



**DRAFT Terms of
Reference:**

**Renewable Energy Benefit
Sharing Community
Advisory Body**

2024

INFORMATION ABOUT THIS DOCUMENT

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0.1	4 July 2024	Draft prepared, circulated for staff input
0.2	9 July 2024	Draft to council recommending consultation with current committee members and public exhibition for community input
0.3	12 August 2024	Amended in accordance with Council Resolution 30.07/24

Further Document Information and Relationships

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

Related Legislation*	<i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2021 (NSW)</i> <i>Environmental Planning and Assessment Act 1979 (NSW)</i>
Related Policies	Uralla Renewable Energy Community Benefit 2023 Uralla Shire Council Code of Conduct Uralla Shire Council Code of Meeting Practice
Related Procedures/ Protocols, Statements, documents	Section 355 Committee Handbook 2022 NSW Draft Benefit Sharing Guideline (November 2023)

Note: Any reference to Legislation will be updated in the Policy as required. See website

<http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments

Table of Contents

Introduction.....	1
Background.....	1
2. Establishment.....	2
3. Purpose & Objectives.....	2
4. Tasks & Deliverables.....	2
5. Exclusions.....	3
6. Term of the Community Advisory Body.....	3
7. Membership.....	4
8. Appointment of Members and Office Bearers.....	5
9. Member roles and responsibilities.....	6
10. Meetings.....	7
11. Decision-making process.....	8
12. Code of Conduct; Conflict of Interest; Removal of Members.....	9
13. Reporting.....	9
14. Delegated Authority.....	9
15. Correspondence.....	9
16. Media and Publicity.....	10
17. Confidentiality.....	10
18. Operational Support.....	10
19. Amendments to the Terms of Reference and Dissolution.....	10
20. Interpretation.....	11
21. Dispute Resolution.....	11

Introduction

The purpose of this Terms of Reference (ToR) is to establish the framework and guidelines for the Community Advisory Body ('the Advisory Body') of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund ('the Community Benefit Fund'). This body is tasked with advising the Council on the allocation of funds from the Community Benefit Fund ensuring that these funds are used to support projects that benefit both the current and future generations of Uralla. By providing a transparent, representative, and accessible forum for community engagement, the Advisory Body will play a crucial role in advising council of community views regarding legacy projects to be funded through renewable energy benefit payments. This document outlines the aims, objectives, scope, roles, and responsibilities of the Advisory Body, as well as the principles and processes that will govern its operations.

Background

Uralla Shire is part of the New England Renewable Energy Zone (REZ), where 8 gigawatts of renewable energy projects are forecast to be delivered over the next decade. Many new wind, solar, transmission and storage projects will be developed within Uralla Shire both in and out of the REZ. As a host community, Uralla will experience increased demands on infrastructure and services, along with social and economic changes as new residents and businesses move in. We expect an influx of renewable energy workers and associated industries, along with new economic opportunities.

Council has adopted a policy requiring community benefit contributions. These contributions will be formalised through Voluntary Planning Agreements with renewable energy developers. Council has established the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund to manage these contributions. The allocation of these funds will be decided in consultation with the community.

The Community Advisory Body is established to advise Council on how to allocate the community benefit funds. The Advisory Body will strive to ensure that the funds are used in ways that reflect the needs and aspirations of both existing and future generations of Uralla residents, responsibly stewarding the legacy of renewable energy investment in the shire.

1. Establishment

- 1.1. The Community Advisory Body (hereafter “the Advisory Body”) of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund (hereafter “the Fund”) is established under section 355(b) of the *Local Government Act 1993* (NSW) pursuant to Council resolution 39.03/24 made 26 March 2024.

2. Purpose & Objectives

- 2.1. The Advisory Body is established to provide recommendations to Council on the public purpose/s to which the Fund shall be put.

- 2.2. The objectives of the Advisory Body are to:

- 2.2.1. Provide a transparent, representative, and accessible forum for community engagement on the allocation of funds from the Renewable Energy Community Benefit Restricted Fund.

