

Sustainability Advisory Sub-Committee

Business Paper

date of meeting: Wednesday 9 June 2021

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 3:30pm

Sustainability Advisory Sub-Committee

CHARTER

Adopted: OC 18/11/2020

1.0 INTRODUCTION

Port Macquarie-Hastings Council is committed to ensuring that the Port Macquarie-Hastings is a community for all. A community that offers everyone a great quality of life and the opportunity to realise their potential as part of a flourishing society.

The Sustainability Advisory Sub Committee will allow Council to seek input from members of the community on sustainability issues that directly affect them, provide technical resources and expertise and assist Council in its decision making process.

The Sustainability Advisory Sub Committee will provide advice to Council regarding sustainability initiatives and assist Council in responding to Climate Change in the Port Macquarie-Hastings.

2.0 OBJECTIVES

- To assist Council in implementation, monitoring and review of its strategic and operational planning, particularly the Sustainability and Climate Change Strategy and the Long Term Energy Strategy.
- To assist Council to provide and receive two-way feedback from the community and industry regarding issues relating to sustainability matters.
- To assist Council with projects and issues which support and affect Council programs, services, and projects to ensure we have an informed community.
- Assist Council in development of the Sustainability and Climate Change Strategy.
- Engage with and provide input to Council on other sustainability and climate changes matters and issues which are relevant to the Local Government Area.

3.0 KEY FUNCTIONS

The key functions of the Sustainability Advisory Sub Committee are to:

- Support Council in promoting projects, facilities and services with the wider community.
- Discuss issues of mutual concern in relation to Council policy, strategy or direction, so that they can be resolved to the benefit of all members of the community.
- Provide advice and guidance in the development of Council's plans and strategies.
- Advise Council on sustainability and climate change issues relating to the Port Macquarie-Hastings Local Government Area.
- Advise Council on the implementation of the adopted Sustainability and Climate Change Strategy.
- Review and provide feedback to Council in respect of new or emerging sustainability and climate change initiatives.
- Act as a Sub Committee for the purpose of relevant NSW guidelines as they relate to sustainability and climate change

4.0 MEMBERSHIP

4.1 Voting Members

All members are expected to have a broad technical understanding and/or commitment to environmental sustainability.

A. COUNCILLORS

- Councillor Chair and Deputy Chair as resolved by Council.

B. STAFF

- Director Development and Environment (or alternate Director).
- Group Manager Regulatory and Environmental Services.
- Group Manager Strategy (or nominee).
- Sustainability Officer.
- PMHC Staff Sustainability Action Group Chairperson (or nominee).

C. COMMUNITY

- 5 x Community representatives (1 person each representing Port Macquarie, Lake Cathie, Camden Haven, Wauchope, Rural area).
- 2 x Development industry representatives (with demonstrated interest in environment and sustainability).
- 3 x Sustainability industry representatives (with demonstrated experience and/or suitable qualifications in one or more of the following areas energy, waste, water, environmental management, natural resources, environmental science, climate science, sustainability or environmental education).

4.2 Non-Voting Members

Other attendees/members, including State and Federal Government representatives and specific community groups or organisations within various sectors may be invited to attend meetings or working groups on certain issues or to progress an agreed outcome, as approved by the Sub Committee. These are non-voting attendees and may only be invited with the approval of the Sub Committee or the Chairperson if the need for their attendance is identified between regular meetings.

4.3 Obligations of Members

- Act honestly and in good faith.
- Act impartially at all times.
- Participate actively in the work of this Committee
- Exercise the care, diligence and skill that would be expected of a reasonable person in comparable circumstances.
- Comply with this Charter document at all times.
- Facilitate and encourage community engagement with Sub Committee and Council initiatives.
- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of a Committee are to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be permissible under Council's adopted Code of Conduct. Council officers that are members of Committees are bound by the existing operational delegations in relation to speaking to the media.

- A Councillor as a member of a Committee or the Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor as a member of a Committee or the Committee itself cannot direct staff and must abide by the decisions of Council and the policies of Council.
- Councillors, Council staff and members of this Committee must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind particularly with respect to conflicts of interest, confidentiality and general conduct obligations.

4.4 Member Tenure

Committee members will serve on this Sub Committee up until the next ordinary Local Government elections. Following the election, a review of all Council's Committees will be undertaken with the newly elected Council and membership of the Committees as resolved shall be filled by inviting expressions of interest from interested members of the community to fill any relevant vacant positions.

