



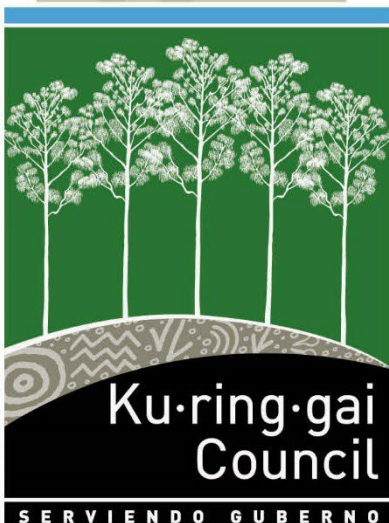
Ku-ring-gai Council

# **Council Advisory and Reference Committee Guideline**

**Version Number 6**

Adopted: 11 January 2022

Effective: 19 March 2024



# Council Advisory and Reference Committee Guideline

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## Controlled Document Information

### Authorisation Details

This is a Controlled Document. Before using this document check it is the latest version by referring to Council's Controlled Document Register. Unless otherwise indicated, printed or downloaded versions of this document are uncontrolled.			
<b>Controlled Document Number:</b>	185	<b>TRIM Record No:</b>	2024/095494
<b>Controlled Document Type:</b>	Charter / Terms of Reference		
<b>Controlled Document Name:</b>	Council Advisory and Reference Committee Guideline		
<b>Version Number:</b>	6		
<b>Department:</b>	Corporate		
<b>Distribution:</b>	Internal and external		
<b>Review Period:</b> Max < 4 years	4	<b>Next Review Date:</b>	January 2026
<b>Document Status:</b>	Approved		
<b>Approval Type:</b>	Adopted by Council		
<b>Version Start Date:</b>	19 March 2024	<b>Version End Date:</b>	

### Related Document Information, Standards & References

<b>Related Legislation:</b>	Local Government Act 1993 Local Government (General) Regulation 2021	
<b>Related Policies (Council &amp; Internal)</b>	Code of Conduct Code of Meeting Practice	
<b>Other References</b>	Model Code of Conduct For Local Councils in NSW "At a Glance" Guide for Council Committee Members and Delegates	

**Version History**

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	2014	11/01/2022	Manager Governance	First Version
2	12/01/2022	24/05/2022	David Marshall	Updates to guidelines and terms of reference.
3	25/05/2022	15/11/2022	Christopher M Jones	Policy updated to include resolution 89 corresponding to MM.2 at the Ordinary Meeting of Council of 24 May 2022. Council resolved to amend the relevant sections to provide for non-member Councillors to attend committee meetings as observers only. Minor formatting updates.
4	14/12/2022	20/1/2023	Christopher M Jones	Updates to reflect new committees, requirement for committees to undertake a review during each term of council and minor formatting changes.
5	21/1/2023	18/3/2024	Senior Governance Officer	Updates to reflect disbandment of Marian Street Theatre Reference Committee (OMC19.09.2023, resolution # 145), new terms of references Arts & Culture Advisory Committee (OMC 21.11.2023, resolution #203) and The Status of Women's Advisory Committee (OMC 21.11.2023, resolution # 212).
6	19/3/2024	-	Christopher M Jones	Minor updates to reflect resolutions of Council in March 2024.

## PURPOSE, OBJECTIVES, AND SCOPE OF COMMITTEES

### Why does council have advisory and reference committees?

Advisory and reference committees provide a mechanism by which members of the community can play a role in the formulation of Council policy, direction and practice. Committees assist Council to engage with and obtain feedback from the community.

### Objectives

Advisory and reference committees are established by Ku-ring-gai Council to:

- harness the views and expertise of the wider community
- assist Council in its understanding of, and approach to, specific or localised issues, initiatives or community assets
- provide a structured approach to the ongoing involvement of community members in Council affairs and the democratic process.

### Scope

The scope of each advisory and reference committee is outlined in its Charter. Committees may make recommendations to Council, but do not have the authority to make decisions on Council's behalf.

### Delegation of functions and decision-making

Advisory and reference committees do not have delegated authority from Council.

### How are advisory and reference committees established?

Advisory and reference committees are established by a resolution of Council. Prior to establishing a committee, Council will generally determine the following criteria:

- Terms of reference for the committee
- Expertise or relevant background which community members should possess
- Size (minimum and maximum) of the committee
- Quorum requirements
- Frequency of meetings (minimum and regularity)
- Any specific interest groups that are to be represented on the committee (i.e. government departments, community organisations)
- Term and tenure of members.

This Guideline serves to address these elements.

Ku-ring-gai Council has established the following advisory and reference committees:

- Active Transport Reference Committee
- Art and Culture Advisory Committee
- Audit, Risk and Improvement Committee
- Flood Risk Management Committee
- Heritage Reference Committee
- Ku-ring-gai Traffic Committee
- Multicultural Advisory Committee
- Status of Women Advisory Committee
- Sustainable Recreation Advisory Group.

### **Terms of reference**

Details of the terms of reference (or charter) of each committee are presented in this guide. The terms of reference for each committee may be updated from time to time by Council resolution.

### **Evaluation and review**

Each Committee<sup>1</sup> will undertake a review before the end of each term of council to ensure it is operating effectively, delivering on its roles and responsibilities, and to recommend any changes to its terms of reference.

Any recommendations to make significant changes to committee terms of reference (or dissolve a committee) arising from a review is to be reported to Council at the first ordinary meeting of Council following the local government elections.

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<sup>1</sup> Note that the Audit, Risk and Improvement Committee (ARIC) has separate reporting, review and assessment provisions under its Charter. This section does not apply to the ARIC.

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## MEMBERSHIP OF ADVISORY AND REFERENCE COMMITTEES

### Term

An advisory or reference committee continues until such time as it is dissolved by Council. Council may dissolve a committee at any time by resolution.

### Councillor membership

Councillors will be appointed to committees at the first ordinary meeting of Council following the local government elections. Appointments are to be made at the same time as the Mayoral election, which will generally be every two years.

All other Councillors may attend committee meetings in a non-voting capacity and as observers only.

### Community membership

Community membership will be in accordance with the terms of reference of the respective committee. Representatives should carry adequate expertise, experience or the specific knowledge necessary to fulfil their obligations and to contribute to the output of the committee.

Unless otherwise provided in its terms of reference, Council must appoint all committee members by a resolution of Council. Similarly, Council may terminate a person's committee membership at any time by a resolution of Council.

Nominations for appointment to a committee should generally be submitted in writing to Council, for consideration against the committee terms of reference.

The term of office for all non-Councillor members will be as set out in the relevant terms of reference. Committee members are generally eligible for re-appointment.

### Vacation of office

Membership of the committee will become vacant in the following circumstances:

- If the member resigns membership by notice in writing to the committee
- If the member ceases to be a member of the organisation which he/ she represents
- Upon the death of the member
- If the member becomes a mentally incapacitated person
- If Council in its absolute discretion resolves to terminate a person's membership, including for reason of absence from committee meetings.

### Chairperson

Generally, a Chairperson and Deputy Chairperson will be appointed by Council resolution.

The role of the Chairperson is to:

- chair all meetings, open meetings, welcome and introduce members and guests
- keep people at the meeting focused on the topics being discussed
- encourage all members to participate, and ensure adequate opportunity is given to members who wish to speak
- ensure correct meeting procedures are followed and maintain control of the meeting
- keep track of time
- make sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting
- act impartially and uses discretionary powers in the best interests of members and in accordance with the meeting practices
- ensure all statutory regulations and organisational rules (such as Code of Conduct) are observed
- close meetings after business at hand has properly concluded.

In the absence of the Chairperson, the Deputy Chairperson will chair the meeting.



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## MEETING PROCEDURES FOR ADVISORY AND REFERENCE COMMITTEES

### Legislative requirements

The *Local Government Act 1993* does not legally bind meeting procedures for advisory and reference committees<sup>2</sup>. As such, this guide sets the meeting procedures that these committees must comply with.