- 2.2.2. Provide clear recommendations to Council for proposals that:

- 2.2.2.1. Ensure that renewable energy development in Uralla Shire contributes to the prosperity and wellbeing of future generations

- 2.2.2.2. Ensure there is broad community benefit from renewable energy development in Uralla Shire

- 2.2.2.3. Represent an integrated, longer-term vision for larger scale legacy public purpose projects for the fund

- 2.2.2.4. Demonstrate broad community support

3. Tasks & Deliverables

3.1. Recommendations to Council

- 3.1.1. The Advisory Body is tasked with providing clear and robust recommendations to the Council regarding community benefit sharing proposals for the fund.

3.2. Framework and assessment criteria for proposals

- 3.2.1. The Advisory body is tasked with developing a framework and criteria against which proposals may be recommended for funding from the Renewable Energy Community Benefit Sharing Restricted Fund

- 3.2.2. This framework should be developed in collaboration with elected Councillors and Council officers.

3.3. Development of recommendations:

3.3.1. The Advisory Body shall determine appropriate method/s for:

3.3.1.1. Soliciting and/or receiving proposals for community benefit sharing

3.3.1.2. Providing a conduit for engagement, as it relates to developing proposals for the fund, between the Advisory Body and:

- Council and Council officers
- Government departments and agencies, academia and other technical experts
- Community organisations, business chambers, industry and/or professional peak bodies, environmental and other non-government organisation
- Project developers and their contractors
- Key stakeholders from training, economic and/or community development, tourism, indigenous, health, environment sectors
- The wider community

3.4. Capacity building

3.4.1. Capacity-building activities may be programmed by Council or the Advisory Body to aid in improvement of proposal development and community engagement. Members may request information or learning activities for this purpose.

3.4.2. The Advisory Body may recommend funds from the Renewable Energy Community Benefit Sharing Restricted Fund be used for activities that build the capacity of the Advisory Body to fulfill its objectives.

4. Exclusions

4.1. The Advisory Body shall bear no responsibility for the financial management of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund.

4.2. The Advisory Body shall bear no responsibility for the creation or administration of Voluntary Planning Agreements.

5. Term of the Community Advisory Body

5.1. The Advisory Body shall operate from the date Council approves the appointment of nominated members and will conclude after (4) four calendar years, unless terminated earlier in accordance with these Terms of Reference.

5.2. Council may choose to reappoint the Advisory Body for a further term or renew the membership in accordance with these Terms of Reference.

5.3. In the first term of the Advisory Body, (5) five members shall have (2) two year terms, and others will have (4) four year terms to ensure continuity.

6. Membership

6.1. Membership of the Advisory Body shall consist of:

6.1.1. Nine (9) residents of Uralla Shire of which:

6.1.1.1. At least two (2) shall be resident in Uralla township

6.1.1.2. At least one (1) shall be resident in a rural part of Uralla Shire

6.1.1.3. At least one (1) member shall be under the age of thirty (30)

6.1.1.4. At least one (1) member shall be of Aboriginal or Torres Straits Island descent and/or representing a recognised First Nations body e.g. Local Land Council

6.1.2. Up to two (2) non-voting councillor representatives

6.1.3. Council may vary the requirements of clause 6.1.1 having regard for the intention of the quotas specified and clause 6.2

6.2. Council shall aim to appoint members to the Advisory Body from diverse backgrounds and representatives from different facets of the community.

6.3. Advisory Body membership is for the term of the Council. Following a general election of councillors, the existing Advisory Body membership continues until such time as the Council appoints new Advisory Body members.

