

Port Stephens Beachside Holiday Parks

Consultative Committee

Terms of Reference



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1. Background

The establishment of the 'Port Stephens Beachside Holiday Parks Consultative Committee' is an objective contained within the approved Plans of Management for the Port Stephens Beachside Holiday Parks and is supported by Council, the Trust and Crown Lands.

The purpose of the Committee is to provide a forum for meaningful discussion, facilitating appropriate consultation and engagement with holiday van owners toward the implementation stages of development and change occurring across the Fingal Bay, Shoal Bay and Halifax Holiday Parks.

2. Scope

The Holiday Parks Long Term Casual Occupancy Act 2002 makes provision for the 'park owner' to establish a consultative committee for its Holiday Parks. The formation of any such committee is at the discretion of the Council or Trust. It is also the right of the Council and the Trust to determine procedural issues including the extent of representation on the Committee.

The scope of operation of this Committee is to actively promote discussion on agenda matters with the view of improving the quality and financial viability of the holiday parks and amenity of the holiday van owners, in keeping with the objectives set out in the approved Plans of Management.

3. Definitions

- 3.1 "Park Owner" means Council and or the Trust.
- 3.2 "Council" means Port Stephens Council and the officers of Council.
- 3.3 "Crown Lands" means NSW Government Department of Trade & Investment Crown Lands and the officers of Crown Lands.
- 3.4 "Trust" means Council in its capacity as Crown Land Corporate Trust Manager on behalf of Crown Lands.
- 3.5 "Committee" means the Port Stephens Holiday Park Consultative Committee.
- 3.6 "Holiday Parks" means Fingal Bay, Shoal Bay and Halifax Holiday Parks.
- 3.7 "Park Management" means the appointed Council personnel responsible for the strategic and operational management of Port Stephens Beachside Holiday Parks.
- 3.8 "Holiday van" means a holiday van or caravan as defined in the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- 3.9 "Holiday van owner" means a person or persons who own a holiday van and who has the right to occupy a site under a current occupation agreement.
- 3.10 "Plans of Management" means the plans approved by the Minister for the purpose of managing key objectives, strategies and performance targets established for the management of a Holiday Park on Council land or Crown reserve.
- 3.11 "Port Stephens Caravan and Campers Association" (PSCCA) means the association representing holiday van owners within the holiday parks.

4. Consultative Committee ('Committee')

- 4.1 The Committee will meet on a quarterly basis or as otherwise determined by the Council or the Trust.
- 4.2 Extra ordinary meetings of the Committee may be convened only at the discretion of Council or the Trust.
- 4.3 A reminder of the date of the next meeting and the closing date for receipt of agenda items will be sent by the Secretariat to all Committee members in advance of the next meeting.
- 4.4 Meetings will be held at a time and date that is suitable for the majority of Committee representatives.
- 4.5 Meeting duration shall not exceed a maximum of (1½) one and a half hours unless determined otherwise by the Committee.
- 4.6 Quorum: To reach a quorum for the Committee at least three (3) of the elected Committee members must be present and at least three (3) Park Management representatives. If, for any reason, a quorum is not reached the meeting will be rescheduled.
- 4.7 The Committee may formulate recommendations and submit same to Council or the Trust for its consideration and determination. There is no decision making authority delegated by the Council or the Trust to the Committee.

5. Objectives and Purpose

- 5.1 To provide a consultation mechanism for the progression of the approved Plans of Management and the associated strategies, actions and improvements including the staged progress and preparation of development works and the related changes to each Park site layout.
- 5.2 To improve communication and act as an information channel between Holiday Van Owners, the Council, the Trust and Park Management.
- 5.3 To ensure that Holiday Van Owners' concerns and issues are understood and accurately presented to the Committee for discussion.
- 5.4 To act in a way that improves communication channels between Holiday Van Owners and Park Management.
- 5.5 To provide a forum for open discussion. Issues are to be of a collective nature only.
- 5.6 To provide targeted advice and information from Council and the Trust back to the Committee.
- 5.7 To consider relevant information to be circulated in the Quarterly Holiday Van newsletter.

