



MUSWELLBROOK SHIRE
COMMUNITY BENEFIT FUND
ADVISORY COMMITTEE

TERMS OF REFERENCE
23 JULY 2024



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PURPOSE AND OBJECTIVE

The purpose of the Muswellbrook Shire Community Benefit Fund Advisory Committee is to make recommendations to Muswellbrook Shire Council on the assessment, proposals and allocation of funds from the Muswellbrook Shire Community Benefit Fund to projects which demonstrate an economic, community, or environment benefit.

REPORTS TO

Council to:

1. Govern the expenditure of funds allocated to the Muswellbrook Shire Community Benefit Fund (MSCBF).
2. Assist in managing the impacts of development (and ancillary activities) and the closure of mines and power stations.
3. Use funds received from planning agreements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to diversify and grow the economy; improve wellbeing, liveability and education/training and employment opportunities; and support environmental conservation principles as outlined in Section 7.4(2) of the EP&A Act.
4. Serve as a practical instrument to support realisation of the broader goals of the Community Strategic Plan; and
5. Provide long-term financial assistance for projects that benefit the residents of Muswellbrook Shire.

AUTHORITY AND DELEGATION

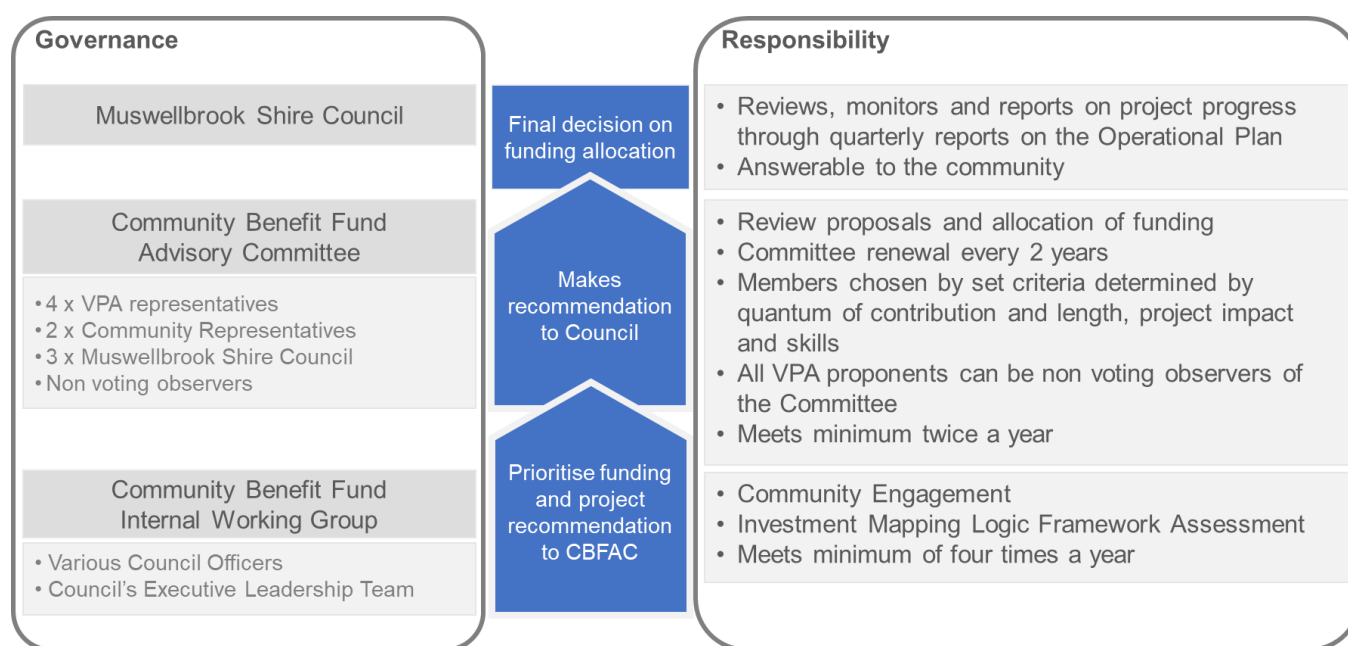
The MSCBF Advisory Committee (Committee) does not possess any delegation or decision-making authority either from the General Manager or Council. The Committee may make recommendations to Council on matters relevant to its purpose and scope. The Committee may provide advice and direction to Council Officers and the internal working group on the process undertaken to identify and assess projects for funding.

SCOPE

The scope of activities to be overseen by the Committee include:

1. Identify issues and risks to the socio-economic structure of the community.
2. Contribute to and prioritise projects that:
 - a) diversify and grow the Shire's economy;
 - b) improve wellbeing, liveability, and education/training and employment opportunities for residents of the Shire; and
 - c) support environmental conservation principles as outlined in Section 7.4(2) of the EP&A Act.
3. Assist the MSCBF Working Group with direction and decisions; and
4. Make contributions toward preparation of annual reports regarding the MSCBF performance and outcomes.