6.4. Members may serve a maximum of two (2) consecutive terms.

6.5. A person remains a member for the duration of the Advisory Body term until:

6.5.1. Their appointed term ends; or

6.5.2. That person ceasing to be a member upon:

6.5.2.1. Delivering, in writing (letter or email), a resignation to the Advisory Body Secretary or a meeting of the Advisory Body; or

6.5.2.2. Being absent from three (3) consecutive meetings of the Advisory Body without leave of absence from the Advisory Body; or

6.5.2.3. Receiving written notification from Council that the person's membership with the Advisory Body has been terminated; or

6.5.3. Death.

6.6. An Advisory Body member who is an Office Bearer (Chair and Secretary) to the Advisory Body may resign from the position and remain a member of the Advisory Body.

6.7. Casual vacancies shall be filled in accordance with clause 7.2

6.8. Non-voting technical experts and/or observers may be appointed to the Advisory Body ongoing or on an *ad hoc* basis by invitation of voting membership or the Council, or the General Manager as delegate of the Council.

7. Appointment of Members and Office Bearers

7.1. Appointment of members

7.1.1. Advisory Body members shall be appointed by Council through a public Expression of Interest (EOI) process.

7.1.2. Nominees to the Advisory body shall:

7.1.2.1. Demonstrate a capacity to undertake the responsibilities and obligations of Advisory Body membership;

7.1.2.2. Have an expressed interest in progressing community benefit from renewable energy development;

7.1.2.3. Be able to look beyond personal and/or sectoral interests;

7.1.2.4. Be able to be impartial and whole of community focused;

7.1.2.5. Demonstrate their ability to represent community interest and provide feedback to the community;

7.1.2.6. Be a well-regarded individual of good standing in the community.

7.1.3. Nominations will be reviewed by an independent selection panel comprising of the General Manager, the Mayor, and a Senior Council officer and recommendations made to Council.

7.1.3.1. Councillors to be given a list of all applications and the panel's recommendations.

7.2. Vacancies

7.2.1. The Advisory Body Chairperson shall promptly advise Council of any casual vacancy.

7.2.2. The filling of any vacancy shall be approved by the Council with regard to the criteria outlined at clause 7.1.2

7.2.3. A casual vacancy may be filled through a review of earlier expressions of interest or a call for new expressions of interest to invite nominations from the public.

7.2.4. Interested persons may nominate for a vacant position regardless of whether expressions of interest have been called. Nominations shall be presented to Council for determination.

7.3. Leave of Absence

7.3.1. Any member who is absent for three (3) or more consecutive meetings without apology or leave of the Advisory Body shall have their position declared vacant and clause 7.2 shall be invoked.

7.4. **Advisory Body Chairperson**

7.4.1. At the first meeting of the Advisory Body's term the Advisory Body shall elect one of its members as Chairperson. The method of election shall be decided by the Advisory Body.

7.4.2. To be nominated for chairperson, a member must demonstrate sufficient qualifications and experience to take on the role as determined by the Advisory Body.

7.5. **Advisory Body Secretary**

7.5.1. At the first meeting of the Advisory Body's term the Advisory Body shall elect one of its members as Secretary. The method of election shall be decided by the Advisory Body.

8. **Member roles and responsibilities**

8.1. Community Advisory Body Members will have the following responsibilities:

8.1.1. Participate in the deliberations of the Advisory Body, with regard to the objectives of the Advisory Body and its establishment;

8.1.2. Solicit, receive, develop and/or assess benefit sharing proposals that meet the adopted criteria and align with community needs and existing Council plans and policies;

8.1.3. Offer informed and impartial recommendations to Council on the allocation of community benefit funds;

8.1.4. Act as a liaison between the community and Council, gathering input from residents and stakeholders to inform decision-making;

8.1.5. Disclose any potential conflicts of interest and recuse themselves from discussions or decisions where appropriate;

8.1.6. Adhere to the guiding principles and objectives outlined in the ToR, ensuring decisions contribute to the long-term prosperity and wellbeing of Uralla's community;

8.1.7. Ensure transparency in all activities, including documenting and reporting on Advisory Body's recommendations and decisions; and

8.1.8. Observe confidentiality when it is required.

8.2. Councillor representatives to the Advisory Body shall facilitate communication between the Advisory Body and Council by:

8.2.1. Presenting relevant minutes of Council to the Advisory Body;

8.2.2. Reporting on the Advisory Body's activities to Council; and

8.2.3. Referring any matters requiring clarification by the Advisory Body to the General Manager or to Council by way of a Councillor Delegates Report or Notice of Motion.

