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## PORT STEPHENS BEACHSIDE HOLIDAY VAN CONSULTATIVE COMMITTEE

### 1. PURPOSE

- 1.1 The purpose of the Holiday Van Consultative 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.
- 1.2 To ensure that **Holiday Van Owners'** concerns and issues are understood and accurately presented to the **Committee** for discussion.
- 1.3 To improve communication and act as an information channel between **Holiday Van Owners**, the **Council** and **Park Management**.
- 1.4 To act in a way that improves communication channels between **Holiday Van Owners** and **Park Management**.
- 1.5 To provide a forum for open discussion. Issues are to be of a collective nature only.
- 1.6 To consider relevant information to be circulated in the Quarterly Holiday Van Newsletter.

### 2. CONTEXT / BACKGROUND

- 2.1 Port Stephens Beachside Holiday Parks Consultative Committee was established in April 2014 to ensure an appropriate channel of communication was formed between **Council** and **Holiday Van Owners** at Fingal Bay, Shoal Bay and Halifax. Under the *Crown Land Management Act (2016)* Council is recognised as the **Crown Land Manager** and as such has a responsibility to manage **Crown Lands** for the purposes for which the land is reserved or dedicated.
- 2.2 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. It is also the right of the Council to determine procedural issues including the extent of representation on the Committee.

### 3. SCOPE

- 3.1 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 holiday van owners, in keeping with the objectives set out in the approved **Plans of Management**.

### 4. DEFINITIONS

- 4.1 "Park Owner" means Council.

- 4.2 "Council" means Port Stephens Council and the officers of Council.
- 4.3 "Crown Lands" means NSW Government Department Industry, and the officers of Crown Lands.
- 4.4 "Crown Land Manager" means Council in its capacity as managers of Crown reserves.
- 4.5 "Committee" means the Port Stephens Holiday Van Consultative Committee.
- 4.6 "Holiday Parks" means Fingal Bay, Shoal Bay and Halifax Holiday Parks.
- 4.7 "Park Management" means the appointed Council personnel responsible for the strategic and operational management of Port Stephens Beachside Holiday Parks.
- 4.8 "Holiday van" means a holiday van or caravan as defined in the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
- 4.9 "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.
- 4.10 "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.
- 4.11 Port Stephens Caravan and Campers Association - "PSCCA" means the association representing holiday van owners within the holiday parks.

## 5. AUTHORITY

- 5.1 The **Committee** may formulate recommendations and submit same to Council for its consideration and determination. There is no decision making authority delegated by the **Council** to the **Committee**.

## 6. TERM

- 6.1 The commencement date of the Holiday Van Consultative Committee was April 2014 and is ongoing.

## 7. MEMBERSHIP

- 7.1 Membership of the **Committee** will comprise 10 members:

7.1.1 **Park Management** – 5 appointed representatives:

- Holiday Park Section Manager or delegate;
- Administration Officer or delegate;
- Holiday Parks Business Manager;
- Holiday Parks Operations Manager;
- Holiday Park Assistant Manager.

7.1.2 **Holiday Van Owner** – 5 elected representatives:

- Halifax (1);
- Shoal Bay (1); and

- Fingal Bay (3) – North Precinct – includes Amaroo, Toowoan, Karloo Gooyah and Yatamah Streets, South Precinct – includes 7 vans in Pinaroo (23-35 on South boundary), Muraban, Kalyan, Rumaiy, Orana Streets (#18-42) and West Precinct – includes Pinaroo (2-75 excludes 7 vans in South precinct), Orana (#2-16), Quandong Extension & Nowrainie Streets.

7.2 **Holiday Van Owner** representatives will be elected through elections conducted across the 3 **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, preferably from the same precinct, or a **PSCCA** member or a current **Holiday Van Owner** in the park as approved by the Chairperson may attend in their place.

7.3 The 5 **Holiday Van Owner** representatives will be elected from the 5 established electorates:

7.3.1 **Halifax** (representing all occupants on Halifax Holiday Park);

7.3.2 **Shoal Bay** (representing all occupants on Shoal Bay Holiday Park);

7.3.3 **Fingal Bay** – A minimum of 2 and a maximum of 3 representatives to represent Fingal Bay Holiday Park as a whole.

## 7.4 Elections

7.4.1 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 7.1.2 above.

7.4.2 A **Holiday Van Owner** may nominate in one electorate only.

7.4.3 Nominators must supply, along with their nomination form:-

7.4.3.1 A short description of their background (half an A4 page maximum) and reasons for wanting to be elected to this **Committee**; and

7.4.3.2 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.

7.4.4 Nominations will be called giving 28 days notice of closure of nominations.

7.4.5 Within 7 working days of the closure of nominations, **Holiday Van Owners** will be provided with details of those who have nominated and receive a ballot paper for return to Port Stephens Beachside Holiday Park Management, PO Box 147 Nelson Bay 2315, within 28 days of the date of issue.

7.4.6 Should multiple nominations not be received in any one electorate, the individual who has nominated will be declared the representative for that electorate.