4.5 Appointment of Members

- A formal Expression of Interest process will be undertaken across the Local Government Area as a way of determining the representatives on the Sub Committee. Members of the Sub Committee will be representative of diverse interests and experience across the Local Government Area rather than a single issue. The members of the Sub Committee, taken collectively, will have a broad range of qualifications, skills and experience in the relevant sectors in the Port Macquarie-Hastings region. This Expression of Interest process shall be conducted in accordance with Council's Procedure for Calling Expressions of Interest for Community Members to Council Committees.
- Where practicable the membership will represent the geographical spread of the Port Macquarie-Hastings Local Government Area, and a diverse range of cultural, gender and age groups.
- Council, by resolution duly passed, will appoint members to the Committee.

5.0 TIMETABLE OF MEETINGS

Meetings will be held quarterly (or more regularly if required). Meetings will generally be held at the main administration office of Port Macquarie-Hastings Council. Electronic meetings may be held under certain circumstances with the approval of the chairperson.

6.0 MEETING PRACTICES

6.1 Decision Making

- Recommendations of the Sub Committee shall be by majority of the members present at each meeting and each member shall have one (1) vote.
- The Chairperson shall not have a casting vote.
- In the event of an equality of votes on any matter, the matter shall be referred directly to Council's Executive Team and then to Council for consideration.

- Recommendations from the Sub Committee are to be made through the Chief Executive Officer or the relevant Director, who will determine under delegation, the process for implementation or referral to Council for consideration, whichever is appropriate under the circumstances.
- The Sub Committee has no delegation to allocate funding on behalf of Council. The Committee may make recommendations to Council about how funding should be spent in relation to the above-mentioned objectives, however those funds will only be applied and expended following a formal resolution of Council.
- The Sub Committee may establish working groups to support actions and activities within Council Plans or to assist in the delivery of projects and services, as deemed appropriate. All projects are to be aligned with Council's suite of Integrated Planning and Reporting documents. Membership of working groups shall be determined by the Committee.
- The Sub Committee may be delegated authority by the Council to make decisions on behalf of Council in certain circumstances however delegation to commit funds will not be granted.

6.2 Quorum

- A quorum must include a minimum of one (1) Councillor or one (1) Council Director being present.
- The quorum for the Sub Committee shall be at least half of the **voting** members are present.

6.3 Chairperson and Deputy Chairperson

- The Chairperson shall be the Councillor resolved by Council to chair the Sub Committee.
- The Deputy Chair shall be the alternate Councillor as resolved by Council.
- At all meetings of the Sub Committee, the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson and Deputy Chair, a member of Council's Executive Team who is a member on this Sub Committee, or their nominee, shall chair the meeting.

6.4 Secretariat

- The responsible Council Director shall ensure the Sub Committee has adequate secretariat support. The secretariat will ensure that business papers and supporting papers are circulated at least three (3) working days prior to each meeting. Minutes shall be circulated to members within seven (7) days of the meeting having taken place.
- All Sub Committee agendas and minutes will be made available to the public via Council's web site, unless otherwise restricted by legislation or confidentiality provisions.
- The responsible Council Director will coordinate a review of the Charter within 6 months of a new Council term and present to Council for adoption.

6.5 Recording of decisions and explicit discussions on risks

- The minutes shall reflect actions arising from the Sub Committee meeting.
- A summary of discussions shall only be recorded on specific items when agreed by the Sub Committee.
- The Secretariat shall record a summary of **all** discussions that relate to risks.

7.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

- The Sub Committee can at times request a working group to be convened, for a period of time, and/or for specific actions. These specifics will be clearly defined. The working group will report back to the Sub Committee with outcomes.
- Any working groups established under this Sub Committee will be responsible for providing updates to the Sub Committee. The working groups will be an informal gathering with notes collected and managed by the senior staff member in attendance and will be tabled at the Committee meetings.

8.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Any independent members of the Sub Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Committee.
- Sub Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Sub Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Committee deliberations on the issue where the conflict of interest may exist and this is to be recorded in the minutes of the meeting.

