove / capture name changes of agencies, stakeholders, public authority landholders, throughout the life of the Working Group to meet Section 6.1 above.
- 6.3.5. Amendments to Appendix A are to be included with the Minutes (Section 16) of the Working Group meeting.

6.3.6. Member Organisation Attendance at meetings

- 6.3.6.1. Should a Member be unable to attend a Working Group meeting due to leave / sickness, an alternative representative of the Member organisation (Appendix A) may attend. Alternative representatives should be 'up to speed' with current issues / topics in discussion at the Working Group and have required organisational delegation (as per Section 6.3.2). Notification of alternative representation must be provided to the Secretary (Section 10) a minimum of one (1) week prior to the next meeting.
- 6.3.6.2. Should a Member be unable to attend a Working Group meeting due to leave / sickness and an alternative representative of the Member organisation (Appendix A) is unable to attend, an apology of absence is to be provided to the Secretary a minimum of one (1) hour prior to the meeting.
- 6.3.6.3. Additional representatives and/or consultants from Member organisations (Appendix A) may attend meetings to discuss or present on issues / topics relevant to the Working Group. Notification of additional representatives / consultants / presentations must be provided to the Secretary a minimum of one (1) week prior to the next meeting. These additional representatives will be recorded as 'Guests' on the Minutes (Section 16) of that meeting.
- 6.3.6.4. Should the nominated Member of the Member organisation (Appendix A) need to change, a letter notifying of the change is to be tabled at the Working Group meeting and included with the minutes. The letter of notification must be sent to the Secretary (Section 10) a minimum of one (1) week prior to the next meeting. The new representative must meet criteria under section 6.3.2 and should be 'up to speed' with current issues / topics in discussion at the Working Group.

## 6.4. Community Representative Members

### 6.4.1. Appointment of Community Representative Members.

6.4.1.1. Five (5) Community Representative Members will be selected following the advertisement of a public expression of interest process. Written applications must be lodged with the City of Newcastle and address the following selection criteria:

- a) Knowledge / awareness / interest of coastal /estuarine issues and management (including coastal hazards, biodiversity, water, recreation and heritage);
- b) Understand that the Coastal Management Act 2016 and associated guidelines exist, and that this process must be followed in the development, certification, implementation and review of CMPs;
- c) Understanding the role of local government;
- d) Commitment to participatory and consultative process;
- e) Relevant community involvement e.g. group involvement or ability to disseminate information to targeted audience;
- f) Be available to attend scheduled Working Group meetings (during business hours);
- g) Must comply with Council's Volunteer Framework <https://intranet.newcastle.nsw.gov.au/Our-Council/Volunteer-Management>; and
- h) Must agree to the Terms of Reference for the Newcastle Coastal Management Program Working Group.

6.4.1.2. Community Representative Member Applications will be assessed:

- a) On merit according to the criteria set in Section 6.4.1
- b) To ensure community representation is from across Newcastle LGA,
- c) By at least two (2) officers from the City of Newcastle, and
- d) Be approved for appointment as a Community Representative Member on the Working Group by City of Newcastle's Manager Assets and Projects or equivalent, or their nominated delegate.
- e) If more than five (5) community representative member applicants are deemed suitable for appointment as a Community Representative Member, offers of membership will be made to the top five and the remainder placed on an eligibility list. Eligibility list will only be current for a single term (Section 14) of the Working Group. Individuals on the eligibility list will be called upon should a selected Community Representative Member cease to be a Member of the Working Group (Section 6.4.4).
- f) Community Representative Members must also comply with Council's Volunteer Framework and are required to undergo an induction to ensure they can perform their role safely, efficiently and effectively.

### 6.4.2. Term of Community Representative Members appointment

6.4.2.1. Selected individuals must sign and return an Appointed Community Representative Member Authority form (Appendix B) to the Secretary (Section 10).

6.4.2.2. Appointed Community Representative Members may represent the community on the Working Group for a single term (Section 14).

6.4.2.3. Community Representative Members may only serve two terms of a four-year duration, either consecutively or separately.