### Notice of meeting

Notice of meetings will be provided to members, along with all Councillors, at least three days prior to the meeting. The period of notice should not include the day the notice is given or the day the meeting is held.

The notice will specify the time, place and date of the meeting and the business proposed to be transacted. Notice of less than three days may be given of a meeting in an emergency.

### All Councillors are entitled to attend committee meetings

Councillors who are not members of a committee are entitled to attend meetings as observers only. Non-member Councillors are not entitled to add items to the agenda, move or second a motion, vote or speak at the meeting.

### Quorum

The quorum for a meeting will be as resolved by Council at the time that the committee is established.

A committee meeting must be adjourned if a quorum is not present:

- at the commencement of the meeting where the number of apologies received for the meeting indicates there will not be a quorum for the meeting
- within half an hour after the time designated for the holding of the meeting, or
- at any time during the meeting.

### Starting times for meetings

The committee shall generally set the frequency, time, date and place of its meetings.

Meetings are to commence at the time designated for the meeting.

### Agenda

The agenda is an organised list of the business that will be transacted at the meeting. A copy of the agenda will be distributed to all committee members at least three days before the meeting.

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<sup>2</sup> The *Local Government Act 1993* and *Local Government (General) Regulation 2021* contain provisions relating to the conduct of meetings of councils and committees of councils of which all the members are Councillors. These do not necessarily relate to advisory and reference committees.

Each item of business to be discussed at the meeting needs to be placed on the agenda.

If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

### **Order of business**

Each item of business is generally discussed in the order in which it appears on the agenda.

### **Voting**

Voting can be used as a mechanism for members to express their agreement or disagreement on an item.

The terms of reference for each committee set out the requirements for voting.

A member who is present but who abstains from voting on a motion is counted as having voted against the motion.

Members who are not present may not vote by proxy or by any other means.

### **Minutes of meetings**

The committee is to keep full and accurate minutes of the proceedings of meetings. It will be the responsibility of Council staff attending the meeting to take the minutes.

Minutes of a committee meeting will record any voting to determine recommendations of the committee to Council. The minutes will also record any recommendations a committee makes by consensus. At the discretion of the Chairperson, the minutes may also include brief commentary to reflect discussion on a matter. Upon request, a member may have their name recorded in the minutes as being against a recommendation of the committee.

The draft minutes of a meeting will be circulated to committee members within 10 working days of the meeting. Members will be provided with five working days to comment on the accuracy of the minutes. The minutes will subsequently be referred to the Chairperson for approval as an accurate record of the meeting.

Once approved by the Chairperson, the minutes will be put to an ordinary meeting of Council for adoption. The recommendations of a committee, so far as adopted by the Council at an ordinary meeting of Council, are resolutions of the Council.

The minutes will also be placed on the agenda to be noted at the subsequent committee meeting.

### **General Manager and staff attendance at meetings**

The General Manager is entitled to attend committee meetings.

On consultation with the Chairperson, the General Manager shall ensure the appropriate staff attend the meetings.

The role of the staff attending will be to offer advice and to answer questions within their individual fields of expertise and experience. Council staff are not permitted to vote unless they are members of the committee.

## Duration of meetings

Committee meetings shall generally close at the scheduled finish time. However, a motion to extend the meeting for up to an additional 30 minutes may be considered by the Chairperson.

Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

## Absence from committee meetings

All committee members must make reasonable efforts to attend meetings.

All committee members are required to advise the Chairperson when they are unable to attend a meeting. The absence of committee members from the meeting is to be recorded in the minutes.

Council may by resolution terminate a person's membership of a committee due to unreasonable absence from meetings. As a guide, it may be considered unreasonable absence if a committee member:

- has been absent from three consecutive meetings without giving reasons acceptable to the committee, or
- has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given reasons acceptable to the committee.

## Recording of committee meetings prohibited without permission

A person may use a recording device to record the proceedings of a meeting of a committee only with the authority of the committee.

A person may be expelled from a committee meeting for using or having used a device to record the meeting in contravention with this section.

## Code of Conduct and conflicts of interest

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

Amongst other things, the Code provides that members of committees must not conduct themselves in a manner that:

- is likely to bring Council or other Council officials into disrepute
- is contrary to statutory requirements or Council's administrative requirements or policies
- is improper or unethical
- is an abuse of power
- causes, comprises or involves intimidation or verbal abuse
- involves the misuse of your position to obtain a private benefit

- constitutes harassment or bullying behaviour under the Code or is unlawfully discriminatory.

In relation to meetings, members of advisory and reference committees:

- must comply with rulings by the Chairperson
- must not engage in bullying behaviour towards the Chairperson, other Council officials or any members of the public present in committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).
- must not engage in conduct that disrupts committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

All committee members are required to declare conflicts of interest, including pecuniary interests, in accordance with the Code of Conduct.

All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

There are two types of interests – pecuniary and non-pecuniary:

- **Pecuniary Interests** – Dealt with in Part 4 of the Code of Conduct. Under clause 4.1 of the Code, pecuniary interests are interests you may have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3. These persons include your spouse or de facto partner, your relative, your partner or employer or a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- **Non-Pecuniary Interests** – Dealt with in Part 5 of the Code of Conduct. Under clause 5.1 of the Code, non-pecuniary interests are private or personal interests that do not amount to a pecuniary interest. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

These interests can be classified further as “significant” or “less than significant” depending on the extent of the interest declared.

The following procedure must be followed for the disclosure of pecuniary and non-pecuniary interests by a committee member:

- The committee member must disclose to the meeting any agenda item(s) the member has a pecuniary or non-pecuniary interest in, as well as the nature of the interest, and whether it is significant or less than significant.
- If the interest declared is pecuniary or significant non-pecuniary, the committee member must leave the meeting before discussion, debate and voting on that matter.
- If the interest declared is less than significant non-pecuniary, the committee member must provide an explanation of why the conflict of interest does not require any further

action in the circumstances.

- The Chairperson must ensure the minutes of the committee meeting will record the disclosure of interest and how it was managed.

### **Attendance at committee meetings may be by audio visual link**

Members of advisory and reference committees may attend meetings by audio visual link, as set out below.

#### **What is an “audio-visual link”?**

For the purposes of this guideline, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

#### **Approval to attend committee meetings by audio-visual link**

Members may attend committee meetings remotely by audio-visual link.

Members must notify the General Manager (or delegate) of their intention to attend a meeting remotely by audio-visual link no later than 2.00 pm on the day of the meeting, to allow time to set up the remote technology.

Staff may attend committee meetings by audio visual link with the approval of the General Manager.

#### **Attendance by members at committee meetings by audio-visual link**

Where a member attends a meeting by audio-visual link, they are to be taken as attending the meeting in person and will have the same voting rights as if they were attending the meeting in person.

Members must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Members must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the committee into disrepute.

Members who are not visible, not able to hear or not able to be heard when attending a meeting by audio-visual link, whether for technical or other reasons, will be taken not to be present at the meeting and may not speak on matters nor vote until the issue is rectified.

If remote audio-visual technology is not available at a meeting for technical or other reasons, the meeting will proceed (subject to quorum requirements) and members seeking to attend remotely will be treated as absent and granted an apology.

Where a member attends a meeting by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

#### **Conflicts of interest**

Members attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting as if they were attending

the meeting in person.

Where a member has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the member's audio-visual link to the meeting must be managed such that the member must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the committee, or at any time during which the committee is voting on the matter.

### **Confidentiality**

Members attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that confidential matters are being considered.

### **Maintenance of order**

Where a member is attending a meeting by audio-visual link, the Chairperson (or a person authorised by the Chairperson) may mute the member's audio link to the meeting for the purposes of maintaining order.

If a member attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting (or a person authorised by the Chairperson), may terminate the member's audio-visual link to the meeting.