Sustainability Advisory Sub-Committee

ATTENDANCE REGISTER

Member					
Councillor Peter Alley (Chair)					
Councillor Rob Turner (Deputy Chair)					
Director Development and Environment (Melissa Watkins)					
Group Manager Regulatory and Environmental Services (Debbie Archer)					
Group Manager Strategy (Duncan Coulton)					
Sustainability Officer (Gavin Hughes)					
PMHC Staff Sustainability Action Group Chairperson					
Harry Creamer (Community Representative - Port Macquarie)					
Stephen Healy (Community Representative - Wauchope)					
Rachel Sheppard (Community Representative - Lake Cathie)					
John Handford (Community Representative - Camden Haven)					
Jim Hutcheon (Community Representative - Rural Areas)					
Stephen Lockhart (Development Industry)					
Nigel Swift (Development Industry)					
Stuart Watson (Sustainability Industry)					
Nicky Julian (Sustainability Industry)					
Angela Frimberger (Sustainability Industry)					

Key: ✓ = Present A = Absent With Apology X = Absent Without Apology

Meeting Dates for 2021

14/07/2021	Function Room	3:30pm

Sustainability Advisory Sub-Committee Meeting

Wednesday 9 June 2021

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>9</u>
02	Apologies.....	<u>9</u>
03	Confirmation of Minutes	<u>9</u>
04	Disclosures of Interest.....	<u>10</u>
05	Business Arising from Previous Minutes.....	<u>14</u>
06	Welcome New Members and Introductions	<u>15</u>
07	Sustainability Sub-Committee Induction	<u>16</u>
08	Future Meeting Dates.....	<u>32</u>
09	General Business	

Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03**Subject: CONFIRMATION OF PREVIOUS MINUTES**

Nil - inaugural meeting.

Item: 04

Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:	
Meeting Date:	
Item Number:	
Subject:	
I, the undersigned, hereby declare the following interest:	
<input type="checkbox"/>	Pecuniary: Take no part in the consideration and voting and be out of sight of the meeting.
<input type="checkbox"/>	Non-Pecuniary – Significant Interest: Take no part in the consideration and voting and be out of sight of the meeting.
<input type="checkbox"/>	Non-Pecuniary – Less than Significant Interest: May participate in consideration and voting.
For the reason that:	
Name: Signed:	Date:
Please submit to the Governance Support Officer at the Council Meeting.	

(Refer to next page and the Code of Conduct)

Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you 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.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- Your "relative" is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
 - "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. 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.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.
If there is insufficient space for all the information you are required to disclose,
you must attach an appendix which is to be properly identified and signed by you.*

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]

Councillor's Signature: **Date:**

This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting

Last Updated: 3 June 2019



Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

Nil - inaugural meeting.

Item: 06

Subject: WELCOME NEW MEMBERS AND INTRODUCTIONS

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Committee note the new membership and provide a short self-introduction to other members.

Discussion

At the May 2021 Council Meeting it was resolved:

That Council:

1. Note the information provided in this report.
2. Accept the ten nominees as outlined in Table 1 as members of the Sustainability Advisory Sub Committee.

Name	Position offered on Sub-Committee
Harry Creamer	Port Macquarie Community Representative
Stephen Healy	Wauchope Community Representative
Rachel Sheppard	Lake Cathie Community Representative
John Handford	Camden Haven Community Representative
Jim Hutcheon	Rural Areas Representative
Stephen Lockhart	Development Industry Representative
Nigel Swift	Development Industry Representative
Stuart Watson	Sustainability Industry Representative
Nicky Julian	Sustainability Industry Representative
Angela Frimberger	Sustainability Industry Representative

3. Thank the unsuccessful applicants for their Expressions of Interest.

Name	Position offered on Sub-Committee
Paul Coffre	Unsuccessful
Steven Allwood	Unsuccessful

We would like to welcome all the Committee members; we look forward to creating some great community outcomes, as we commence working together.

Team members will now have the opportunity to introduce themselves, their particular area of interest, and what they are hoping to achieve during their time on the Sustainability Advisory Sub Committee.

Attachments

Nil

Item: 07

Subject: SUSTAINABILITY SUB-COMMITTEE INDUCTION

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Sub-Committee note the induction overview provided to members regarding the Sustainability Sub-Committee Charter and Code of Conduct for Port Macquarie-Hastings Council committees.

Discussion

A brief induction will be provided to members regarding the Charter of the Sustainability Sub-Committee and its operation (**Attachment 1**).

Council's Group Manager, Governance Michael Ferguson will also provide an overview of the Code of Conduct (**Attachment 2**).