- 6.4.2.4. Community Representative Members must reapply for each four-year term.
- 6.4.3. Community Representative Member Attendance at meetings
  - 6.4.3.1. Should a Community Representative Member be unable to attend a Working Group meeting due to leave / sickness, an alternative representative is not permitted to attend in their place.
  - 6.4.3.2. An apology of absence of a Community Representative Member is to be provided to the Secretary (Section 10) a minimum of one (1) hour prior to the meeting.
  - 6.4.3.3. The absence of the Community Representative Member should be recorded in the minutes (Section 16) in accordance with Section 6.4.4.1 b).
- 6.4.4. Cessation of Community Representative Member
  - 6.4.4.1. A person ceases to be a Community Representative Member on the Working Group, if that person:
    - a) Resigns that membership in writing; or
    - b) Is absent for three (3) consecutive meetings of the Working Group without leave or apology; or
    - c) Engages in conduct that is inconsistent with the Working Group Terms of Reference or City of Newcastle's Code of Conduct; or
    - d) Completes two terms of a four (4) year duration (Section 6.4.2).
  - 6.4.4.2. Replacement of a ceased Community Representative Member will be from the Eligibility List (Section 6.4.1.2 e) or from a new round of community nominations (Section 6.4.1).
- 6.5. Responsibility of Members & Community Representative Members of the Working Group
  - 6.5.1. To meet the Objectives (Section 3) Working Group Members (Section 6.3) and Community Representative Members (Section 6.4) are expected to undertake the following:
    - 6.5.1.1. actively participate during meetings on related Agenda Topics (Section 15) and actions of previous Minutes (Section 15);
    - 6.5.1.2. represent the best interests of the whole community within the Newcastle Local Government Area, by not focusing on or pushing personal agendas;
    - 6.5.1.3. respect other Members and Community Representative Members to work collaboratively with integrity, and by holding open conversations on the complex issues surrounding coastal / estuary management; and
    - 6.5.1.4. raise topics, issues, and provide information to be included on the Agenda.
  - 6.5.2. Working Group Members (Section 6.3) are expected to undertake the following in addition to Section 6.5.1:
    - 6.5.2.1. Nominate their Member Organisation (Appendix A) to undertake actions arising and report back to Working Group meetings.
    - 6.5.2.2. Where possible, supply information from their Member Organisation (Appendix A) that relates to issues / topics / Agenda items and actions discussed by the Working Group.

6.5.2.3. Where possible, encourage their work colleagues assisting with actions committed to in Section 6.5.2.1 to liaise with other Member Organisations (Appendix A) who committed to the same action.

**6.6. Conduct by Members and Community Representative Members of the Working Group**

6.6.1. Members (Section 6.3) and Community Representative Members (Section 6.4) must conduct themselves in accordance with the Working Group TOR and the City of Newcastle's Code of Conduct for Council Committee Members Delegates of Council and Council Advisors (Appendix C) or equivalent.

6.6.2. Conflicts of Interest for Members and Community Representative Members must be declared and managed in accordance with the City of Newcastle Code of Conduct. A record of a declared conflict of interest is to be included in the Minutes (Section 16).

6.6.3. Pecuniary or significant non-pecuniary conflicts of interest must be managed by the Member or Community Representative Member excluding themselves from the meeting during the discussion of the relevant agenda item/s. Such exclusion should be recorded in the Minutes.

**7. Confidentiality of the Working Group**

7.1. Working Group Members (Section 6.3) and Community Representative Members (Section 6.4) may have access to / be witness to confidential information which must not be disclosed.

7.2. Members and Community Representative Members agree not to disclose, share or otherwise discuss confidential information sourced from the Working Group.

7.3. Confidential information will be clearly identified by the contributor when submitted to the Secretary (Section 10) for inclusion in the Agenda (Section 15).

**8. Public comment / Distribution of information to the community**

8.1. The Lord Mayor and Chief Executive Officer are the official spokespeople for the City of Newcastle in accordance with the Media Policy.

8.2. Members (Section 6.3) and Community Representative Members (Section 6.4) are not to speak to the media or members of the public on behalf of the City of Newcastle or the Working Group.

8.3. Information provided to the community regarding the progress of the CMPs pertaining the Newcastle LGA, will be undertaken in accordance with the City of Newcastle's City Marketing and Engagement Strategy.