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## ACTIVE TRANSPORT REFERENCE COMMITTEE

The Terms of Reference for the Active Transport Reference Committee are outlined below:

### Role of the Committee

The primary roles and responsibilities of the Active Transport Reference Committee are to provide user-group and community advice to Council on matters relating to:

- the planning and design of active transport infrastructure and support facilities
- active transport initiatives including best practice design, Net Zero and behavioural change strategies
- the content of Council's plans and policies
- the development of education, promotion and enforcement strategies.

The objectives of the Committee are:

- creating a safe and comfortable environment for people who use active transport as a mode of travel in Ku-ring-gai
- promoting Council's existing active transport network so as to raise the awareness of the facilities and services already provided
- assisting Council in achieving its Net Zero Strategy targets
- gaining support for planned network improvements
- representing the needs of micromobility users in Ku-ring-gai, including adults and children who walk/cycle for transport
- achieving the integration of Council's bicycle program and planning across Council's operational areas.
- generating awareness of the responsibilities of people riding micromobility devices sharing facilities with other road users and pedestrians.

### Membership

Membership of the Active Transport Reference Committee comprises:

- Any interested Councillors, including the Mayor
- 1 representative from Bicycle NSW
- resident/community representatives (including 2 representatives from Bike North and 1 representative of pedestrian's interests).

Other members or stakeholders may be co-opted from time to time if required with specific knowledge, expertise or qualifications pertaining to active transport. This may include representatives from the Police, Transport for NSW, Bike North, Peloton Sports Inc,

Northern Suburbs Triathlon Club, Northern Sydney Cycling Club, Knights of Surburbia, Velorooos, other key stakeholder representatives such as bike shop owners and school representatives, and Council staff where relevant.

Community members are to be appointed by resolution of Council following an Expression of Interest process.

The following Ku-ring-gai Council staff will be available to attend the Committee meetings and will provide professional advice and administrative support:

- Strategic Traffic Engineer
- Administration staff
- Other staff members as required

### **Term of membership**

Councillors (including the Chairperson and Deputy Chairperson) are to be elected by Council for the same period as the term of office of the Mayor.

The term of office for committee members will be for the term of Council, plus up to 6 months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution. Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

If a member misses 3 consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant.

### **Chairperson**

The Chairperson will be the Mayor, or a Councillor as nominated by Council.

The Chairperson and Deputy Chairperson are to be elected by Council for the same period as the term of office of the Mayor.

If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the agenda.

### **Committee Facilitator**

The Committee Facilitator (Convenor) will be responsible for coordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson and other staff.

The Facilitator shall be the Strategic Traffic Engineer, or other staff member appointed by the General Manager.



## Delegation

No delegation. The committee is an advisory body only and has no decision-making authority.

## Quorum

The Quorum will be half the number of members plus one (including the Chairperson or Deputy Chairperson).

## Meetings

Meetings will be held quarterly, or as determined by the Chairperson.

The Chairperson has the authority to call meetings in accordance with the agreed meeting schedule. A proposed change to this meeting schedule, either ongoing or one-off, should give consideration to operational requirements, and be agreed upon by the majority of Committee members.

The Committee Facilitator will produce a draft agenda in consultation with the Chairperson. Committee members should raise items they would like to be included on the agenda at least 2 weeks prior to the meeting. Alternatively, the item may be raised as part of General Business during a meeting.

The Facilitator and all members should consider the scheduled meeting length when developing the agenda and participating in the meeting.

The Agenda and meeting papers shall be circulated to members at least 3 days prior to meeting. All agendas will be published on Council's website. Each meeting shall be properly recorded by the taking of minutes.

Each meeting will be for two hours and will close at the scheduled finish time. The Chairperson may consider a motion to extend the meeting for up to 30 minutes. Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee. The meeting is to be held on the 3rd Thursday of the month subject to there being sufficient matters before the committee.

Where a matter requires the Committee's consideration between meeting cycles (e.g. time constraints), the matter may also be referred informally to committee members, for guidance or advice.

## Attendance by audio-visual link

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

## Voting

No formal voting rules apply as the Committee has an advisory role only, and its recommendations are made by consensus. No recommendation from the Committee will be deemed to be a decision of Council. Only members in attendance at the meeting shall be entitled to participate in the decision-making process of the Committee.

## **Communication and reporting**

The Minutes of the Committee shall be reported to Council following the meetings.

The Minutes of the meeting shall be circulated to all members within 7 working days following the meeting. Any questions regarding the Minutes are to be referred immediately to the Committee Facilitator and if any error in the Minutes is confirmed by the Committee, the Committee Facilitator shall arrange to make the appropriate changes.

## **Code of Conduct, confidentiality and other Council policies**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each Committee member shall be provided with Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The Committee may be dealing with limited confidential information. Committee members will be required to complete appropriate disclosure forms.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

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## ARTS AND CULTURE ADVISORY COMMITTEE

### Role of the committee

The primary roles and responsibilities of the Arts and Culture Advisory Committee are to:

- Contribute to the development and enhancement of a strong, recognisable profile for arts, music, culture and innovation in Ku-ring-gai that reflects the local identity, diversity and values of the community.
- Provide input and assistance into the development and implementation of objectives and strategies within Council's Community Strategic Plan.
- Contribute to and provide feedback on activities, forums, projects, programs and events relating to arts and cultural communities.
- Provide input into wider policies, plans and services that impact arts and cultural industries within the community.
- Facilitate communication between community representatives, cultural organisations and Council in arts and cultural related disciplines and assist in gathering input from the local creative community for future cultural planning initiatives.
- Facilitate networks and partnerships that encourage and support creative initiatives, stimulate cultural economy, express cultural diversity, enhance public places and increase community connectiveness.
- Advocate for local artists and creative producers in developing a strong cultural identity which will enhance the liveability and wellbeing of local residents.
- Advise and share relevant information and facilitate partnerships with arts and cultural groups through capacity building and increased community connections.

### Committee members

The Arts and Culture Advisory Committee members will represent the community in an advisory role to Council. Committee members will provide specialist knowledge and diverse perspectives about creative practice, arts, music, cultural activities relevant to Council's key strategies and policies, and events and programs.

### Membership

Membership of the Arts and Culture Advisory Committee will be comprised of:

- Any interested Councillors, including the Mayor.
- A maximum of sixteen (16) community members representing a range of arts and cultural groups which may include experience and/or membership of arts and cultural organisations within, but not limited to the following fields:
  - Arts education
  - Arts venues, festivals and events

- Film, television and digital arts
- Literature and writing
- Theatre performing arts and dance
- Visual arts including painting and sculpture
- Music and musicians
- Indigenous arts and artists.

Other members may be co-opted from time to time if required with specific, knowledge, expertise or qualifications pertaining to arts and cultural communities.

Community members are to be appointed by resolution of Council following an Expression of Interest process.

The following Ku-ring-gai Council staff will be available to attend the Committee meetings and will provide professional advice and administrative support:

- Director Community
- Manager Library and Cultural Services
- Manager Visitor Experience and Events

A Committee facilitator will be provided along with other staff members as required.

### **Term of membership to committee**

The term of office for committee members will be for the term of Council, plus up to 6 months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution. Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

If a member misses three (3) consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant.

Councillors who are not formal members of the Committee are invited to attend meetings as observers.

### **Chairperson**

The Chairperson of the Committee is the Mayor, or a Councillor as nominated by Council.

The Chairperson is to be elected by Council for the same period as the term of office of the Mayor. If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the agenda.

The Chairperson has the discretion to exclude a member of the Committee if a member displays inappropriate conduct. If this occurs, the matter is to be reported to the next available Council meeting.

### **Deputy Chairperson**

The Deputy Chairperson of the Committee will be a Councillor as nominated by Council.

### **Committee facilitator**

A Committee Facilitator (Convenor) shall be appointed by the General Manager. The Facilitator shall be a staff member of Council who will be responsible for coordinating the preparation of agendas, invitations, and minutes of the Committee.