Attachments

- 1 [!\[\]\(927753982fca4c21e781b80aafaaf020_img.jpg\) Sustainability Advisory Sub Committee - Charter](#)
- 2 [!\[\]\(f511252eefa420911a255ecaea94a046_img.jpg\) Code of Conduct](#)



SUSTAINABILITY ADVISORY SUB COMMITTEE CHARTER

Adopted: Ordinary Council 2020 11 18

1.0 INTRODUCTION

Port Macquarie-Hastings Council is committed to ensuring that the Port Macquarie-Hastings is a community for all. A community that offers everyone a great quality of life and the opportunity to realise their potential as part of a flourishing society.

The Sustainability Advisory Sub Committee will allow Council to seek input from members of the community on sustainability issues that directly affect them, provide technical resources and expertise and assist Council in its decision making process.

The Sustainability Advisory Sub Committee will provide advice to Council regarding sustainability initiatives and assist Council in responding to Climate Change in the Port Macquarie-Hastings.

2.0 OBJECTIVES

- To assist Council in implementation, monitoring and review of its strategic and operational planning, particularly the Sustainability and Climate Change Strategy and the Long Term Energy Strategy.
- To assist Council to provide and receive two-way feedback from the community and industry regarding issues relating to sustainability matters.
- To assist Council with projects and issues which support and affect Council programs, services, and projects to ensure we have an informed community.
- Assist Council in development of the Sustainability and Climate Change Strategy.
- Engage with and provide input to Council on other sustainability and climate changes matters and issues which are relevant to the Local Government Area.

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The key functions of the Sustainability Advisory Sub Committee are to:

- Support Council in promoting projects, facilities and services with the wider community.
- Discuss issues of mutual concern in relation to Council policy, strategy or direction, so that they can be resolved to the benefit of all members of the community.
- Provide advice and guidance in the development of Council's plans and strategies.
- Advise Council on sustainability and climate change issues relating to the Port Macquarie-Hastings Local Government Area.
- Advise Council on the implementation of the adopted Sustainability and Climate Change Strategy.
- Review and provide feedback to Council in respect of new or emerging sustainability and climate change initiatives.
- Act as a Sub Committee for the purpose of relevant NSW guidelines as they relate to sustainability and climate change

4.0 MEMBERSHIP

4.1 Voting Members

All members are expected to have a broad technical understanding and/or commitment to environmental sustainability.

A. COUNCILLORS

- Councillor Chair and Deputy Chair as resolved by Council.

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- Director Development and Environment (or alternate Director).
- Group Manager Regulatory and Environmental Services.
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- Sustainability Officer.
- PMHC Staff Sustainability Action Group Chairperson (or nominee).

C. COMMUNITY

- 5 x Community representatives (1 person each representing Port Macquarie, Lake Cathie, Camden Haven, Wauchope, Rural area).
- 2 x Development industry representatives (with demonstrated interest in environment and sustainability).
- 3 x Sustainability industry representatives (with demonstrated experience and/or suitable qualifications in one or more of the following areas energy, waste, water, environmental management, natural resources, environmental science, climate science, sustainability or environmental education).

4.2 Non-Voting Members

Other attendees/members, including State and Federal Government representatives and specific community groups or organisations within various sectors may be invited to attend meetings or working groups on certain issues or to progress an agreed outcome, as approved by the Sub Committee. These are non-voting attendees and may only be invited with the approval of the Sub Committee or the Chairperson if the need for their attendance is identified between regular meetings.

4.3 Obligations of Members

- Act honestly and in good faith.
- Act impartially at all times.
- Participate actively in the work of this Committee
- Exercise the care, diligence and skill that would be expected of a reasonable person in comparable circumstances.
- Comply with this Charter document at all times.
- Facilitate and encourage community engagement with Sub Committee and Council initiatives.
- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of a Committee are to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be permissible under Council's adopted Code of Conduct. Council officers that are members of Committees are bound by the existing operational delegations in relation to speaking to the media.
- A Councillor as a member of a Committee or the Committee itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor as a member of a Committee or the Committee itself cannot direct staff and must abide by the decisions of Council and the policies of Council.

- Councillors, Council staff and members of this Committee must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind particularly with respect to conflicts of interest, confidentiality and general conduct obligations.

4.4 Member Tenure

Committee members will serve on this Sub Committee up until the next ordinary Local Government elections. Following the election, a review of all Council's Committees will be undertaken with the newly elected Council and membership of the Committees as resolved shall be filled by inviting expressions of interest from interested members of the community to fill any relevant vacant positions.