## **9. Responsibility and requirements of Working Group Facilitator**

- 9.1. The Facilitator will be a City of Newcastle officer or nominated representative who undertakes the following functions:
  - 9.1.1. oversee and be responsible for the functions of the Secretary (Section 10);
  - 9.1.2. ensure Members (Section 6.3) and Community Representative Members (Section 6.4) are familiar with the Working Group TOR and City of Newcastle's Code of Conduct;
  - 9.1.3. facilitate discussion at and provide input to Working Group meetings;
  - 9.1.4. focus the Working Group on its objectives (Section 3) and the Meeting Agenda (Section 15) items;
  - 9.1.5. determine if an informal meeting (Section 12.2) or a Special meeting (Section 13.3) is required to be held; and
  - 9.1.6. manage the resources available to the Working Group.
- 9.2. The position of Facilitator may be shared amongst City of Newcastle officers who have relevant knowledge of the CMP process.

## **10. Responsibility and requirements of Secretary**

- 10.1. The Secretary will be a City of Newcastle officer who undertakes the following functions:
  - 10.1.1. Prepare and circulate Meeting Agendas and information (Section 15) identifying if items are confidential (Section 7.3);
  - 10.1.2. Update the register of Member organisations (Section 17.3), Members (Section 6.3) and Community Representative Members (Section 6.4);
  - 10.1.3. Maintain a meeting attendance register to show Meeting Quorum (Section 12) and guests (Section 6.3.6.3); and
  - 10.1.4. Take and circulate Minutes (Section 14) to Members and Community Representative Members.

## **11. Attendance at meetings**

- 11.1. Attendance at any meeting of the Working Group is limited to the following:
  - 11.1.1. Eligible Members (Section 6.3) and Community Representative Members (Section 6.4), and
  - 11.1.2. Additional representatives / consultants from Member organisations (Section 6.3.6.3)
- 11.2. It is preferable for meetings to be held face to face. Where members are unable to attend in person, attendance via electronic media (Teams, Skype etc) or phone conference is permitted.
- 11.3. All meetings of the Working Group will be closed to the general public.



## **12. Meeting Quorum**

- 12.1. A quorum shall consist of eight (8) Members (Section 6.3).
- 12.2. If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Facilitator. Notes of the informal meeting are to be circulated to Members (Section 6.3) and Community Representative Members (Section 6.4) and included with the Minutes (Section 16) of the next meeting with a Quorum.

## **13. Meeting schedule**

- 13.1. The Working Group will meet at least four (4) times per year or as otherwise resolved by the Working Group. Meetings may be supplemented with correspondence via electronic means or telephone.
- 13.2. Meeting dates will be agreed by the Working Group and recorded in the Minutes (Section 16). Upcoming meetings will be noted both in the Minutes and on the Meeting Agenda (Section 15).
- 13.3. A special meeting of the Working Group may be called by the Facilitator (Section 9). Special Meetings are deemed as any meeting occurring between scheduled Working Group meetings (Section 13.2). At least seven (7) days' notice of Special Meetings is required to be provided to Members (Section 6.3) and Community Representative Members (Section 6.4) of the Working Group.

## **14. Term of the Working Group**

- 14.1. A single term of the Working Group is four years.

## **15. Meeting Agendas and information**

- 15.1. Topics to be included on future Meeting Agendas must relate to the Objectives (Section 3) and the Scope (Section 4) of the Working Group.
- 15.2. Members (Section 6.3) and Community Representative Members (Section 6.4) will provide information / pre-reading relevant to Agenda Items (Section 15.1) to the Secretary (Section 10) at least ten (10) business days prior to the next Working Group Meeting. Confidential Information must be clearly identified as per Section 7.3.
- 15.3. The Secretary will ensure the Agenda and any related information / pre-reading (Section 15.2) is provided to the Working Group at least five (5) business days prior to the meeting. These will be transmitted electronically.

## **16. Minutes**

- 16.1. Working Group business on Meeting Agenda Items (Section 15) will be minuted and recorded by the Secretary (Section 10). The minutes will be:
  - 16.1.1. Approved by the City of Newcastle Manager Assets and Projects (or equivalent, or nominated representative) in draft,
  - 16.1.2. Circulated by the Secretary
  - 16.1.3. Adopted by the Working Group as final by resolution at the next meeting with Quorum (Section 12),
  - 16.1.4. Managed in accordance with City of Newcastle's Records Management Policy
  - 16.1.5. Be used to support the preparation, certification, implementation and review of Coastal Management Program/s pertaining to the Newcastle LGA.
- 16.2. Draft minutes will be distributed to the Working Group no later than fourteen (14) business days after the meeting. This will include an action table and responsible Member Organisations (Section 6.5.2.1).
- 16.3. Draft and adopted minutes (Section 16.1) may be distributed within Member Organisations (Appendix A) but are not to be released to the general public or media. Members (Section 6.3) are responsible for reporting the outcomes of the Working Group meetings within their respective Member Organisations, as required.
- 16.4. Adopted minutes (Section 16.1.3) may be distributed within a Community Representative Members (Section 6.4) community organisation/group but are not to be released to the general public or media.

