



BYRON SHIRE COUNCIL

QUARRY CONSULTATIVE
(BROKEN HEAD)

PROJECT REFERENCE GROUP

CONSTITUTION

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

Date Commenced:	11 August 2009	Time Frame to carry out objectives	12 Months
Date Group to be Disbanded	August 2010		
Responsibility	Director Planning Development and Environmental Services (or Delegate)		
Review Timeframe			

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#828444	18/12/08	Res No. 08-852
#862176	28/5/09	Res No. 09-403
#903254	22/10/09	Res No. 09-874

Further Document Information and Relationships

Principal Activity (Management Plan)	
Related Legislation	Local Government Act 1993 Section 451
Related Policies	Code of Conduct Policy 1.8
Related Procedures/ Protocols, Statements, documents	Agenda Template for PRG Meetings #811842 Report Template for PRG Meetings #810632 Action List Template for PRG Meetings #811851

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1. Preamble

The Project Reference Group is a Group formed by the Council or Strategic Planning Committee of the Council and does not have executive power or authority to implement actions.

The role of the Project Reference Group is to carry out specific objectives as stated in this Constitution.

2. Objectives

The purpose of the Quarry Consultative (Broken Head) Project Reference Group is:

1. To monitor compliance with conditions of consent and to establish a Complaints Conflict Resolution process.
2. The Committee may seek technical advice from time to time from public authorities or relevant individuals.
3. The Broken Head Quarry shall provide to the Committee information the Chairman of the Committee may reasonably request including:
 - a. Details of the environmental performance of the development;
 - b. Copies of the latest AEMR;
 - c. Copies of the latest Flora and Fauna Management Plan;
 - d. Copies of the latest Erosion and Sedimentation Control Plan of Management;
 - e. Any monitoring results in respect of this consent;
 - f. Access for site inspections by the Committee; and
 - g. Meeting facilities for the Committee.

The objectives have been confirmed by Council on 18 December 2008 Res No. 08-852.

3. Timeframe for Group

The Project Reference Group has 12 months to complete its objectives.

This group will be disbanded in August 2010.

The Council or Strategic Planning committee may dissolve the Group at any time.

4. Membership

Membership is to include 7 members:

- 2 Councillors
 - Cr Jan Barham
 - Cr Tom Tabart
- 3 invited members:
 - Luke Bracken representing Broken Head Quarry
 - David Morris representing Broken Head Quarry

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- Yvonne Stewart representing Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
 - 2 interested community representatives: (Human Habitat Panel)
 - Peter Wegner
 - Dudley Leggett
 - Staff:
 - Director Planning Development and Environmental Services (or delegate)
 - Team Leader Environmental Health
- * Staff members participating on the working group do not have any voting entitlements.

Members were appointed by the Strategic Planning Committee on 28 May 2009 [Res No. 09-403].

5. Chairperson

The Chair of the PRG be elected from Councillors nominated to the PRG, to be determined at the first meeting. If there are no Councillors on the PRG, then the PRG be convened/facilitated by the relevant staff member.

6. Quorum

A quorum is to constitute at least half the number of members.
ie. 4 members.

* Staff members are not counted as part of a quorum.

7. Confidentiality

Members of the Project Reference Group will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

8. Convenor/Facilitator

The Convenor/Facilitator of the Project Reference Group in most cases will be the staff member unless otherwise decided by the Council or the Strategic Planning Committee.

9. Voting

Each member of the Group (with the exception of the staff members) is to have one vote. If the vote is tied on any particular matter it will be referred to the Strategic Planning Committee for determination.

10. Majority Decision

A requirement that a majority decision of the Group comprises a majority of the invited representative members present and voting on any item subject to the requirements of a quorum being met at the meeting.

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11. Convening Meetings

Meetings to be held as required.

12. Reporting

This Project Reference Group reports to Council or the Strategic Planning Committee.

13. Meetings Open to the Public

PRG meetings are not public meetings as they have no executive function. Public transparency is provided for when the reports of these meetings are reported to Council or the Strategic Planning Committee.

14. Invited Guests

The PRG Convenor may request to seek further expertise and consultation as agreed to by the Group and if necessary arrange attendance of a person providing the expertise at a PRG meeting. Any request for information to be at no cost to Council unless a budget is allocated by Council and the expenditure has been authorised in writing by staff with requisite delegations.

15. Audio Taping of Meetings

A PRG meeting may be recorded. If the meeting is being recorded, all PRG members will be advised of this and it will be noted in the Report of that meeting.

Recordings of PRG meetings may involve the recording of personal information provided at the meeting. The recordings will be made to assist with the administration of the PRG. The provision of any information that is recorded is voluntary, however, if any person does not wish to be recorded they should not address the meeting.

The recordings may be made available to other persons where such access is in accordance with the relevant regulations and requirements in this regard, such as under s12(6) of the Local Government Act or the Freedom of Information Act. The recordings where made will ultimately be stored in Council's document storage system.

16. Vacation of Office

Any Project Reference Group member wishing to resign from the group shall do so in writing.

Invited Members: If an invited member on the Group who represents an Organisation resigns, an invitation to the Organisation for an alternate delegate will be requested. If no alternate delegate is nominated by the Organisation then that position will become redundant.

Community Members: If a community member resigns and if more than half of the timeframe to complete the PRG's objectives still exists and an alternate delegate has been resolved by Council then that person appointed by Council as an alternate delegate will then be appointed as the new community member. If no alternate delegate has been

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appointed by Council or the alternate delegate declines to accept the vacant position then that position will become redundant.

17. Publicity

PRG members unless authorised by Council are not to promote or advertise the group's activities.

18. Records of meetings (agenda and reports)

The Convenor/Facilitator of the Group will prepare the Agenda, Progress Reports and Action lists of the Group's meetings formatted in accordance with Council's templates.

The reports of the Group's meetings are to be reported to Council or the Strategic Planning Committee when required. The PRG's web page will indicate what meeting Council will be considering the PRG's reports.

If the PRG considers necessary, reports from each PRG meeting may be placed on Council's Web Page for access by the public and Councillors after each meeting.

If the time frame allocated to complete the objective(s) is 6 months or more the Group is to provide a progress report quarterly to Council or the Strategic Planning Committee on its progress.

At the end of the Group's term a final status report be presented to Council or the Strategic Planning Committee on the outcomes of each objective.

19. Section 377 Delegation

The Project Reference Group does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

20. Miscellaneous

Insurance: All group members are covered by the public liability policy of Council insofar as they are acting in their capacity as a group member, within the scope of the PRG's Terms of reference and in accordance with the Code of Conduct and statutory obligations. This insurance does not preclude the working group from due diligence and all Council policies must be adhered to.

Code of Conduct: All group members to abide by Council's adopted Code of Conduct at all times.

Pecuniary Interest: Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that:

"a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests.."

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Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

Privacy: All group members are to abide by Council's Privacy Management Plan (see <http://www.byron.nsw.gov.au/publications?P>) relating to their access to personal information.

Meeting Practice: If any other issue arises regarding meeting practice not covered under this constitution, it be referred to the General Manager or delegate or if required Council for a determination to be made.