

# Port Botany Community Consultative Committee

## Terms of Reference

Our engagement approach is guided by the IAP2<sup>1</sup> Participation Spectrum, which helps define the community's role in an effective participation process. While most of our engagement takes place in the range of 'inform' to 'involve', we aim to broaden our current engagement program to include opportunities to 'collaborate'.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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### NSW Ports engagement principles

In keeping with our engagement objectives, we have developed a set of engagement principles which will assist in building stakeholder and community trust. These principles have been informed by stakeholder and community feedback from NSW Ports' 2019 Reputation Research, and include:

1. **Clear and timely information** - we will provide clear and prompt information about key initiatives and developments taking place within the port or intermodal precincts where we can.
2. **Meaningful and genuine** - we will facilitate genuine opportunities to listen to and understand the needs, ideas and concerns of our stakeholders and the community.
3. **Better together** - we will work constructively with our stakeholders and the community in the interest of securing sustainable and efficient port supply chains for the people and businesses of New South Wales.
4. **Open and transparent** - we aim to proactively and openly engage with stakeholders to ensure a coordinated and transparent approach.
5. **Adaptable** - we will be flexible and willing to adapt based on stakeholder feedback.

<sup>1</sup> International Association for Public Participation (IAP2) Framework

## Purpose

Stakeholder and community engagement is an important part of NSW Ports' strategic thinking, operations and our decision-making process. Our consultative committees provide a forum to promote information sharing, consultation and collaboration between NSW Ports, port tenants, the local community, government agencies and local councils on port and/or intermodal operations, developments, initiatives and issues. These forums also enable committee members to provide feedback on the business' operations and activities.

The Port Botany Community Consultative Committee (PBCCC) was formed in November 2013 following the merger of the Port Botany Expansion CCC (established in 2006) and the Port Botany Neighbourhood Liaison Group (established in 2008). Representatives meet quarterly to exchange information and provide feedback on port related operations and activities at Port Botany. The forum also provides an opportunity for the community to provide information on local issues. The PBCCC also provides a forum for complying with the Conditions of Approval of the Port Botany Expansion Major Project Approval B3.2, B3.3, C3.2 and C3.3. (refer Appendix A). While the committee is advisory in nature and has no decision-making power, it plays a valuable role in supporting NSW Ports' goal to embed stakeholder and community feedback in our strategic thinking, operations and our decision-making process.

## Operating Arrangements

### 1. Membership criteria

NSW Ports seeks membership that reflects the community demographics and interest groups as closely as possible. Membership is sought from relevant local community, business and interest groups, port tenants and their contractors, local council and government agencies as agreed by NSW Ports and the independent Chair, and should include:

- Independent Chair
- Independent minute taker
- NSW Ports - minimum of two and representatives
- Community representatives – maximum of seven representatives
- Port Botany port tenants and their contractors where relevant
- Industrial/commercial facilities adjacent to Port Botany where relevant
- Local business and/or chambers of commerce where relevant
- Local Council (Bayside Council and Randwick City Council)
- Relevant government agency representatives. These may include the Port Authority of NSW, NSW EPA, Transport for NSW.

Various experts connected with the operations or projects may also be invited to present to the Committee on specific topics or matters of interest.

New members can be invited to join at any time, so long as membership does not exceed the maximum representation. New community members are required to complete an Application Form (refer Appendix B). Community nominations can be obtained by invitation from the Chair, in consultation with NSW Ports; nomination from existing members or in response to local media advertisements placed by NSW Ports. Membership will be evaluated by NSW Ports, the Committee Chair, and Council

representatives for consistency with their ability to meet member responsibilities outlined below, with the Chair holding ultimate control over membership. At least three community members must be approved by the Secretary of Department of Planning, Industry and Environment (DPIE) in consultation with Bayside Council<sup>2</sup>, as required by the Project Approval.

## **2. Member responsibilities**

Committee members will:

- Have an interest in port related issues and/or a demonstrated understanding of, or significant interest in, local environmental, business and community amenity issues within neighbouring areas.
- Have a demonstrated involvement in local community groups and/or activities.
- Recognise the need to balance between environmental, social and economic needs.
- Attend meetings at the times and dates set by the committee's independent Chair; actively participate in discussions; and work collaboratively so that meetings begin and end on time.
- Read and review papers provided in advance of committee meetings and bring the views and perspectives of their organisation, local community / those they represent to the discussion.
- Suggest agenda items in advance of meetings.
- Be able to represent and share the views of their organisation / local community / those they represent with NSW Ports.
- Give feedback from the committee meetings to their organisation / wider community / those they represent as appropriate.
- Respectfully engage with other committee members, contribute to an atmosphere of open and constructive participation and openly communicate relevant concerns, interests and ideas and make reasons for any disagreement clear in a constructive and thoughtful manner.
- Ensure confidential matters handled by the committee are kept confidential and refrain from discussing these matters with other parties outside of PBCCC meetings.
- Not speak publicly on behalf of NSW Ports or on behalf of the PBCCC. All media enquiries should be directed to the NSW Ports Corporate Affairs team.
- Will abide by the Code of Conduct outlined in the Terms of Reference