The Facilitator will be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson and other staff.

The Facilitator will also be responsible for arranging induction, training and support required by the Deputy Chairperson to fulfil the role.

### **Delegation**

No delegation. The committee is an advisory body only and has no decision-making authority. It cannot commit Council to a course of action or direct Council staff.

### **Voting**

No formal voting rules apply as the Committee has an advisory role only, and its recommendations are made by consensus. No recommendation from the Committee will be deemed to be a decision of Council.

Only members in attendance at the meeting shall be entitled to participate in the decision-making process of the Committee.

### **Quorum**

The Quorum will be five (5) members (including the Chairperson or Deputy Chairperson).

### **Meetings**

Meetings will be held quarterly, or as determined by the Chairperson.

The Chairperson has the authority to call meetings in accordance with the agreed meeting schedule. A proposed change to this meeting schedule, either ongoing or one-off, should give consideration to operational requirements, and be agreed upon by the majority of Committee members.

The Committee Facilitator will produce a draft agenda in consultation with the Chairperson. Committee members should raise items they would like to be included on the agenda at least two weeks prior to the meeting. Alternatively, the item may be raised as part of General

Business during a meeting.

The Facilitator and all members should consider the scheduled meeting length when developing the agenda and participating in the meeting.

The agenda and meeting papers shall be circulated to members at least three (3) days prior to meeting. All agendas will be published on Council's website. Each meeting shall be properly recorded by the taking of minutes.

Each meeting will start and finish at the scheduled time. The Chairperson may consider a motion to extend a meeting for up to 30 minutes. Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

Where a matter requires the Committee's consideration between meeting cycles (e.g. time constraints), the matter may also be referred informally to committee members, for guidance or advice.

### **Attendance by audio-visual link**

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

### **Communication and Reporting**

The Minutes of the Committee shall be reported to Council following the meetings.

The Minutes of the meeting shall be circulated to all members within seven (7) working days following the meeting. Any questions regarding the Minutes are to be referred immediately to the Committee Facilitator and if any error in the Minutes is confirmed by the committee, the Committee Facilitator shall arrange to make the appropriate changes.

### **Code of Conduct, Confidentiality, and other Council policies**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

All Committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each Committee member shall be provided with Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The Committee may be dealing with limited confidential information. Committee members will be required to complete appropriate disclosure forms.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

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## AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

The charter (terms of reference)<sup>3</sup> for the Audit, Risk and Improvement Committee is outlined below.

### Role of the committee

The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and assistance to the Ku-ring-gai Council on risk management, control, governance, and external accountability responsibilities.

In addition, the purpose and function of the committee is to provide relevant advice with a view to ensuring that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the internal and external audit plans.

### Membership

The members of the committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council. At least one member of the committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment. The committee will consist of:

- Members (voting)
  - Two Councillors (excluding the Mayor)
  - Two independent external members (one to be the Chairperson).
  - A quorum is achieved with three members present, one of whom is an independent.
- Attendees (non-voting)
  - General Manager
  - Head of Internal Audit
  - Mayor and Councillors (observers)
  - Other staff as requested by the General Manager.

### Chairperson

An independent external member acts as Chairperson of the committee for the full term of office as per this charter.

In the case of resignation by the Chairperson, the other current serving independent external

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<sup>3</sup> Note that amendments have been made to the *Local Government (General) Regulation 2021* to require all councils to comply with the new Guidelines for Risk Management and Internal Audit for Local Government in NSW from 1 July 2024. The Terms of Reference for the ARIC will be updated to reflect the model terms of reference for audit risk and improvement committees and other requirements under the Guidelines.

member will be appointed as Chairperson. In the absence of the appointed Chairperson, the other current serving independent external member shall serve as the Chairperson for the period of absence of the duly nominated Chairperson.

## Quorum

A quorum will consist of a majority of committee members, including at least one independent external member.

## Delegation

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- request the attendance of any employee or Councillor at committee meetings.
- obtain external legal or other professional advice considered necessary to meet its responsibilities.
- appoint the representatives to the committee, as per the parameters and procedures outlined in this Charter.

The committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*.

The committee's responsibilities are:

- Risk management
  - Review whether Council complies with relevant risk management standards.
  - Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
  - Ensure that these risks are taken into account when formulating Internal Audit planning.
  - Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
  - Review the impact of the risk management framework on its control environment and insurance arrangements.
  - Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been



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- tested periodically.
- Seek assurance from management and Internal Audit that risk management processes are operating effectively.
  - Review the fraud control plan and be satisfied that there are appropriate processes and systems in place to capture and effectively investigate fraud related information.
  - Control framework
    - Review whether management has adequate internal controls in place, including over external parties (such as contractors and advisors).
    - Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.
    - Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with.
    - Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
    - Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.
  - External accountability
    - Satisfy itself the annual financial reports comply with applicable Australian accounting standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
    - Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
    - Consider contentious financial reporting matters in conjunction with Council's management and external auditors.
    - Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
    - Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant NSW Government reports and recommendations.
    - Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.
  - Legislative compliance
    - Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
    - Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

- Internal audit
  - Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
  - Review the internal audit coverage and internal audit plan, ensure the plan has considered the risk management plan.
  - Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan.
  - Ensure and support the independence of the internal audit function.
  - Make recommendations for inclusion and/or prioritising projects in the internal audit plan.
  - Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
  - Make recommendations to commission audits of any kind, whether to be conducted by the Internal Auditor or otherwise.
  - Monitor the implementation of internal audit recommendations by management.
  - Periodically review the Audit, Risk and Improvement Committee Charter every 2 years to ensure appropriate organisational structures, authority, access and reporting arrangements are in place,
  - Periodically review the performance of Internal Audit.
- External audit
  - Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
  - Review the proposed audit scope and approach, with particular respect to coordination of audit effort with internal audit.
  - Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
  - Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
  - Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

The responsibilities of the committee may be revised or expanded by the Council from time to time.

## Responsibilities of members

Members of the committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Ku-ring-gai Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

Any committee member or the General Manager may (at least 24 hours prior to the meeting) inform the Chairperson of an item in addition to the agenda of the forthcoming meeting that in their opinion should be discussed in confidential session. If the Chairperson considers the item to be within the charter of the committee and that it should be confidential, the Chairperson will circulate all members of the committee a broad description of the item in the name of the Chairperson. The committee will then confirm at the meeting that the item should be discussed in confidential session.

## Selection of members

The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:

- The committee shall seek nominations from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this charter shall be eligible for appointment.
- The eligible persons will be determined by a merit process by the General Manager who shall make recommendations to the Council.
- Following receipt of recommendations from the General Manager, the committee may appoint the independent external member by making a direct appointment based on merit subject to endorsement of the appointment from Council.

## Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

## Term of office

The independent external members will be appointed for the term of 2 years, after which they will be eligible for extension or re-appointment following a formal review of their performance.

Voting shall be undertaken in accordance with this charter, except that the independent external member seeking reappointment may not vote on the reappointment and will be deemed to be absent for the vote. This will mean that, if the external member seeking reappointment is usually the Chairperson, the other independent external member will become the Chairperson for the purpose of the vote.

The maximum number of terms an independent external member can sit on the committee without the need for further nominations is 2 terms.

### **Vacancy**

In the case of resignation from the committee by an independent external member, the committee is to appoint another independent external member as soon as is practicably possible in accordance with the selection process set out above, but no later than one month prior to the next meeting, with the intent that there are always two independent external members on the committee.

### **Term of membership**

Councillors will be appointed to this committee by a resolution of Council for the same period as the term of office of the Mayor. The term of office for independent external members will be for the term of 2 years, after which they will be eligible for extension or re- appointment following a formal review of their performance. The maximum number of terms an independent member can sit on the committee without the need for further nominations is 2 terms.

### **Meeting frequency**

The committee will meet at least four times per year, with one of those meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

### **Meetings**

The committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chairperson of the committee, though other committee members may make requests to the Chairperson for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the committee each year. The forward meeting plan will cover all committee responsibilities as detailed in this charter.