6. Representation and Membership

- 6.1 The Committee will be chaired by Council's Property Services Section Manager or nominated delegate.
- 6.2 Membership of the Committee will comprise ten (10) members:-
 - 6.2.1 Park Management – five (5) appointed representatives
 - Property Services Section Manager or delegate
 - Business Development Manager
 - Manager, Halifax Holiday Park
 - Manager, Shoal Bay Holiday Park
 - Manager, Fingal Bay Holiday Park
 - 6.2.2 Holiday van owners – five (5) elected representatives
 - Halifax (1)
 - Shoal Bay (1)
 - Fingal Bay (3)
- 6.3 Holiday van owner representatives will be elected through elections conducted across the three holiday parks. If a holiday van owner representative resigns their position on the Committee, a new delegate will be sought through an expression of interest. If a holiday van owner representative is unable to attend any one meeting of the Committee, a nominated delegate approved by the Chairperson may attend in their place.
- 6.4 The five (5) holiday van owner representatives will be elected from the five (5) established electorates:-
 - 6.4.1 **Halifax** (representing all occupants on Halifax Holiday Park);
 - 6.4.2 **Shoal Bay** (representing all occupants on Shoal Bay Holiday Park);
 - 6.4.3 **Fingal Bay** – A minimum of two (2) and a maximum of three (3) representatives to represent Fingal Bay Holiday Park as a whole.
- 6.5 All holiday van owners will be provided with the opportunity to nominate a van owner to represent their electorate to which they belong, as detailed in 6.4 above.
- 6.6 A holiday van owner may nominate in one electorate only.
- 6.7 Nominators must supply, along with their nomination form:-
 - 7.3.1 A short description of their background (half an A4 page maximum) and reasons for wanting to be elected to this Committee; and
 - 7.3.2 A current head and shoulders photograph which will be published with the ballot paper to enable holiday van owners to make a considered choice when voting for their representative
- 6.8 Nominations will be called giving 28 days notice of closure of nominations.

- 6.9 Within 7 working days of the closure of nominations, holiday van owners will be provided with details of those holiday van owners who have nominated and receive a ballot paper for return to Port Stephens Beachside Holiday Park Management at PO Box 147 Nelson Bay, 2015 with 28 days of the date of issue.
- 6.10 Should multiple nominations not be received in any one electorate, the individual who has nominated will be declared the representative for that electorate.
- 6.11 If the vote for any one position is tied, then the representative will be decided by a random draw of names.
- 6.12 Holiday van owners will be given one vote per site occupancy agreement to elect a representative for their electorate.
- 6.13 The ballot process will be supervised and conducted by the nominated Returning Officer (Council's Public Officer).
- 6.14 Within 2 working days of the close of the ballot, Park Management will advise holiday van owners of the successful elected Holiday Van Representatives for the Committee.
- 6.15 If no nominations are received, the Chairperson may approach an individual holiday van owner or the Port Stephens Caravan and Campers Association and recommend appointment to the vacant position to Committee to fill the casual vacancy until the next election period.

7. Term of Committee Members

- 7.1 Committee members will be elected for a two year term.
- 7.2 During the first term of office, (no earlier than 18 months from the committee commencing) an election will be held for 2 of the members with an election for the remaining 3 to be held the following year (at the end of the two year term). This will ensure continuity of membership.
- 7.3 The Committee will actively seek nominees for vacant positions as they become available.
- 7.4 A Committee member may resign at any time, with notification in writing to the Chairperson.
- 7.5 Committee members may be re-elected for consecutive terms.

8. Responsibilities of Members

- 8.1 Members of the Committee are expected to:
 - 9.1.1 have a good understanding of the Committee's position within the Council's governance framework;
 - 9.1.2 understand the regulatory and legislative requirements appropriate to Council, the Trust and Crown Lands;
 - 9.1.3 ensure effective communication exists between the Committee, Park Management and key stakeholders; and
 - 9.1.4 provide professional competency to be able to meet the objectives of the Committee.

- 9.2 All Committee members are required to uphold the Council's values and behaviours, which are considered to be core requirements of Council and the Trust. All Committee members are expected to demonstrate these values and behaviours in their dealings with each other and with the holiday park community.
- 9.2.1 **Respect** – The Consultative Committee will respect the individual, the environment and our culturally diverse community. We will treat everyone fairly with equity of opportunity and access for all.
- 9.2.2 **Integrity** - The Consultative Committee will be honest in all that we do.
- 9.2.3 **Teamwork** - The Consultative Committee will work within a network of people for the betterment of the community.
- 9.2.4 **Excellence** - The Consultative Committee will strive to excel at everything we do. We will aim for the highest standard of quality to achieve best value for our community and customers.
- 9.2.5 **Safety** - The Consultative Committee will strive for a safer community. We do not put ourselves, or others at risk of injury and we will report hazards and make them safe.

9. Administrative Arrangements

- 9.1 Meeting practice:
- 10.1.1 Unless otherwise specified in this Terms of Reference and in accordance with any Local Government or Crown Lands legislative requirements, the Committee will determine its meeting practice, processes and protocols.
- 9.2 Voting:
- 10.2.1 Matters under consideration by the Committee will be determined by **consensus** whenever possible. In the event that consensus cannot be achieved, an item is adopted by the Committee where a majority of members vote for the subject. If the voting is tied the Chairperson has a second (casting) vote which is used to break the deadlock.
- 9.3 Secretariat:
- 10.3.1 Park Management will provide the Secretariat to the Committee. The Secretariat will:
- coordinate the meetings;
 - prepare and distribute the agenda;
 - arrange for the preparation and distribution of agendas and minutes.
- 9.4 Agenda:
- 10.4.1 Any Committee representative may submit agenda items. Holiday van owners can submit agenda items through their representatives.
- 10.4.2 Such items shall be forwarded to the Secretariat at least fourteen (14) days prior to the next meeting unless the Chairperson agrees that the urgency of the item makes this impracticable.
- 10.4.3 Representatives submitting items should ensure the content is given in sufficient detail to assist members to understand the issues raised, or by providing additional supporting information.
- 10.4.4 The Secretariat will ensure the agenda for each meeting and supporting papers are circulated to members in sufficient time (at least three working days) before the meeting.
- 10.4.5 Circulation of the agenda will be by normal postal services or electronic means as determined by the Committee.
- 10.4.6 Park Management at its discretion will approve/disapprove items submitted for inclusion in any agenda. There will be no general business permitted at the meeting.
- 10.4.7 Only agenda items of a collective nature will form the basis for discussion at Committee meetings – items of an individual nature ie. Items that relate to an individual holiday van owner will not form discussion at Committee meetings.