8.3. The role of the Chairperson is to:

- 8.3.1. Facilitate Advisory Body meetings, ensuring they are conducted efficiently and inclusively;
- 8.3.2. Ensure that discussions and decisions comply with the ToR and any relevant policies or regulations; and
- 8.3.3. Serve as the primary spokesperson for the Advisory Body in communications with the Council and the public.

8.4. The role of the Secretary is to:

- 8.4.1. Prepare and distribute the agenda prior to meetings; and
- 8.4.2. Take minutes during the meetings and distribute them in accordance with clause 9.3

8.5. The role of non-voting technical advisors and /or observers is to:

- 8.5.1. Present information to the group, facilitate workshops aimed at building the capacity of the Advisory Body to fulfil its objectives;
- 8.5.2. Offer specialised knowledge and expertise to inform Advisory Body's decision-making processes;
- 8.5.3. Assist in the evaluation of project proposals by providing technical assessments and feasibility analyses; and
- 8.5.4. Participate in discussions and provide advice in a way that adds value to the discussion and does not impede the operation or effectiveness of the group.

9. Meetings

9.1. Meeting location and frequency

- 9.1.1. Meetings of the Advisory Body will generally be determined by the Advisory Body, held quarterly with a minimum of four (4) meetings per year. Additional meetings can be convened as required.
- 9.1.2. Meetings will be scheduled at times and locations that are convenient for both members and advisors.
- 9.1.3. Meetings may be held in person or online. Council Chambers will be made available for meetings with Secretariat and administrative support provided by Council officers under the direction of the General Manager.

9.2. Attendance

- 9.2.1. Advisory Body members are expected to attend all quarterly meetings.
- 9.2.2. If a member cannot attend a meeting they should notify the chairperson in advance and seek leave of absence.

9.3. Minutes

9.3.1. Draft minutes to be supplied to Advisory Body members within 3 working days and members have 3 working days to reply.

9.3.2. Minutes and recommendations from the Advisory Body must be provided to the next Ordinary meeting of Council.

9.4. Meeting Procedure

9.4.1. The Uralla Shire Council [Code of Meeting Practice](#) (2022) shall guide the meeting procedures of the Advisory Body, except where varied by these Terms of Reference.

9.4.2. Advisory Body meetings are exempt from webcast requirements as described in clause 5.19 of the Code of Meeting Practice.

9.5. Presiding Member

9.5.1. The Chairperson shall preside at all Advisory Body meetings at which they are present.

9.5.2. In the absence of the Chairperson at a meeting or in the event of a conflict of interest in which the Chairperson has recused him or herself from discussion, the Advisory Body shall elect a temporary Chairperson.

9.6. Quorum

9.6.1. The quorum required for a meeting to commence will be a majority of current voting members (half the number of current members plus one).

9.6.2. A meeting will be adjourned and rescheduled if there is no quorum after 15 minutes.

9.7. Public Access

9.7.1. Members of the public, community organisations, Government representatives, civil society organisations, and businesses including but not limited to energy developers and generators may apply to the Chairperson to make a presentation to a meeting of the Advisory Body insofar as it relates to the purpose and objectives of the Advisory Body

9.7.2. Meetings of the Advisory Body shall be open to the public, except any item on the agenda closed under s10A of the *Local Government Act 1993* (NSW).

9.7.3. Advisory Body business agendas and minutes shall be published to the Council website

10. Decision-making process

10.1. The Advisory Body will adopt a consensus model for decision-making. This process aims to ensure that all members have an opportunity to participate in discussions and that decisions reflect the collective agreement of the group.