4.5 Appointment of Members

- A formal Expression of Interest process will be undertaken across the Local Government Area as a way of determining the representatives on the Sub Committee. Members of the Sub Committee will be representative of diverse interests and experience across the Local Government Area rather than a single issue. The members of the Sub Committee, taken collectively, will have a broad range of qualifications, skills and experience in the relevant sectors in the Port Macquarie-Hastings region. This Expression of Interest process shall be conducted in accordance with Council's Procedure for Calling Expressions of Interest for Community Members to Council Committees.
- Where practicable the membership will represent the geographical spread of the Port Macquarie-Hastings Local Government Area, and a diverse range of cultural, gender and age groups.
- Council, by resolution duly passed, will appoint members to the Committee.

5.0 TIMETABLE OF MEETINGS

Meetings will be held quarterly (or more regularly if required). Meetings will generally be held at the main administration office of Port Macquarie-Hastings Council. Electronic meetings may be held under certain circumstances with the approval of the chairperson.

6.0 MEETING PRACTICES

6.1 Decision Making

- Recommendations of the Sub Committee shall be by majority of the members present at each meeting and each member shall have one (1) vote.
- The Chairperson shall not have a casting vote.
- In the event of an equality of votes on any matter, the matter shall be referred directly to Council's Executive Team and then to Council for consideration.
- Recommendations from the Sub Committee are to be made through the Chief Executive Officer or the relevant Director, who will determine under delegation, the process for implementation or referral to Council for consideration, whichever is appropriate under the circumstances.
- The Sub Committee has no delegation to allocate funding on behalf of Council. The Committee may make recommendations to Council about how funding should be spent in relation to the above-mentioned objectives, however those funds will only be applied and expended following a formal resolution of Council.
- The Sub Committee may establish working groups to support actions and activities within Council Plans or to assist in the delivery of projects and services, as deemed appropriate. All projects are to be aligned with Council's suite of Integrated Planning and Reporting documents. Membership of working groups shall be determined by the Committee.

- The Sub Committee may be delegated authority by the Council to make decisions on behalf of Council in certain circumstances however delegation to commit funds will not be granted.

6.2 Quorum

- A quorum must include a minimum of one (1) Councillor or one (1) Council Director being present.
- The quorum for the Sub Committee shall be at least half of the **voting** members are present.

6.3 Chairperson and Deputy Chairperson

- The Chairperson shall be the Councillor resolved by Council to chair the Sub Committee.
- The Deputy Chair shall be the alternate Councillor as resolved by Council.
- At all meetings of the Sub Committee, the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson and Deputy Chair, a member of Council's Executive Team who is a member on this Sub Committee, or their nominee, shall chair the meeting.

6.4 Secretariat

- The responsible Council Director shall ensure the Sub Committee has adequate secretariat support. The secretariat will ensure that business papers and supporting papers are circulated at least three (3) working days prior to each meeting. Minutes shall be circulated to members within seven (7) days of the meeting having taken place.
- All Sub Committee agendas and minutes will be made available to the public via Council's web site, unless otherwise restricted by legislation or confidentiality provisions.
- The responsible Council Director will coordinate a review of the Charter within 6 months of a new Council term and present to Council for adoption.

6.5 Recording of decisions and explicit discussions on risks

- The minutes shall reflect actions arising from the Sub Committee meeting.
- A summary of discussions shall only be recorded on specific items when agreed by the Sub Committee.
- The Secretariat shall record a summary of **all** discussions that relate to risks.

7.0 CONVENING OF "OUTCOME SPECIFIC" WORKING GROUPS

- The Sub Committee can at times request a working group to be convened, for a period of time, and/or for specific actions. These specifics will be clearly defined. The working group will report back to the Sub Committee with outcomes.
- Any working groups established under this Sub Committee will be responsible for providing updates to the Sub Committee. The working groups will be an informal gathering with notes collected and managed by the senior staff member in attendance and will be tabled at the Committee meetings.