The committee is able to meet separately with each of the internal auditor and the external auditor without the presence of management on at least one occasion per year.

The Chairperson shall set the timing and agenda of the meetings.

### **Attendance at meetings and quorums**

A quorum will consist of a majority of committee members, including at least one independent member. Meetings can be held in person, by telephone or by audio-visual link.

The Head of Internal Audit will be invited to attend each meeting, unless requested not to do so by the Chairperson. The committee may also request the Responsible Accounting Officer or any other employees to participate for certain agenda items, as well as the external auditor. The Chairperson may also convene a meeting with the exclusion of management.

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## Secretariat

The committee has appointed Corporate department to provide administrative support to the committee. This will include ensuring that the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and that the minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chairperson and circulated to each member within three weeks of the meeting being held.

## Attendance by audio-visual link

Members of the committee may attend meetings by audio visual link, in accordance with the Council Advisory and Reference Committee Guideline.

## Voting

Recommendations are made by a majority vote of committee members. In the case of equality of votes on any issue, the Chairperson shall have the casting vote.

## Decision making and deliverables

The committee is expected to make decisions by consensus but if voting becomes necessary then the details of the vote are to be recorded in the minutes.

Each member of the committee shall be entitled to one vote only. In the case of an equality of votes on any issue the Chairperson shall have the casting vote.

Between meetings, the Chairperson may circulate to members by email specific proposals for adoption by the committee. Members shall be given a set time – at least five days – in which to reply to indicate their agreement with a particular proposal.

A member's failure to respond within the timeframe given shall be taken as a vote against the proposal. Any decision taken by the committee by email is to be noted and minuted at the commencement of the next meeting.

## Code of Conduct

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each member of the committee who is otherwise not a Councillor or staff member shall be provided with a copy of the Code.

## Conflicts of interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chairperson of the committee.

## **Reporting**

At the first committee meeting of the calendar year, Internal Audit will provide a performance report of:

- the performance of Internal Audit for the financial year, as measured against agreed key performance indicators.
- the approved internal audit plan of work for the previous calendar year showing the current status of each audit.

The committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual committee member may request a meeting with the Chairperson of the committee.

## **Assessment of committee performance**

The Chairperson will initiate a review of the performance of the committee at least once every 2 years.

The review will be conducted on a self-assessment basis using a standardised evaluation format such as a survey (unless otherwise determined by the Chairperson), with appropriate input from management and any other relevant stakeholders, such as the General Manager, directors, Internal Auditor and External Auditor. When reviewing the committee's performance the Chairperson should be satisfied that an effective, comprehensive and complete service is being provided. It will be presented to Council for its review.

## **Review of the charter**

At least once every 2 years the committee will review this charter.

## **Changes to the charter**

The committee will endorse any changes to this charter and will recommend the approval of these amendments to Council.

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## FLOOD RISK MANAGEMENT COMMITTEE

The NSW Government has prepared its Flood Prone Land Policy and Floodplain Development Manual (2005) to guide councils in managing the risks associated with floods and flooding. It achieves this through a floodplain risk management process which involves the development of flood studies, flood risk management studies and flood risk management plans. The manual indicates that responsibility for the management of flood risks remains with local government and it assists councils to balance the conflicting objectives of the floodplain through a risk management process. The establishment of a Flood Risk Management Committee as an advisory committee of Council is an important step in the floodplain risk management process.

The committee acts as both a focus and forum for the discussion of technical, social, economic and environmental matters relating to floodplain management and for the distillation of possibly differing objectives and viewpoints on these matters. The committee is tasked with seeking solutions to existing, future and continuing flood risk issues, not solely on addressing the past.

The terms of reference for the Flood Risk Management Committee are outlined below:

### Role of the committee

The Floodplain Risk Management Committee's main objective is to assist Council in developing and implementing flood risk management plans. The plans are to be developed for catchments within the Council's area of responsibility.

To achieve this, the committee will focus on:

- formulating objectives, strategies and outcomes sought from the process
- acting as a liaison between the local community and Council and advising Council regarding matters involving flooding that can be included within the flood risk management studies and plan
- acting to increase awareness within the Council and the community regarding flooding
- identifying the flood problems to be assessed, including prioritisation
- ensuring that the flood management studies and plans are developed and implemented in accordance with the manual
- monitoring the progress and findings of studies being undertaken in the various stages of the risk management plan
- considering and making recommendations to Council on appropriate development controls
- determining and advising on appropriate options for the management of flood risk
- identifying implementation strategies for flood risk management plans
- monitoring and assessing the effectiveness of the flood risk management plans during and after implementation.

Options that could be considered include (but are not necessarily limited to) land use planning options, engineering works and planning for emergency and evacuation works. Any options presented will have regard to the role of other authorities involved in floodplain management.

In addition to flood risk management, the committee may also be required to provide advice on other stormwater programs run by Council. Such advice will be incorporated into the committee's agenda as required and topics will match the technical skills of the committee members.

## Membership

The membership of the committee shall comprise:

- two Councillor Representatives (voting members) – Chairperson and Deputy Chairperson appointed by Council. All other Councillors are welcome to attend (as observers)
- up to six residents from the local community (voting members) – representing local community, business and industry (preference for one when nominated) and environmental interests (preference for one when nominated) associated with the floodplain
- two Council staff (voting members) - Manager Technical Services and Manager Environment and Sustainability
- representative(s) from NSW Department of Planning and Environment (only one voting member) – Floodplain Engineer
- representative(s) from the NSW State Emergency Services (SES) (only one voting member) – Northern Region SES and Ku-Ring-Gai SES
- four Council staff (non-voting members) - Team Leader Natural Areas, Team leader Development Engineers, Water and Catchments Program Leader and Drainage Assets Engineer
- representative(s) from Sydney Water (only one voting member)
- representative(s) from Transport for NSW (only one voting member)
- representative(s) from National Parks and Wildlife Service (only one voting member)
- ex-officio members (non-voting members) as required.

Councillors are appointed to the committee by resolution of Council.

The committee term continues unless the committee is dissolved by resolution of Council.

The role of Council staff is mainly coordination and provision of local specialist advice. Recommended final flood risk management studies will require significant input from staff before submission to Council.

Technical sub-committees may be established within the committee structure on an as-needs basis to complete tasks emanating from the deliberations of the committee. Each



technical sub-committee will be led by a member of the committee and provide the communication link between the committee and the technical sub-committee.

Ex-officio members may be called upon to assist the committee from time to time, because of their expertise or knowledge in a specific area. They may attend meetings and provide input, papers or presentations in the meetings.

Expressions of interest for community representatives will be sought by public advertisement in local newspapers and Council's website and by personal invitation. Selection (if required) will be made in accordance with Council's Code of Conduct for Community Representatives and the selection criteria.

The selection criteria are as follows:

- ability to represent either community, business or environmental interests in matters related to floodplain management
- a broad interest and understanding of flooding and floodplain risk management
- ability and preparedness to attend and actively participate in regular meetings which may be during business hours or in the evenings
- commitment to floodplain management in the Ku-ring-gai LGA.

Committee members will be asked to consider any potential conflicts of interest when nominating for a role on the committee.

The committee shall be chaired by one of the Councillors, as nominated by the Council.

### **Term of membership**

Councillors will be appointed as Chairperson and Deputy Chairperson to this committee by a resolution of Council for the same period as the term of office of the Mayor.

The term of office for all other committee members will be for the term of Council, plus up to six months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution.

### **Quorum**

A quorum shall be a simple majority of the full membership of the committee.

### **Delegation**

No delegation. The Flood Risk Management Committee does not have any formal decision-making powers but rather performs as a review committee with an important advisory role through recommendations to Council. Recommendations determined as substantially operational in nature can be dealt with by the relevant director or manager. The committee does not have the power to incur expenditure or to bind the Council.

