

DRAFT

Terms of Reference

Water Strategies Review Project Reference Group

Version 1.1

Division:
Section:
File Reference:
Historical Reference:

Engineering
Water and Wastewater
IA12
NA

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Terms of Reference

Water Strategies Review Project Reference Group

1 Background

In March 2018 Council, as part of a broader resolution resolved,

2. *Endorsement of the process and budget required as outlined within this report, to be in accordance with its resolution of 16 March 2017 to undertake a Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management and on completion of that review to recommence the Review of Council's Demand Management and Water Efficiency Strategies and that this work be undertaken sequentially following completion of Item 1.*
3. *In regards to the Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management, the Terms of Reference and selection criteria for the Project Reference Group to be approved by Council.*

The Project Reference Group to be provided progress reports and meet regularly during the review to ensure the Terms of Reference of the review are being met.

4. *This review (Comprehensive Review of Tweed District Water Supply, Demand Management and Drought Management) should be completed seven (7) months prior to the end of the current Council (February 2020).*

A Project Reference Group (PRG) has been established by Tweed Shire Council to undertake the comprehensive review in accordance with the resolution of Council. The PRG consists of members of the Tweed Shire community and two (2) councillors.

2 Context

2.1 Water Augmentation

Council has been through an extensive process commencing in 2009 to determine a preferred option to augment the Tweed District Water Supply. The process included community involvement through a Community Working Group, studies by independent consultants and analysis of options. In December 2015 Council resolved:

1. *Based on the information currently available, Council adopts the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security and proceeds with the planning approval and land acquisitions phase for the project.*

Council has been undertaking the planning approvals and land acquisitions for this project.

2.2 Demand Management

Council developed and adopted its Demand Management Strategy in 2009. Subsequently, Council prepared a Demand Management Implementation Plan and has been undertaking activities under that plan. In 2017 Council engaged an independent consultant to review the efficacy of Council's demand management. The consultant prepared a report which is available to the PRG.

2.3 Drought Management

A Drought Management Strategy was prepared for Council in 2009. Council also has a Drought Water Restrictions Policy last updated in August 2017.

The PRG has been formed to undertake the reviews of the three strategies and to confirm or otherwise the direction of Council in respect to these strategies.

3 Purpose

Council has a Drought Management Strategy and a Demand Management Strategy. Council has resolved to adopt the raising of the wall of the Clarrie Hall Dam as the preferred option for future water security. Council intends to engage an independent consultant to undertake a comprehensive review of its Drought Management Strategy, Demand Management Strategy and resolution to adopt raising of the wall of the Clarrie Hall Dam as the preferred option for future water security.

Council has resolved to reconvene the Community Working Group, established to consider the water supply augmentation options, as a Project Reference Group (PRG) to recommend a Terms of Reference for the review.

Consistent with the resolutions of Council the PRG will be required to:

1. review the existing information which has led to the adoption of each of the three strategies, the strategies and the status of implementation of the strategies
2. for each of the strategies, form an opinion as to whether there are any gaps in the information used to develop the strategy and whether the strategy is still current, and
3. if considered necessary, for each of the strategies, determine a Terms of Reference for their review.

4 Process

The process to be followed by the PRG is outlined below:

1. Presentations will be given to the PRG on the purpose of each of the strategies, their history and how Council has implemented or is implementing the strategies.
2. The PRG will determine what aspects, if any, of each strategy may require review.
3. The PRG will prepare a Terms of Reference for the engagement of an independent consultant to review those aspects of the strategies they consider require review.
4. The PRG will receive a presentation or presentations from the independent consultant on the matters identified.
5. The PRG will form an opinion of the adequacy of the existing strategies and any changes that may be required.
6. The PRG will inform Council of that opinion.

Terms of Reference

5 Membership

5.1 Criteria for members of the Project Reference Group

The PRG will be chaired by a Council Officer, facilitated by an independent facilitator and include two (2) elected representatives and eight (8) community members.

Members of the previous Community Working Group (water supply augmentation) will be invited to be members of the PRG. Similarly, persons who nominated for Council's Demand Management and Water Efficiency Review Community Working Group will be invited to be members. If there are fewer than eight (8) members, further members will be sought through public advertisement.

The community members will:

- be available to attend meetings, typically on a weekday evening
- have ready access to a substantial network of community members and commit to communicating with that network on a regular basis
- have a demonstrable interest the Tweed District Water Supply and water-related issues
- be willing and able to actively participate in the business of the PRG
- be willing and able to commit to the role and responsibilities of PRG members, and
- be willing to commit to working within the Terms of Reference for the PRG, including submitting apologies for any inability to attend a scheduled meeting to the Chairperson or the Secretariat prior to the meeting.

5.2 Term of Membership

The term of membership to the PRG is expected to be approximately 12 months or longer if deemed necessary by Council.

5.3 Remuneration and costs

Tweed Shire Council will not remunerate any members of the PRG for their participation, nor will any expenses incurred by members through participation in the PRG be payable by Tweed Shire Council.

6 Roles and Responsibilities

6.1 Decision-making

The PRG is consultative in nature. It is not a decision-making body. Decision-making powers are retained by the elected Council.