10.2. If consensus cannot be reached after thorough discussion and modification, a position may be carried by a ratio of two (2) votes in favour for one (1) vote against.

10.3. A voting member of the Advisory Body present at any meeting shall have one (1) vote on any matter.

11. Code of Conduct; Conflict of Interest; Removal of Members

11.1. The [Uralla Shire Council Code of Conduct](#) applies to all Advisory Body members.

11.2. Council may remove a member found to be in breach of the [Uralla Shire Council Code of Conduct](#)

11.3. Advisory Body members and councillor representatives are to declare conflicts of interest when any such interest arises.

11.4. Declarations of conflict of interest shall be recorded in the minutes and Advisory Body members shall abstain from voting on any matter relating to the declared conflict of interest.

12. Reporting

12.1. The Advisory Body shall report to Council through the provision of its Minutes.

12.2. To assist Council in its decision-making, recommendations made to Council shall:

12.2.1. Describe benefits and disadvantages;

12.2.2. Identify whole-of-life costs and who will bear ongoing maintenance and/or replacement responsibility where possible; and

12.2.3. Identify the deliberations the Advisory Body made in forming its decision. If there are differing views within the Advisory Body, these opinions be communicated to Council to assist Council in understanding the complexities of the issue at hand.

13. Delegated Authority

13.1. The Advisory Body does not have any delegated functions pursuant to section 377 of the *Local Government Act 1993 (NSW)* and does not have the power to direct Council officials.

14. Correspondence

14.1. The Advisory Body is not permitted to issue official correspondence to government officials, government departments, restricted fund contributing renewable energy developers or their contractors.

14.2. All official correspondence must be signed by the General Manager.

15. Media and Publicity

- 15.1. All media requests received must be referred to the Mayor or General Manager, who may delegate media liaison to the Advisory Body Chair.
- 15.2. Advisory Body members are permitted to speak to the media on any matters in their capacity as an Advisory Body member with prior approval from the General Manager.
- 15.3. In its function as forum for community engagement, media and social media releases may be issued the Advisory Body with the prior approval of the General Manager.

16. Confidentiality

- 16.1. Should Advisory Body members receive information that is confidential or commercially sensitive, it must be clearly marked as such.
- 16.2. Advisory Body members must not disclose confidential or commercially sensitive information discussed during a confidential session of an Advisory Body meeting or any other confidential forum (such as, but not limited to meetings, workshops or briefing sessions), and observe the [Uralla Shire Council Code of Conduct](#) as it relates to use and security of confidential information

17. Operational Support

- 17.1. Uralla Shire Council will support the Advisory Body through the provision of:
 - 17.1.1. A meeting place with virtual facilities
 - 17.1.2. Insurance coverage for volunteers
 - 17.1.3. Secretariat and administration services to be provided by Council officers under the direction of the General Manager

18. Amendments to the Terms of Reference and Dissolution

- 18.1. These Terms of Reference may be altered by Council resolution.
- 18.2. The Council may, at any time and either at its own initiative or upon request of the Advisory Body, alter, delete, or add provisions to these Terms of Reference.
- 18.3. The Council may, by resolution, terminate the term of the Advisory Body at its discretion.
- 18.4. In such event that the Council terminates the Advisory Body, the Council will provide formal notice to the Advisory Body in writing including the reason for the termination.

19. Interpretation

19.1. Any ambiguity or difficulty in interpretation of these Terms of Reference shall be referred to the Council for direction.

20. Dispute Resolution

20.1. Where the Advisory Body is unable to reach a determination on any issue, the Advisory Body must refer that issue to the Chairperson for determination.

20.2. Where the Advisory Body resolves that it is dissatisfied with the resolution of that dispute by the Chairperson it may, by notice in writing, request the General Manager review the issue.

20.3. Should the Advisory Body be dissatisfied with the decision by the General Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Advisory Body.