## **3. NSW Ports' responsibilities**

NSW Ports will:

- Work within the framework of the Terms of Reference.
- Provide a Chairperson and other resources as required.
- Convene meetings at a time that is acceptable to the majority of the Group and arrange site inspections where required.
- Share the committee's advice and recommendations to relevant NSW Ports managers and staff.
- Where appropriate, give feedback on suggestions and ideas made by the Committee, explaining how each contributed to the decision-making process or the reason they did not.

## **4. Role of the Independent Chair**

The Chair is approved by the Department of Planning, Industry and Environment and engaged by NSW Ports. The Chair will:

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<sup>2</sup> Previously Botany Bay Council. Botany Bay Council merged with Rockdale Council in 2016 forming Bayside Council.

- Provide leadership and facilitation of the meeting to ensure full participation during meetings, adherence to the Agenda, timekeeping and the appropriate recording of action items (through a delegate, as relevant).
- Act in a manner that is unbiased and independent of NSW Ports and other Committee members.
- Oversee the timely collation and distribution of meeting Minutes in addition to receiving correspondence between meetings for and on behalf of NSW Ports and the group in question.
- Bring any breach of Conduct to the attention of the persons concerned. This may take the form of a verbal warning during the meeting (which is formally recorded in the meeting Minutes) or a written warning following the meeting. After three warnings, the independent Chair may seek to replace the member.
- Provide an annual report to the Department of Planning and Environment on the operation of the Committee, which will be published on the Department's website.

In the event a new Chair is required, NSW Ports will make recommendation of a replacement Chair to the Department for approval.

## **5. Confidentiality**

Confidentiality agreements may be put in place to ensure committee members can be provided with confidential material as needed.

## **6. Code of Conduct**

- The Chair will have the final say on the conduct of meetings and the finalisation of Minutes.
- Members are expected to attend the PBCCC at dates and times set by the Chair. If unable to attend, the committee member must advise the independent Chair in advance of the meeting. If the committee member misses three consecutive meetings the Chair may replace this position on the Committee.
- Attendees may not use intimidatory, offensive, defamatory or discriminatory language or actions in meetings or correspondence.
- The Chair may ask an individual to desist from certain behaviour or leave the meeting if the behaviour is not in accordance with the Code of Conduct or the Terms of Reference.
- Where a committee member does not attend three consecutive meetings, the Chair may replace this position on the PBCCC.
- The PBCCC is not to be used for personal or political interests.
- Correspondence directed to the PBCCC must be done through NSW Ports or the Chair (or delegate).
- Members are required to adhere to the Member responsibilities and Code of Conduct outlined in this Terms of Reference as a condition of membership
- Community members are required to sign a declaration of pecuniary and non-pecuniary interests as a condition of membership (refer Appendix C).

## **7. Attendance**

Attendance at the meeting may be in person or via suitable electronic means (where appropriate). Meeting attendance, including apologies, will be noted in the minutes of each meeting. It is expected that members should attend at least two meetings per calendar year. Members who fail to attend three consecutive meetings in a calendar year may have their membership revoked.

## **8. Agenda**

The Chair will advise on date, time and location for the meeting with at least one month's notice, in consultation with NSW Ports. All members will be invited to submit Agenda items for each meeting two weeks prior to the meeting, and provide the required agenda, papers and other documentation in advance of each meeting. Where (or if) an agenda item cannot be addressed sufficiently in the time leading up to the proposed meeting date, it will be the Chair's responsibility to ensure the item is carried over and addressed in either a subsequent meeting or through appropriate correspondence.

## **9. Minutes**

Minutes will be taken by an independent note taker under the guidance and direction of the Chair on behalf of the Chair and circulated to all stakeholders within two weeks of a meeting occurrence. NSW Ports will be responsible for retaining meeting Minutes and ensuring timely circulation of the minutes to committee members and stakeholders along with publishing on the NSW Ports website.

## **10. Meetings**

Unless otherwise agreed by the Committee, the PBCCC meetings will be held quarterly, with February, May, August, November as a guide.