GOVERNANCE FRAMEWORK



MEMBERSHIP

Name	Organisational Role	Role
4 x VPA Representatives	N/A	Member
2 x Community Representatives	N/A	Member
3 x Muswellbrook Shire Council Representatives	Councillor	Member

- As required, members of the Committee may request attendance of other stakeholders or subject matter experts.
- The member requesting attendance of an invitee must advise the Committee Chair prior to the next scheduled meeting, so that the appropriate items can be added to the agenda.
- Attendance by non-member attendees will be by invitation only.

The Committee will be supported by the following Muswellbrook Shire Council positions:

Organisational Role	Role
General Manager	Officer
Director Community and Economy	Officer
Director Planning and Environment	Officer
Economic Development Officer	Officer
Chief Financial Officer	Officer

MEETINGS

Meetings will follow the Model Code of Meeting Practice.

The Committee shall meet at such times and at such places as it may determine. Agenda items are to be provided to the Secretariat one week prior to the meeting, a summary of issues, actions, and decisions of each meeting of the Committee will be recorded and an action log will be developed and tabled at each meeting.

Meetings can be held in person, by telephone, or by video conference.

CHAIRPERSON

The Chair is to be nominated by the membership and a rotating Chair is acceptable. The Committee will be provided with administration support from Muswellbrook Shire Council. Presenters will be invited as required.

Where there is no chair nominated, the Committee will be Chaired by the Muswellbrook Shire Mayor or delegate.

ESCALATION

Issues requiring escalation are to be raised in writing to the General Manager for resolution and / or decision by Council.

QUORUM REQUIREMENTS

A minimum of three (3) members must be in attendance for a meeting to be proceed.

The Committee is expected to make decisions by consensus, however, if voting becomes necessary then the details of the vote are to be recorded in the minutes. Each member of the Committee is entitled to one vote only. In the case of an equality of votes on any issue the Chair will have the casting vote.

APOLOGIES

Members of the Committee shall make an apology via the Chair to attend a meeting if the member is unable to attend.

AD HOC INVITEES

As required, members of the Committee may request attendance of other stakeholders or subject matter experts.

The member requesting attendance of an invitee must advise the Committee Chair prior to the next scheduled meeting, so that the appropriate items can be added to the agenda.

Attendance by non-member attendees will be by invitation by the General Manager only.

CONFIDENTIALITY

Discussions that occur within the Committee are to be kept confidential. If there are key messages to be communicated outside of the Committee a communiqué will be developed and endorsed by the Committee.

CONFLICTS OF INTEREST

Members will provide declarations in relation to any conflicts of interest that would preclude them from considering specific issues within a meeting.

Members must declare these conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic.

Details of any conflicts of interest will be recorded in the minutes.

ENGAGEMENT WITH THE MEDIA

Only the Mayor and General Manager of Muswellbrook Shire Council, and the Committee Chair will be permitted to comment to the media on behalf of the Committee, unless otherwise agreed by the Committee.

AMENDMENT

At least once every 4 years, the Committee will review this Terms of Reference, including its membership, and will make recommendation on any changes to Council for its determination.

TERM

This Terms of Reference is effective from the date of Council's resolution until such time as Council discharges the Committee of its function.

Once agreement is reached, funds will be deposited in the Fund Account. A record will be maintained of the contributions of each party to the Fund.

Interest accrued in the Fund Account will remain within the account for use on Fund Projects.

Decisions on projects and initiatives to which the funds are allocated will be agreed and approved in accordance with the Muswellbrook Shire Community Benefit Fund Procedure (Procedure). Key features of the Procedure include the following:

- Membership of the MSCBF Advisory Committee and MSCBF Working Group (consisting of three persons from Council and three persons representing the combined development proponents).
- Structure:
 - The MSCBF Working Group evaluates and endorses Funding Proposals (in consultation with all proponents) to be reviewed by the Advisory Committee.
 - The Advisory Committee considers Funding Proposals endorsed by the Working Group and recommends to Council for final approval.
- Funding Proposals:
 - Any Councillor, Working Group member, Advisory Committee member, or community member may submit a proposal for a business case review.
 - Council will invite the community to nominate projects on an annual basis.
 - Funding Proposal Criteria are outlined in Section 5 of the Procedure and defined in Section 7.4(2) the *Environmental Planning and Assessment Act 1979*.
 - A minimum funding allocation of 10% for each Community Strategic Plan category will apply.
- Reporting:
 - The Working Group must report to the Advisory Committee as to the progress and status of all active Fund Projects, including the current balance of the Fund Account and where funds have been allocated and spent.
 - An annual report will be made available to all parties who have entered into a Planning Agreement with Council, and to the community in general.

Authorisation Details:

Authorised by:	Council
Minute No:	10
Date:	23/07/2024
Review timeframe:	4 years
Department:	Community and Economy
Document Owner:	Director Community and Economy

Review History:

Version No.	Date Changed	Modified By	Amendments Made
1			Draft for public exhibition
2	July 2024	Env Planning Officer	Minor change relating to four-year term for Advisory Committee (originally a two-year term)