## **17. Dissolution / Review / Updates of the Working Group**

- 17.1. The Working Group will remain in existence until significant change in *Coastal Management Act 2016* requires its dissolution.
- 17.2. A review of the Working Group function and TOR should be undertaken every three terms (Section 14).
- 17.3. The Appendices of the Terms of Reference may be updated frequently to reflect alterations to the Working Group, such as changes to Member Organisations (Appendix A).

## **Appendix A**

### **Member Organisations May 2021**

- City of Newcastle (2)
- Awabakal Local Aboriginal Land Council, or nominated Awabakal descendant (1)
- Worimi Local Aboriginal Land Council, or nominated Worimi descendant (1)
- Department of Industry - Lands and Water (Crown Lands) (1)
- Hunter Water Corporation (1)
- Port Authority of NSW (1)
- Port of Newcastle (1)
- Defence Housing Australia (1)
- Department of Community and Justice (1)
- Port Stephens Council (1)
- Lake Macquarie Council (1)
- Maitland City Council (1)
- Transport for NSW (1)
- NSW National Parks and Wildlife Service (1)
- Department of Planning Industry and Environment (2)

## Appendix B

### Appointed Community Representative Member Authority form

## Newcastle Coastal Management Program Working Group Appointed Community Representative Member Authority

I, \_\_\_\_\_ declare as follows:  
(insert Community Representative Member's name)

1. I understand that, as a Community Representative Member of the Newcastle Coastal Management Program Working Group (Working Group), I have the following responsibilities, as stated in the Terms of Reference (TOR) for the Working Group:
  - Actively participate during meetings on related Agenda Topics (TOR Section 13) and actions of previous Minutes (TOR Section 14).
  - Represent the best interests of the whole community within the Newcastle Local Government Area, by not focusing on or pushing personal agendas.
  - Respect other Members and Community Representative Members to work collaboratively with integrity to hold open conversation on the complex issues surrounding coastal / estuary management.
  - Raise topics / issues / provide information to be included on the Agenda (TOR Section 13) for the Working Group to discuss.
  - Be available to attend scheduled Working Group meetings (during business hours).
2. I agree to comply with the above responsibilities and act in accordance with City of Newcastle (CN) Code of Conduct and Volunteer Framework.
3. I understand that under City of Newcastle's Media Policy, the Lord Mayor and the Chief Executive Officer are the only authorised spokespersons for CN. As a Community Representative Member of the Working Group, I am not authorised to make public statements (TOR Section 7) on behalf of CN or the Working Group and such action may result in my membership on this committee being terminated (TOR Section 5.5.4).
4. I understand that my personal information, by way of name and organisation if it applies, as a Community Representative Member of the Working Group may be publicly available through CN's website and other publications.

\_\_\_\_\_  
Signature of Community Representative Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (print)

### PROTECTING YOUR PRIVACY

City of Newcastle (12 Stewart Avenue, Newcastle West) is committed to protecting your privacy. City of Newcastle (CN) takes reasonable steps to comply with relevant legislation and its' Privacy Management Plan.

*Your personal information is collected in relation to **your membership on a CN committee and is collected on a voluntary basis.** Your information will be stored in our electronic database and will only be accessible by authorised staff. Your information will be visible on our website by way of your name and/or organisation if it applies, in relation to membership of this committee.*

*CN may be required to release this information in accordance with its obligations under the Government Information (Public Access) Act 2009 (NSW).*

**If you have any concerns about your information being published or you wish to check the accuracy of your information, please contact Legal and Governance on 4974 2000 or email [governance@ncc.nsw.gov.au](mailto:governance@ncc.nsw.gov.au).**

## **Appendix C**

### **City of Newcastle's Code of Conduct for Council Committee Members Delegates of Council and Council Advisors**

<https://www.newcastle.nsw.gov.au/council/our-responsibilities/code-of-conduct>

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