### **Meeting frequency**

The committee will meet as necessary to provide input into the floodplain risk management

process. It is anticipated that meetings (limited to a maximum 2 hours) will be required approximately every 2-3 months (i.e. 4-6 meetings per year). The location, date and starting time for meetings will be advised on the agenda.

The committee shall meet in Council premises although some site inspections may be required. Where meeting in Council premises is not practical, Councillors and staff shall be able to attend and participate by audio-visual link where it is reasonably practicable to do so.

Proposed meeting arrangements shall be in line with the requirements of any NSW Office of Local Government circulars relating to attendance by Councillors and others at council and committee meetings that are current at the time.

Special meetings may be called at the discretion of the Chairperson, provided that at least seven days written notice is first given to members.

The outcome of meetings shall be reported to Council after each meeting.

## **Voting**

The committee shall operate in a democratic manner keeping formalities to a minimum. However, should a matter require a formal recommendation to Council, the matter shall be put to members in the form of a motion, which must be seconded and then voted upon. A simple majority vote, by members present, shall carry the motion. The Chairperson shall have a casting vote in the event of a tie but should first consider these terms of reference and the status quo.

Any member dissenting to make a recommendation to Council may have their name recorded if they so wish.

## **Attendance by audio-visual link**

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

## **Code of Conduct**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees. All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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## HERITAGE REFERENCE COMMITTEE

The terms of reference for the Heritage Reference Committee are outlined below.

### Role of the committee

The committee is to provide advice to Council on heritage matters and assistance in promoting an understanding and appreciation of heritage through specific activities and events. The objective of the committee is to conserve the identity of Ku-ring-gai.

### Membership

The committee's membership consists of:

- Two Councillors (as Chairperson and Deputy Chairperson) appointed by Council. All other Councillors are welcome to attend (as observers)
- Three community representatives, who are residents of Ku-ring-gai
- One representative (or their nominated alternative) from the following organisations:
  - National Trust of Australia
  - Ku-ring-gai Historical Society
  - Australian Institute of Architects (AIA)

### Quorum

The quorum consists of a majority of the committee members, one of whom must be a Councillor.

### Delegation

No delegation.

### Meeting frequency

As required, and to be determined by the Chairperson.

### Attendance by audio-visual link

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

### Voting

Recommendations are made by a majority vote of committee members.

### Committee term

The committee term continues unless the committee is dissolved by resolution of Council.

## **Term of membership**

Councillors will be appointed as Chairperson and Deputy Chairperson to this committee by a resolution of Council for the same period as the term of office of the Mayor.

The term of office for all other committee members will be for the term of Council, plus up to six months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution.

## **Code of Conduct**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees. All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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## KU-RING-GAI TRAFFIC COMMITTEE

The terms of reference for the Ku-ring-gai Traffic Committee are outlined below:

### Role of the Committee

The committee has been formed in response to the conditional delegation of authority to Council from Transport for New South Wales (TfNSW).

### Membership

Committee membership is limited to 'formal' (voting) members and 'informal' (non-voting) members. Each category provides a single representative.

- Formal members:
  - Council (one member who is the Chairperson. Council will also appoint an alternate member who will act as Chairperson in the member's absence)
  - TfNSW (one member)
  - Local Member of Parliament (for respective electorate only) (one member)
  - Police Local Area Command (one member)

Formal members may (with the committee's approval) have additional persons attend in a support or observer or technical capacity.

Informal members are representatives of the local bus companies, Bicycle Institute of NSW, Ambulance Service and Fire Service, and others as determined by the committee

### Term of membership

Councillors will be appointed to this committee by a resolution of Council for the same period as the term of office of the Mayor.

### Delegation

The committee is an advisory body only, having no decision-making powers. It is primarily a technical review committee that is required to advise the Council on traffic related matters referred to it by Council.

The General Manager or their delegate may consult with members of the committee prior to determining matters for which delegation has been granted to the General Manager.

### Attendance by audio-visual link

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

### Voting

All formal members of the committee have an equal vote on all matters on the agenda. The majority view becomes the recommendation to Council. A tied vote results in no

recommendation with the matter being referred to Council for determination. If a formal member objects to a recommendation, they may have their objection noted in the minutes of the meeting.

## Rules and procedures of the committee

In the absence of a direction from TfNSW, the committee may determine its own meeting procedures. These are set out below:

- The meeting will operate on a formal basis. All business will be transacted through the Chairperson. Unless there is a consensus, a formal vote will be taken on individual items and the vote will be recorded in the minutes of the meeting.
- Meetings of the committee are not public meetings. Written submissions are preferred. However, provision is made for interested members of the public to address the committee under certain circumstances. Members of the public (including Councillors) may only address the committee on matters listed on the agenda under general business where prior notice of the intention to speak has been made to Council staff, and the intended speaker has a relevant interest in the subject matter.
- Only committee members may submit items for the agenda, ask questions about items that are not listed as general business, address the committee with respect to confirmation of minutes, raise late items, or ask a question of committee members.
- 'Address the committee' will normally take place immediately before each relevant item is considered. Items which have speakers will generally be dealt with earlier in the meeting – with the order of business being changed accordingly with the consent of the committee.
- Members of the public (excluding Councillors) shall leave the meeting after all addresses relating to the item under consideration have been made. Members of the public wanting to address more than one item shall re-enter the meeting room when invited to do so.
- Technical discussion on agenda items and establishment of recommendations for Council are undertaken in closed session.
- The Chairperson of the committee will be the representative appointed on behalf of the Council (or their duly authorised representative).

## Code of Conduct

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees. All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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## MULTICULTURAL ADVISORY COMMITTEE

The Terms of Reference for the Multicultural Advisory Committee are outlined below:

### Role of the committee

The primary roles and responsibilities of the Multicultural Advisory Committee are to:

- provide input and assistance into the development and implementation of objectives and strategies of Council's Community Strategic Plan
- contribute to and provide feedback on activities, forums, projects, programs and events relating to multicultural communities
- provide input into wider policies, plans and services that impact multicultural communities.
- advocate on behalf of culturally and linguistically diverse communities
- promote greater understanding and appreciation of multiculturalism
- ensure community engagement includes voices of and engagement with multicultural community members, groups, and leaders
- assist in the development of programs and services that ensure equity of access for multicultural members
- advise and share relevant information and facilitate partnerships that nurture cultural diversity, capacity building, and increase community connections.

### Community engagement principles

The community engagement principles guide how Council will engage with culturally and linguistically diverse communities so that a range of perspectives are sought, and the community has a strong voice in Council's decision-making. Effective engagement will:

- ensure community needs and expectations are understood and reflected in the decisions and actions of Council
- build trust and improve accountability through transparency of decision-making
- value local knowledge and foster local problem-solving
- improve understanding of Council's planning, prioritising and resourcing
- identify critical issues and opportunities
- optimise equitable allocation of Council resources.

## Membership

Membership of the Multicultural Advisory Committee comprises of:

- any interested Councillors, including the Mayor, and
- a maximum of 10 community members representing various multicultural communities
- other members may be co-opted from time to time if required with specific, knowledge, expertise or qualifications pertaining to culturally and linguistically diverse communities

Community members are to be appointed by resolution of Council following an Expression of Interest process.

The following Ku-ring-gai Council staff will be available to attend the Committee meetings and will provide professional advice and administrative support:

- Director Community
- Manager Community Development
- Committee Facilitator and other staff members as required

## Term of membership

Councillors (including the Chairperson and Deputy Chairperson) are to be elected by Council for the same period as the term of office of the Mayor.

The term of office for committee members will be for the term of Council, plus up to six months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution. Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

If a member misses 3 consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant.

## Chairperson

The Chairperson will be the Mayor, or a Councillor as nominated by Council.

The Chairperson and Deputy Chairperson are to be elected by Council for the same period as the term of office of the Mayor.

If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the agenda.

## Committee Facilitator

A Committee Facilitator (Convenor) shall be appointed by the General Manager. The Facilitator shall be a staff member of Council who will be responsible for coordinating the



preparation of agendas, invitations and minutes of the Committee.