7.4.7 If the vote for any one position is tied, then the representative will be decided by a random draw of names.

7.4.8 Holiday van owners will be given one vote per site occupancy agreement to elect a representative for their electorate.

7.4.9 The ballot process will be supervised and conducted by the nominated Returning Officer (Council's Public Officer).

7.4.10 Within 2 working days of the close of the ballot, Park Management will advise **Holiday Van Owners** in that precinct of the successful elected Holiday Van Representatives for the **Committee**.

- 7.4.11 If no nominations are received, the **Committee** Chairperson may approach an individual **Holiday Van Owner** and recommend appointment to the vacant position to **Committee** to fill the casual vacancy until the next election period.

## **7.5 Term of Committee Members**

- 7.5.1 **Committee** members will be elected for a 2 year term.
- 7.5.2 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 2 year term). This will ensure continuity of membership.
- 7.5.3 The **Committee** will actively seek nominees for vacant positions as they become available.
- 7.5.4 A **Committee** member may resign at any time with notification in writing to the Chairperson.
- 7.5.5 **Committee** members may be re-elected for consecutive terms.
- 7.5.6 Election for any vacant Committee Member positions will occur annually, coinciding with timing of the election process described at 7.5.2

## **8 ROLES AND RESPONSIBILITIES**

- 8.1 The **Committee** will be chaired by Council's Holiday Parks Section Manager or nominated delegate.  
The Administration Officer or delegates role is to provide advice and general knowledge to the **Committee** members.  
The **Holiday Park** Managers or delegates roles are to provide advice and recommendations on the agenda items and to provide input and direction to ensure transparency and that all information is true and relevant.  
The **Holiday Van Owners** representatives roles are to ensure they provide appropriate consultation and engagement with **Holiday Van Owners** regarding development and change occurring across the **Holiday Parks**.
- 8.2 Members of the **Committee** are expected to:
- 8.2.1 Have a good understanding of the **Committee's** position within the **Council's** governance framework;
- 8.2.2 Understand the regulatory and legislative requirements **Council** appropriate to **Council** and **Crown Lands**;
- 8.2.3 Ensure effective communication exists between the **Committee**, **Park Management** and key stakeholders; and
- 8.2.4 Provide professional competency to be able to meet the objectives of the **Committee**.
- 8.3 All **Committee** members are required to uphold the **Council's** values and behaviours, which are considered to be core requirements of Council. All **Committee** members are expected to demonstrate the following values and behaviours in their dealings with each other and with the **Holiday Parks** community:
- 8.3.1 *Respect* – the individual, the environment and our culturally diverse community. We will treat everyone fairly with equity of opportunity and access for all.

- 8.3.2 *Integrity* - The **Committee** members will be honest in all that we do.
- 8.3.3 *Teamwork* - **Committee** members will work within a network of people for the betterment of the community.
- 8.3.4 *Excellence* - **Committee** members 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.
- 8.3.5 *Safety* - **Committee** members 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.

## **8.4 Code of Conduct**

- 8.4.1 **Committee** members are bound by the terms and conditions of **Council's** Code of Conduct.
- 8.4.2 **Committee** members must declare any conflicts of interest at the start of each meeting. Details of any conflicts of interest must be appropriately minuted.
- 8.4.3 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.

## **8.5 Induction**

- 8.5.1 **Park Management** will ensure that new **Committee** members receive relevant information and briefings on their appointment to assist them to meet their **Committee** responsibilities.

## **8.6 Performance Assessment**

- 8.6.1 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** members.

## **9 ADMINISTRATION ARRANGEMENTS**

### **9.1 Meeting practices and cycles**

- 9.1.1 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.
- 9.1.2 The **Committee** will meet on the 3rd week of February, May, August and November of each year.
- 9.1.3 Extra-Ordinary meetings of the **Committee** may be convened only at the discretion of **Council**.
- 9.1.4 Meetings will be held at a time and date that is suitable for the majority of **Committee** members.
- 9.1.5 Meeting duration shall not exceed a maximum of 1½ hours unless determined otherwise by the **Committee**.

- 9.1.6 To reach a quorum for the **Committee** at least 3 of the elected **Committee** members must be present and at least 3 **Park Management** representatives. If for any reason a quorum is not reached the meeting will be rescheduled.
- 9.1.7 Meeting Attendance - **Committee** members are expected to attend all **Committee** meetings.
- 9.1.8 Each participating member of the **Committee** shall meet all costs of their individual participation and attendance at **Committee** meetings.
- 9.1.9 Where a **Committee** member fails to attend 3 successive meetings without submitting a satisfactory explanation, a casual vacancy will be declared.
- 9.1.10 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.
- 9.1.11 A suitable meeting place and facilities will be made available by **Council** for the purpose of conducting the **Committee** meetings.
- 9.1.12 Where a **Committee** member is unable to attend a meeting, a nominated delegate preferably from the same precinct, or a **PSCCA** member or a current **Holiday Van Owner** in the park as approved by the Chairperson may attend in their place. The nominated representative may attend the meeting via online video link,
- 9.1.13 By agreement, the meeting may be held via online video link .