- 10.4.8 Any additional information, which comes to hand after the preparation of agenda papers, may be tabled at the meeting. The Secretariat will distribute papers to the Committee representatives prior to the Committee meeting, where possible.
- 9.5 Minutes:
- 10.5.1 A formal record of the Committee meetings, including action responsibilities shall be prepared by the Secretariat and circulated to all members within one week of the meeting.
- 10.5.2 Any comments shall be submitted to the Secretariat within two weeks of circulation.
- 10.5.3 The final record draft will be settled by the Chairperson, circulated to all the members and published within the Beachside Holiday Parks website and Council's central electronic records system (TRIM).
- 9.6 Code of Conduct:
- 10.6.1 Committee members are bound by the terms and conditions of the Port Stephens Council Code of Conduct.
- 10.6.2 Committee members must declare any conflicts of interest at the start of each meeting. Details of any conflicts of interest must be appropriately minuted.
- 10.6.3 Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist.
- 10.7 Induction:
- 10.7.1 Park Management will ensure that new Committee members receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.
- 10.8 Performance Assessment:
- 10.8.1 The Chair of the Committee will initiate an annual review of the performance of the Committee. The review will be conducted on a self-assessment basis (unless otherwise determined by the Committee), with appropriate input from relevant stakeholders, as determined by the Committee.
- 10.9 Review of Committee Terms of Reference:
- 10.9.1 The Committee will review the Committee Terms of Reference on an annual basis and make recommendation on any changes to Council or the Trust for its determination. Any changes to the Committee Terms of Reference must be approved by Council or the Trust.

10. Meeting Attendance

- 10.1 Committee members are expected to attend all Committee meetings.
- 10.2 Each participating member of the Committee shall meet all costs of their individual participation and attendance at Committee meetings.
- 10.3 Where a representative fails to attend three successive meetings without submitting a satisfactory explanation, a casual vacancy will be declared.
- 10.4 Persons other than Committee members/alternates/Council or Crown Land Officers, shall not be permitted to attend meetings unless by invitation of the Committee Chairperson.
- 10.5 A suitable meeting place and facilities will be made available by Council or the Trust for the purpose of conducting the Committee meetings.
- 10.6 Where a member is unable to attend a meeting, a nominated delegate approved by the Chairperson may be substituted.

11. Confidentiality

Port Stephens Council has a common law and statutory obligation to protect the privacy and confidentiality of some information that may be shown to Committee Members. It is expected that Committee Members will accept and maintain the confidentiality of information so

designated. Matters of a confidential nature will be identified during the meeting, however if a member is unsure the confidentiality of the matter should be checked with the Chairperson.

Letters from individuals addressed to Council will not be provided to the Committee nor will Council representatives provide names and addresses of any correspondence directed to Council.

12. Making Public Statements

Port Stephens Council authorises delegated staff to make public statements on behalf of Port Stephens Council. Other than designated Council staff Committee members are not permitted to make public statements on behalf of the Committee or Council including any media interviews and written material for publications e.g. the local newspaper, social media or radio.

13. Dispute Resolution

Should issues arise about a member continuing their representation on the Committee, the member's views will be sought with the aim of resolving the issue. Initially this will be the responsibility of the Chairperson of the Committee.

If after a genuine attempt to resolve the issue the Chairperson considers that the members appointment should be reviewed the matter will be referred to Council Senior Management to assist in conciliating the matter.

The Member may wish to have a support person during this process.

If conciliation is unsuccessful and a decision is made to discontinue representation, the Member will be verbally informed of the decision with subsequent written confirmation from Council provided.

Version Control

Version	Change From Previous	Date	Comment
1	Created	29 Oct 2013	Version 1 endorsed by Port Stephens Holiday Park Trust
2	Amendments to Section 6.2.1 Amendments to Section 9.2.1 to 9.2.5	2 July 2014	Version 2 endorsed by Port Stephens Holiday Park Reserve Trust
3	Amendments to Section 6.4	14 December 2017	Version 3 endorsed by Port Stephens Holiday Park Reserve Trust