The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson and other staff.

### **Delegation**

No delegation. The committee is an advisory body only and has no decision-making authority.

### **Quorum**

The quorum will be half the number of members plus one (including the Chairperson or Deputy Chairperson).

### **Meetings**

Meetings will be held quarterly, or as determined by the Chairperson.

The Chairperson has the authority to call meetings in accordance with the agreed meeting schedule. A proposed change to this meeting schedule, either ongoing or one-off, should give consideration to operational requirements, and be agreed upon by the majority of Committee members.

The Committee Facilitator will produce a draft agenda in consultation with the Chairperson.

Committee members should raise items they would like to be included on the agenda at least 2 weeks prior to the meeting. Alternatively, the item may be raised as part of General Business during a meeting.

The Facilitator and all members should consider the scheduled meeting length when developing the agenda and participating in the meeting.

The agenda and meeting papers shall be circulated to members at least 3 days prior to meeting. All agendas will be published on Council's website. Each meeting shall be properly recorded by the taking of minutes.

Should any meeting time extend beyond 2 hours the Chairperson may consider a motion to extend the meeting for up to 30 minutes. Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

### **Attendance by audio-visual link**

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

### **Voting**

No formal voting rules apply as the Committee has an advisory role only, and its recommendations are made by consensus. No recommendation from the Committee will be deemed to be a decision of Council. Only members in attendance at the meeting shall be entitled to participate in the decision-making process of the Committee.

## **Communication and reporting**

The Minutes of the Committee shall be reported to Council following the meetings.

The Minutes of the meeting shall be circulated to all members within 7 working days following the meeting. Any questions regarding the Minutes are to be referred immediately to the Committee Facilitator and if any error in the Minutes is confirmed by the Committee, the Committee Facilitator shall arrange to make the appropriate changes.

## **Code of Conduct, confidentiality and other Council policies**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each Committee member shall be provided with Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The Committee may be dealing with limited confidential information. Committee members will be required to complete appropriate disclosure forms.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

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## STATUS OF WOMEN'S ADVISORY COMMITTEE

### Role

The primary role of the Status of Women 's Advisory Committee is to provide advice, advocate and raise awareness of issues that impact women in the Ku-ring-gai community.

### Responsibilities

The Status of Women's Advisory Group will:

- identify and participate in projects, activities and opportunities that promote the inclusion of women in the community.
- where appropriate, participate in and provide advice and feedback on Council's planning processes, projects, events and policies, to ensure objectives and actions reflect issues affecting women.

### Membership, Chairperson and Voting

Membership of the Status of Women 's Advisory Committee comprises of:

- The Mayor (or a Councillor as nominated by Council) as Chairperson
- A Councillor as nominated by Council as Deputy Chairperson
- All interested women on the elected Council
- A maximum of 15 community members representing:
  - Women who represent women's organisations
  - Business and professional women
  - Indigenous women
  - Women from culturally and linguistically diverse backgrounds
  - Young women under the age of 25
  - Women who have previous advocacy experience highlighting women's issues
  - Individuals with specialist skills and professional interest in women's health and wellbeing
  - Engaged community members
  - Other women may be co-opted from time to time if required.

Community members are to be appointed by resolution of Council following an Expression of Interest process. Vacancies may be advertised online and through relevant local community groups and appointments approved by Council.

The following Ku-ring-gai Council staff will be available to attend the Committee meetings

and will provide professional advice and administrative support:

- Director Community
- Manager Community Development
- Committee Facilitator and other staff members as required.

### **Term of Membership to Committee**

The term of office for committee members will be for the term of Council, plus up to 6 months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution. Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

Membership of the Committee can be withdrawn by resolution of Council. Council staff representation will be appointed by the General Manager.

If a member misses three (3) consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant.

Councillors who are not formal members of the Committee are invited to attend meetings as observers.

### **Chairperson**

The Chairperson of the Committee is the Mayor, or a Councillor as nominated by Council

The Chairperson is to be elected by Council for the same period as the term of office of the Mayor. If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the agenda.

The Chairperson has the discretion to exclude a member of the Committee if a member displays inappropriate conduct. If this occurs, the matter is to be reported to the next available Council meeting.

### **Committee Facilitator**

A Committee Facilitator (Convenor) shall be appointed by the General Manager. The Facilitator shall be a staff member of Council who will be responsible for coordinating the preparation of agendas, invitations and minutes of the Committee.

The Facilitator will be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson and other staff.

### **Delegation**

No delegation. The committee is an advisory body only and has no decision-making authority. It cannot commit Council to a course of action or direct Council staff.

## **Voting**

No formal voting rules apply as the Committee has an advisory role only, and its recommendations are made by consensus. No recommendation from the Committee will be deemed to be a decision of Council.

Only members in attendance at the meeting shall be entitled to participate in the decision-making process of the Committee.

## **Quorum**

The Quorum will be five (5) members (including the Chairperson or Deputy Chairperson).

## **Meetings**

Meetings will be held quarterly, or as determined by the Chairperson.

The Chairperson has the authority to call meetings in accordance with the agreed meeting schedule. A proposed change to this meeting schedule, either ongoing or one-off, should give consideration to operational requirements, and be agreed upon by the majority of Committee members.

The Committee Facilitator will produce a draft agenda in consultation with the Chairperson. Committee members should raise items they would like to be included on the agenda at least two weeks prior to the meeting. Alternatively, the item may be raised as part of General Business during a meeting.

The Facilitator and all members should consider the scheduled meeting length when developing the agenda and participating in the meeting.

The agenda and meeting papers shall be circulated to members at least three (3) days prior to meeting. All agendas will be published on Council's website. Each meeting shall be properly recorded by the taking of minutes.

Each meeting will start and finish at the scheduled time. The Chairperson may consider a motion to extend a meeting for up to 30 minutes. Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

Where a matter requires the Committee's consideration between meeting cycles (e.g. time constraints), the matter may also be referred informally to committee members, for guidance or advice.

## **Attendance by audio-visual link**

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

## **Communication and Reporting**

The Minutes of the Committee shall be reported to Council following the meetings.

The Minutes of the meeting shall be circulated to all members within seven (7) working days following the meeting. Any questions regarding the Minutes are to be referred immediately to

the Committee Facilitator and if any error in the Minutes is confirmed by the committee, the Committee Facilitator shall arrange to make the appropriate changes.

### **Code of Conduct, Confidentiality and other Council policies**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees.

All Committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each Committee member shall be provided with Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The Committee may be dealing with limited confidential information. Committee members will be required to complete appropriate disclosure forms.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

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## SUSTAINABLE RECREATION ADVISORY GROUP

The establishment of the Sustainable Recreation Advisory Group is an action identified in Ku-ring-gai Council's Recreation in Natural Areas Strategy 2020. The action states that we will "establish and manage an Environmental Advisory Group, with representatives from Council, the community and environment groups, to provide advice on environmental issues and opportunities in relation to recreation in natural areas and to assist Council in promoting responsible and sustainable recreation in the region."

The Sustainable Recreation Advisory Group will assist and advise Council in relation to natural areas based recreation and any related environmental issues and opportunities within the local government area. This includes implementation of key actions contained within the Recreation in Natural Areas Strategy 2020.

### Interpretation

In this Terms of Reference the following words and expressions have the following meanings:

- "Councillor" means an elected member of the Ku-ring-gai Council.
- "Advisory group" means the Ku-ring-gai Council Sustainable Recreation Advisory Group.
- "Advisory group member" means a person duly appointed to the Advisory Group under the provisions of this Terms of Reference.
- "Council" means Ku-ring-gai Council
- "General Manager" means the General Manager of the Ku-ring-gai Council.
- "Recreation" has the same meaning and scope as described within Recreation in Natural Areas Strategy 2019.