## **9.2 Secretariat**

- 9.2.1 **Park Management** will provide the Secretariat to the **Committee**.

## **9.3 Agenda and minutes**

- 9.3.1 Any **Committee** member may submit Agenda items.
- 9.3.2 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
- 9.3.3 Agenda items shall be forwarded to the Secretariat at least 7 days prior to the next meeting.
- 9.3.4 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.
- 9.3.5 The Secretariat will ensure the Agenda for each meeting and supporting papers are circulated to members in sufficient time (at least 3 working days) before the meeting.
- 9.3.6 Circulation of the Agenda will be by electronic means as determined by the **Committee**.
- 9.3.7 **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.
- 9.3.8 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.

- 9.3.9 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.
- 9.3.10 **Minutes** - A formal record of the **Committee** meetings, including action responsibilities, shall be prepared by the Secretariat and circulated to all **Committee** members within 1 week of the meeting.
- 9.3.11 Any comments shall be submitted to the Secretariat within 1 week of circulation.
- 9.3.12 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 (EDRMS).

## **9.4 Voting**

- 9.4.1 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.

## **9.5 Recordkeeping**

- 9.5.1 The Secretariat will be responsible for minute taking and appropriate record keeping in line with **Council** policy.

## **10. CONFIDENTIALITY**

- 10.1 Members listed in this Terms of Reference may become acquainted with or have access to confidential and/or sensitive information. Members should not disclose such information to any other party unless specifically authorised to do so and should not make improper use of any information.
- 10.2 **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.
- 10.3 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**.

## **11. INTELLECTUAL PROPERTY**

- 11.1 The **Committee** acknowledges and agrees:
  - 11.1.1 It is important for **Council** to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.

11.1.2 The **Committee** has a duty to observe and help protect **Council's** intellectual property by not copying or supplying such property without the express permission of **Council** or the copyright owner.

11.1.3 **Council** retains ownership of all intellectual property created by Members in the course of their **Committee** work.

11.1.4 **Council** will acknowledge the **Committee** if publishing or reproducing a copy of Holiday Van Consultative Committee research, including images and historical data.

11.2 The Holiday Van Consultative **Committee** will refer to the Secretariat any questions relating to intellectual property rights or the use of another organisation's document.

## 12. MEDIA

12.1 Any media liaison associated with the activities of the **Committee** shall be undertaken in accordance with **Council's** protocols and with the approval of the **Committee**.

12.2 **Council** authorises delegated staff to make public statements on its behalf however 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 eg the local newspaper, social media or radio.

## 13. REVIEW

13.1 The Terms of Reference will be reviewed at the first meeting each calendar year and recommendations made to Council of suggested changes, for its determination. Any changes to the **Committee** Terms of Reference must be approved by **Council**.

## 14. OTHER MATTERS

14.1 Dispute Resolution - Should issues arise about a **Committee** 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 **Committee** members appointment should be reviewed the matter will be referred to **Council** Senior Management to assist in conciliating the matter.

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

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

14.2 In carrying out its functions the **Committee** will be guided by existing processes and policies of **Council**.



## 15. MEETING CODE OF COOPERATION

- We start on time and finish on time.
- We focus on the strategic intent of the item.
- We ensure that people attending meetings are provided with guidance and support.
- We consider the risks and opportunities of each item.
- We are prepared to have open and honest conversations about an issue even if it is uncomfortable.
- We all participate fully and are prepared to challenge each other.
- We use improvement tools that enhance meeting efficiency and effectiveness.
- We actively listen to what others have to say, seeking first to understand then to be understood.
- We consider the deployment of actions and programs through appropriate frameworks and communicate the consensus view through appropriate channels.
- We follow up on the actions we are assigned responsibility for and complete them on time.
- We give and receive open and honest feedback in a constructive manner.
- We use data to make decisions (whenever possible).
- We determine issues arising by consensus or refer to the Chair for consideration.
- We strive to continually improve our meeting process and build time into each agenda for reflection and learning.
- We will promote best practice, keeping open minds, combining our experiences and shared learnings to inform our deliberations.

## 16. RELATED DOCUMENTS

- *Local Government Act 1993;*
- *Crown Land Management Act (2016);*
- *Holiday Parks Long Term Casual Occupancy Act (2002);*
- *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;*
- *Port Stephens Council's Code of Conduct.*

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### CONTROLLED DOCUMENT INFORMATION:

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# Terms of Reference

Audience			
Process owner	Holiday Park Administration officer		
Author	Holiday Park Administration officer		
Review timeframe	First meeting of the year	Next review date	February 2022
Adoption date	June 2021		

## VERSION HISTORY:

Version	Date	Author	Details
1	October 2019	Holiday Park Administration officer	Original document converted into new format
2	February 2021	Holiday Park Administration officer	7.1.1 Update of Park Management members 9.1.2 word change 9.1.12 Sentence addition 9.1.13 Clause addition