## **11. Out of Session Items**

Where an issue of importance arises out of session that cannot be dealt with at a meeting, but does not require calling an additional meeting, the chair may circulate material out of session.

## **12. Review of Terms of Reference**

A review of these Terms of Reference will be undertaken every third year. Administrative changes will be made as necessary by NSW Ports when the Chair is satisfied that there is a valid reason for the amendment. Amendments to the Terms of Reference are to be endorsed by the Chair in consultation with the Committee. The version and date of the revision will be recorded in the footer of the Terms of Reference and a copy will be maintained on the NSW Ports website.

## APPENDIX A - Port Botany Expansion Conditions of Approval

**B3.2 /C3.2 Within 6 months of this consent or prior to commencement of construction, whichever is earlier, the Applicant shall establish a Community Consultative Committee to oversee the environmental performance of the development.**

This Committee shall:

- a) Be comprised of:
  - 2 representatives from the Applicant, including the person responsible for environmental management;
  - 1 representative from Botany Bay City Council (now Bayside Council); and
  - at least 3 representatives from the local community, whose appointment has been approved by the Secretary in consultation with the Council;
- b) Be chaired by an independent party approved by the Secretary;
- c) Meet at least four times a year, or as otherwise agreed by the CCC;
- d) Review and provide advice on the environmental performance of the development, including any construction or environmental management plans, monitoring results, audit reports, or complaints; and
- e) Port rail noise within the Port Botany Expansion site is to be discussed by the CCC and relevant stakeholders.
- f) Within 12 months of the commencement of MOD 16, an advertisement must be placed for new members to join the CCC, given that the other working groups such as the RNWG are no longer present.

### **B.3.3/C3.3 The Applicant shall, at its own expense:**

- a) Ensure that 2 of its representatives attend the Committee's meetings;
- b) Provide the Committee with regular information on the environmental performance and management of the development;
- c) Provide meeting facilities for the Committee;
- d) Arrange site inspections for the Committee, if necessary;
- e) Take minutes of the Committee's meetings;
- f) Make these minutes available on the Applicant's website within 14 days of the Committee meeting, or as agreed to by the Committee;
- g) Respond to any advice or recommendations the Committee may have in relation to the environmental management or performance of the development; and
- h) Forward a copy of the minutes of each Committee meeting, and any responses to the Committee's recommendations to the Secretary within a month of the Committee meeting.

## APPENDIX B - Application Form

Name of Applicant	
Address of Applicant	
Contact Phone Number	
Email Address	
Please describe your interest in Port Botany? Have you had any involvement to date?	
In what ways do you feel you can add value to the Port Botany Community Consultative Committee? Please include any local community groups and/or activities that you are involved with.	
Have you participated in community liaison groups (or other such groups – i.e. community / environment) in the past? If so, please list and describe your experience.	
Can you, in a few words, describe your understanding of the local environmental/ community or business needs of the area neighbouring Port Botany?	
Can you, in a few words, describe a situation where you have needed to balance environmental, social and business needs and how you have dealt with this?	
Do you have any conflict of interest and/or connection with the port other than outlined above, i.e. related to a worker at the port, supplier to the port or any business operating at the port?	



If you are selected to join the committee, will you agree to abide by the Terms of Reference of the Committee?	
Signature of Applicant	



# APPENDIX C - Declaration of Pecuniary and Non-Pecuniary Interests

All members of Community Consultative Committees must sign a declaration of pecuniary and non-pecuniary interests before they join the committee and keep this declaration up to date while they are members on the committee.

This declaration is designed to protect the integrity of the committee and the reputation of its members.

Examples of pecuniary interest may include but are not limited to:

- holding shares in an entity proposing or carrying out all or part of the State significant project
- holding a private contract with the proponent
- holding voluntary acquisition or mitigation rights under the proponent’s consent
- receiving sitting fees or payments of personal expenses from the proponent
- a member representing a stakeholder group and the stakeholder group has received funding or grants from the proponent.

A pecuniary interest is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. Money does not have to change hands for there to be a pecuniary interest.

A non-pecuniary interest is a private or personal interest a person has that does not amount to a pecuniary interest but that may arise from family or personal relationships, or involvement in community, social or other cultural groups that may include an interest of a financial nature.

A           No pecuniary or non-pecuniary interest to declare

As a member of the Port Botany Community Consultative Committee I declare that I have no pecuniary or non-pecuniary interest to prevent me from carrying out my role on the Port Botany Community Consultative Committee impartially and in the best interests of the local and broader community.

Should this change, I agree to update this declaration and advise the committee accordingly.

Name .....

Signature .....

Date