### Purpose

To support the implementation of the Recreation in Natural Areas Strategy in providing a management framework for the provision and support of a diverse and accessible range of recreation opportunities in the natural areas of Ku-ring-gai. This will be done in a way that protects and enhances our local environment by focusing on net positive outcomes to achieve sustainability.

### Objectives

The advisory group is to assist and advise Council by:

- allowing diverse voices and opinions regarding recreation in Ku-ring-gai to be heard
- providing a forum for stakeholders to express their ideas and concerns to relevant Council staff and community members
- providing stakeholders an insight into the complexity of managing recreation in natural areas

- providing advice on recreation within Council’s natural areas, including:
  - potential and actual environmental impacts
  - sustainability of particular events or activities delivered by Council or an external party
  - efforts to improve sustainability
  - efforts to improve experience of participants and the community.

## Functions and obligations

The advisory group has the following functions and obligations:

- To consider all information presented to the group.
- To provide relevant feedback, suggestions or concerns related to Recreation in Natural Areas, including event bookings and conditions.
- To assist Council in the strategic planning and implementation of the Recreation in Natural Areas Strategy 2020.
- To assist Council in reviewing or auditing the outcomes of any major Recreation in Natural Areas event.

## Timeframe for advisory group

The lifespan of the advisory group continues unless it is dissolved by resolution of Council.

Advisory group membership and roles: The advisory group shall consist of:

- Councillors:
  - Two Councillors, one being the Chairperson and one being the Deputy Chairperson
  - All other Councillors may attend committee meetings as observers
- Council officers:
  - A council officer with high level expertise in sport and recreation
  - A council officer with high level expertise in environmental matters
  - A council officer to act as secretariat
- Community
  - Four members of the Ku-ring-gai community with demonstrable high-level of sport and/or recreation experience; and
  - Four members of the Ku-ring-gai community with demonstrable high-level environmental experience.



Community representatives will not be representatives of a peak body or similar sporting organisation. Community representatives must have a broad knowledge and understanding of natural area recreation issues.

One proxy representative may be appointed for the community representative positions (that is, a ninth community representative to attend meetings in the absence of another community representative).

## **Appointment**

Officer representation will be determined by the General Manager.

For community representatives, vacancies will be advertised online and through environmental and sport focused user groups. Nominations for community representative appointments will be received in writing on a completed nomination form and must be approved by Council officers of the advisory group. To be considered, nominees will be assessed against the following criteria, with preference given to residents of the local government area:

- Knowledge of Council's Recreation in Natural Areas Strategy 2020 and Community Strategic Plan.
- Capacity to contribute towards the objectives of the advisory group.
- Skills, knowledge or interest in assisting Council to implement the Recreation in Natural Areas Strategy 2020 in line with ecological sustainability principles.
- Availability to meet when required for a maximum of two hours at a time and to be prepared to be involved in any additional meetings and follow up if necessary during business hours.

## **Terms of office**

Councillors will be appointed as Chairperson and Deputy Chairperson to this committee by a resolution of Council for the same period as the term of office of the Mayor.

Council will appoint three Council officers and a proxy as its representative members on the advisory group. The duration of appointment for officer representatives is at the discretion of the General Manager.

The term of office for community representatives will be for the term of Council, plus up to six months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution. Membership can be altered at any time by resolution of Council.

## **Casual vacancies**

Should a community representative position become vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described above. A community representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

## Office bearers

There are two office bearers:

- A Chairperson and Deputy Chairperson (Councillors)
- A Secretary (a Council officer)

The Secretary is to provide the support by issuing agendas and taking minutes of meetings.

## Role of Chairperson

The Chairperson is responsible for:

- conducting advisory group meetings in an efficient, effective and inclusive manner
- preparing public communication for a designated Council spokesperson on matters arising from the advisory group.

## Meeting procedures

The following meeting procedures apply:

- The Secretary will provide a set standard agenda for each meeting.
- Any additional topics for each agenda must be forwarded to the Secretary no later than one week prior to the scheduled meeting date.
- A copy of each agenda will be distributed to all representatives at least one week prior to the next meeting.
- Decisions of the advisory group are to be made by a majority vote of members present at the meeting.
- The Secretary will ensure that minutes of each advisory group and working party meeting are taken.
- Minutes are to be distributed to all advisory group members and other internal stakeholders as deemed appropriate.

The draft minutes of a meeting will be circulated to group members within 10 working days of the meeting. Members will be provided with five working days to comment on the accuracy of the minutes and will subsequently be referred to the Chairperson for approval to submit to Council as an accurate record of the meeting. Once approved by the Chairperson, the minutes will be put to an Ordinary Meeting of Council for adoption. The recommendations of an advisory group, so far as adopted by the Council at an Ordinary Meeting of Council, are resolutions of the Council.

The minutes will also be placed on the agenda to be noted at the subsequent advisory group meeting.

All members of the Advisory Group must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Advisory Group.

## Public attendance

Public attendance at an advisory group meeting is by invitation only on matters on the agenda and at the Chairperson's discretion.

## Frequency of meetings

The Advisory Group will meet at least two times each year.

The advisory group will, as a minimum:

- Review Council's progress on actions from the Recreation in Natural Areas Strategy 2019
- Discuss considerations for the annual budget process prior to the Council budget.

The advisory group may meet on other occasions when required and if agreed to by a quorum.

## Time, duration and venue

Meetings will be up to two hours in duration unless extended by agreement of advisory group members. The advisory group will determine meeting start times.

Meetings will be held at the Council offices. Members of the committee may also attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

## Quorum

A quorum of the advisory group shall be half plus one of the voting members. Staff are considered non-voting members

A member of the advisory group may not vote in relation to any matter in which he/she has a pecuniary interest, including as a member of a relevant sport and/or recreation organisation.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

Council may by resolution terminate a person's membership of a committee due to unreasonable absence from meetings. As a guide, it may be considered unreasonable absence if a committee member misses three consecutive meetings without apology.

Reporting requirements and arrangements: The Advisory Group will report against:

- priority projects identified in Council's various plans and strategies related to recreation in natural areas
- implementation and/or administration of the Recreation in Natural Areas Strategy 2020
- key inputs and advice provided by the advisory group into the delivery of the Council's Community Strategic Plan commitments in respect to recreation in natural areas

- other natural recreation matters which come before the advisory group.

Minutes will be recorded and distributed for all advisory group meetings and other stakeholders as deemed appropriate by the Chairperson. The activities of the advisory group may also be highlighted in Council's quarterly reports and Annual Report. Any other reports required will be on an as needed basis.

### **Provision of information to the community**

Provision of information to the community shall be coordinated by the Chairperson of the advisory group.

### **Resourcing**

The advisory group does not have a budget but will be supported by Council as follows:

- Council administrative support
- paper, postage and stationary requirements.

### **Responsible Council Officer**

The General Manager shall delegate a Council officer as the Responsible Council Officer.

### **Meeting practice**

Meetings are to be conducted in accordance with these terms of reference and, where required, in accordance with Council's Code of Meeting Practice.

### **Review**

Recommendations for amendments to the terms of reference can be made at any time. However, amendments must be endorsed by the Sustainable Recreation Advisory Group and then approved by Council.

### **Insurance**

All group members are covered by the public liability policy of Council. This insurance does not preclude the advisory group from due diligence and all Council policies must be adhered to.

### **Code of Conduct**

The Ku-ring-gai Council Code of Conduct applies to all members of advisory and reference committees. All committee members must declare and manage any conflicts of interest they may have in matters being considered at meetings in accordance with the Code. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

### **Work health and safety**

All group members are required to comply with the worker responsibilities as prescribed in the Work Health Safety Policy.

## ATTACHMENTS

Attached are forms for committee nominations and consent for use of personal information. These forms may be modified from time to time without referral to Council.

**ATTACHMENT 1** – COMMITTEE NOMINATION FORM – [2021/266657](#)

**ATTACHMENT 2** – USE OF PERSONAL INFORMATION CONSENT FORM – [2021/267241](#)