8.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

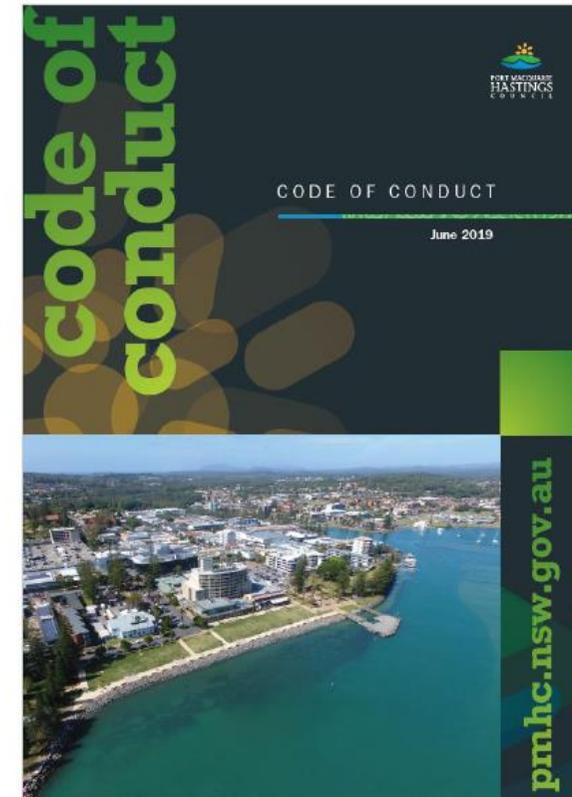
- Any independent members of the Sub Committee will be required to complete a confidentiality agreement that will cover the period of their membership of the Committee.
- Sub Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Sub Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Committee deliberations on the issue where the conflict of interest may exist and this is to be recorded in the minutes of the meeting.



Code of Conduct Overview

Code of Conduct Overview

- General Conduct Obligations
- Pecuniary Interests
- Non-Pecuniary Conflicts of Interest
- Personal Benefit
- Relationship between Council Officials
- Access to Information



General Conduct Obligations



You must not conduct yourself in a manner that:

- is likely to bring the Council or other Council officials into disrepute
- is contrary to statutory requirements or the 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 this code, or is unlawfully discriminatory.

As a Public Service Council is held to a higher standard



Conflict of Interest

COI may be:

- Pecuniary – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a relative.
- Non-pecuniary – private or personal interests a Council official has that do not amount to a pecuniary interest as defined above. 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.



What disclosures must be made by a Council Committee Member?

4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.



Disclosure of pecuniary interests at meetings



As a member of a Community Consultative Committee, you must disclose any pecuniary interest you have in relation to any matter being discussed. Once identified, the Chair of the meeting will decide how the pecuniary interest will be dealt with. It may be determined that you are to leave the meeting during discussions involving this matter.

4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:

- a) at any time during which the matter is being considered or discussed by the Council or committee, or*
- b) at any time during which the Council or committee is voting on any question in relation to the matter.*

4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.



Disclosure of Non-pecuniary interests at meetings

Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with and to disclose the interest fully.





How to deal with a non-pecuniary conflict of interest will depend on whether it is significant

A significant non-pecuniary conflict of interest is where you have a:

- Close relationship (including a business relationship) with a person who will be affected by any recommendation made in relation to the matter
- Strong affiliation with an organisation that will be affected by any recommendation made in relation to the matter, or
- Financial interest in the matter that is not a pecuniary interest, or you otherwise stand to gain or lose a personal benefit as a result of a recommendation made in relation to the manner



How to deal with a non-pecuniary conflict

As a member of a Community Consultative Committee, you must disclose any non-pecuniary interest you have in relation to any matter being discussed. Once identified, the Chair of the meeting will decide how significant the non-pecuniary interest is and how it will be dealt with. If it is determined that you have a significant non-pecuniary conflict of interest, you will be required to leave the meeting during discussions involving this matter.

5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises.



Conflict of Interest

It is the responsibility of every committee member to:

- avoid conflicts where reasonably possible
- identify, report and manage conflicts of interest.

Poorly managed conflicts of interest can:

- undermine public confidence
- may place the committee member or their colleagues at risk
- lead to inefficient use of public assets
- lead to opportunities for corruption



Access to Information



In regard to information obtained in your capacity as a Committee member, you must:

- Only access Council information needed for the purposes of performing your duties as a member of the Committee
- Not use that Council information for private purposes
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council
- Only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

CONFIDENTIAL

Item: 08

Subject: FUTURE MEETING DATES

Presented by: Development and Environment, Melissa Watkins

RECOMMENDATION

That the Sustainability Advisory Sub Committee meet on the dates nominated at the meeting.

Discussion

As per the Sustainability Advisory Sub Committee Charter, meetings are to be held quarterly (or more regularly if required). Discussion to be held to determine a mutually agreeable day and time for the regular meetings to be held.

That the Sub Committee advise their availability for a meeting on 14 July from 3:30pm - 5:00 with future quarterly meeting dates to be established following the outcome Local Government election.

Attachments

Nil