6.2 Project Reference Group

Project Reference Group (PRG) members will:

- have their contact details made public and be contactable by members of the public by phone, fax and/or email
- regularly and proactively communicate with the broader community where possible, highlighting issues that affect that group of stakeholders
- report to the PRG meeting on any input received

- respect confidentiality of Council, companies, community and residents' communications and documents where required or requested
- honestly share their opinions and listen respectfully to the opinions of others
- commit to working constructively and cooperatively as a part of the PRG
- commit to undertaking the workload of members, including:
 - attend each meeting
 - review minutes of meetings
 - communicate with stakeholders and the broader community, and
 - review previous work undertaken and review reference material
 - provide feedback on the options, assessment processes and issues used to determine proposed measures or options.

6.3 Tweed Shire Council

Tweed Shire Council will provide project staff who will:

- chair the meetings
- provide an independent facilitator
- honestly share their opinions and listen respectfully to the opinions of others
- provide relevant, current and accurate information to the PRG, within agreed timeframes, and help people understand that information
- be open and transparent with information and decision-making
- follow-up relevant action items in an appropriate timeframe
- provide feedback to the PRG on how input has been actioned, or how it did or did not influence decisions made
- provide information direct to the broader community, and
- provide secretariat and logistical support for the PRG.

6.4 Communications

PRG members are encouraged to discuss issues and disseminate information about acceptable risks and risk mitigation options with stakeholders and the wider community.

The Your Say Tweed portal will be used to communicate with the wider community.

Requests to keep information confidential to the PRG will be considered by the whole PRG. Where consensus cannot be reached on whether or not to keep information confidential, the information will be deemed to be confidential.

7 Operations

7.1 Meeting protocols

Meetings will be held at Tweed Shire Council offices unless otherwise advised. An extraordinary meeting may be convened to discuss any matter warranting urgent consideration. Requests are to be made to the Chairperson, who will determine whether an extraordinary meeting is warranted.

Where possible, decisions will be made by consensus. Where consensus is not possible, a vote will be taken and the voting will be recorded against the item and the minority reasons identified and documented.

Terms of Reference

7.2 Meeting timing

Up to eight meetings (and no less than four) are proposed to be convened – typically on a weekday evening. The first meeting is proposed for early 2019, and then subsequent meetings at about one-two-monthly intervals to January 2020.

7.3 Meeting agendas and minutes

Agendas will be prepared and distributed to members of the PRG at least 10 days prior to the next scheduled meeting. A final agenda will be circulated at least five (5) days prior to the meeting.

A Council staff member will record outcomes and actions and circulate them to the PRG members within five (5) days of the meeting and place them on the Tweed Shire Council website.

8 Code of Conduct

8.1 Principles

Members of the PRG must:

- ensure that the work of the PRG is not compromised or affected by direct or indirect pecuniary or non-pecuniary interest
- act in good faith for proper purposes without exceeding their powers, and
- be frank and honest in their dealings with each other.

8.2 Confidentiality

Any material dealt with by the PRG that has been identified as confidential shall be treated as confidential, unless otherwise determined by Council. Any member tabling a document may identify it as being of a confidential nature.

Confidential information available to PRG members must be used only in ways that are consistent with the obligations of members to act impartially, with integrity and in the public interest.

Information available to the PRG must not be used by any member to obtain any advantage, whether direct or indirect, for themselves or for any other person or body.

Where confidential information is provided to a PRG member, care must be taken to ensure that the information is kept secure, and that numbers of copies are kept to the minimum necessary. If such information is to be disposed of by a PRG member, it must be destroyed.

PRG members should avoid investments or business activities in relation to which they might reasonably be perceived to have access to confidential information which might give them an unfair or improper advantage over other persons.

8.3 Improper or undue influence

PRG members must take care not to use their position on the PRG to influence any other member on the PRG, Councillors or others for the purpose of obtaining any advantage for themselves, or any other person or body, whether that advantage is direct or indirect.

8.4 Conflict of Interest

PRG members are selected to bring forward their knowledge and perspectives and represent the viewpoints of the stakeholders they represent. It is recognised that PRG members may potentially have a pecuniary or non-pecuniary interest in matters discussed by the PRG. Given the PRG is advisory, rather than decision-making, this does not preclude them from contributing to discussions in which they have an interest provided members act in accordance with this Code of Conduct.

8.5 Pecuniary Interests

For the purposes of this code, a pecuniary interest is defined as *'an interest that a person has in a matter because of reasonable likelihood or expectation of appreciable financial or other gain or loss to the person, or another person or body with whom the person is associated'*.

8.6 Non-pecuniary interest

For the purposes of this Code, a non-pecuniary interest is defined as *'an interest that a person has in a matter that is unlikely to result in a financial or other gain or loss to the person, or another person or body within whom the person is associated'*.

PRG members should declare their pecuniary and non-pecuniary interests by:

- completing a statutory declaration to be kept by the Secretariat, and
- declaring their interests at the beginning of each meeting.

8.7 Gifts, gratuities, hospitality

Members must avoid giving any indication that gifts, gratuities or hospitality relating to their membership of the PRG will be accepted, either for themselves or for any other person or body, or that these may influence their input.

8.8 Notification of suspected corrupt conduct

Section 11 of the *Independent Commission Against Corruption (ICAC) Act* requires that the principal officer of each public authority report to the Commission any matter that is suspected, on reasonable grounds, to concern corrupt conduct.

In the case of members of the PRG, any matter that is suspected, on reasonable grounds, to concern corrupt conduct should be reported to Council.