



NSW SUSTAINABLE DIVERSION LIMIT ADJUSTMENT MECHANISIM
PROGRAM - MURRUMBIDGEE SUBPROGRAM

Yanco Community Advisory Group

Terms of reference

November 2019



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Yanco Community Advisory Group

Subtitle: Terms of reference

First published: October 2019

Department reference number: DOC19/25237

More information

industry.nsw.gov.au/water

Acknowledgements

In conjunction with the Australian Government's Department of Agriculture, the NSW Department of Planning, Industry and Environment are delivering the NSW Sustainable Diversion Limit Adjustment Mechanism projects under the *Basin Plan 2012*.

© State of New South Wales through Department of Planning, Industry and Environment 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2019) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

SDLAM Program Overview	1
Background	1
Governance Structure	2
Purpose.....	3
Scope	4
Responsibility	4
Membership.....	5
Secretariat support	6
Conflicts of interest	6
Meetings	7
Frequency of meetings.....	7
Format	7
Operation (including Code of Conduct)	7
Process	8
Decision-making.....	8
Quorum	9
Escalation of issues.....	9
Frequency of meetings.....	9
Reporting mechanism	9
Records management	9
Remuneration.....	9
Contact.....	9
Version history.....	10

SDLAM Program Overview

Background

The Murray–Darling Basin Plan 2012 sets limits on the amount of water available for urban, industrial and agricultural use in the Basin. These limits are known as sustainable diversion limits (SDLs). The Basin Plan includes a sustainable diversion limit adjustment mechanism (SDLAM) to enable environmental outcomes to be achieved with less water recovery from consumptive users such as farmers.

In 2017 the Australian, New South Wales, South Australian and Victorian governments notified a package of 36 supply and constraints projects under the SDLAM program. The Basin states are responsible for implementing the supply and constraints measures. States are also responsible for assisting the Commonwealth deliver efficiency measures under the SDLAM ('upwater'), as opposed to supply and constraints projects (downwater'). Under the Basin Plan, projects must be ready to enter into operation by 30 June 2024.

The Water division of Department of Planning, Industry and Environment is responsible for the delivering the SDLAM program within NSW, which involves 22 separate projects.

You can view a summary of all 36 SDLAM projects on the Murray–Darling Basin Authority website at:

mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals-state-projects

In February 2017, NSW signed a funding schedule with the Commonwealth to undertake a stage one preconstruction feasibility study into ten SDLAM projects. These projects are grouped into three subprograms for planning, delivery and efficiency purposes:

- Murrumbidgee
- Darling
- Murray.

Three projects within the Murrumbidgee subprogram closely relate to the Yanco Creek system:

- Improved flow management works at Murrumbidgee River (Yanco Creek Offtake project)
 - This project proposes infrastructure capable of raising Yanco Weir pool in the Murrumbidgee River up to 2.5 metres above current full supply level, and the construction of a new regulator in the Yanco Creek offtake cutting
- Modernising supply systems for effluent creeks at the Murrumbidgee River (Yanco Creek system)
 - This project proposes new and/or modified re-regulation weirs, greater use of water deliveries into the Yanco Creek system from Murray Irrigation and/or Coleambally Irrigation earthen channel infrastructure, plus additional flow monitoring locations
- Computer-aided river management for the Murrumbidgee River (CARM)
 - a computer program that provides improved river operations forecasting and monitoring capabilities.

WaterNSW developed preliminary business cases for each of these projects in 2015. You can view the business cases on the Murray–Darling Basin Authority website at:

mdba.gov.au/publications/mdba-reports/sustainable-diversion-limit-adjustment-mechanism-assessment-draft

There are also aspects of the Murrumbidgee Constraints project that are likely to be relevant to Yanco Creek system:

- The Murrumbidgee Constraints project proposes to invest in new infrastructure and agreements (for example, water inundation easements) with landholders to enable flows of up to 40,000 megalitres per day delivered into the Murrumbidgee River at Wagga Wagga for managed environmental flow events.

The Water division of Department of Planning, Industry and Environment will engage with the local community and stakeholders throughout the planning, approvals and construction process in accordance with the objectives of the SDLAM program, the stakeholder engagement framework and the Yanco Stakeholder Engagement Strategy, which will be developed in consultation with the local community and stakeholders.

No decision has been made to proceed with any of the SDLAM project options associated with the Yanco Creek System. The do nothing option remains an option but would likely result in further water purchases from consumptive users by the Commonwealth to meet legislative Basin Plan water recovery targets.

Governance Structure

The SDLAM program has a governance structure that links Sub Programs (including their consultative groups) to relevant Boards and Committees that govern the entire SDLAM Program.

The Yanco Community Advisory Group (YCAG) is one of four key consultative groups in the Yanco SDLAM Subprogram (part of the Murrumbidgee Sub Program). Figure 1 outlines the governance groups in the Yanco subprogram. The other groups are:

- Yanco Technical Advisory Group (YTAG)
- Yanco Aboriginal Advisory Group (YAAG)
- NSW Murrumbidgee Project Steering Committee (MPSC)

The Yanco Community Advisory Group:

- is independent
- escalates issues through the Chairperson.
- records and maintains minutes of meetings in the department's document management system.

The membership and processes of YCAG will be reviewed by the department at least annually, including these terms of reference.

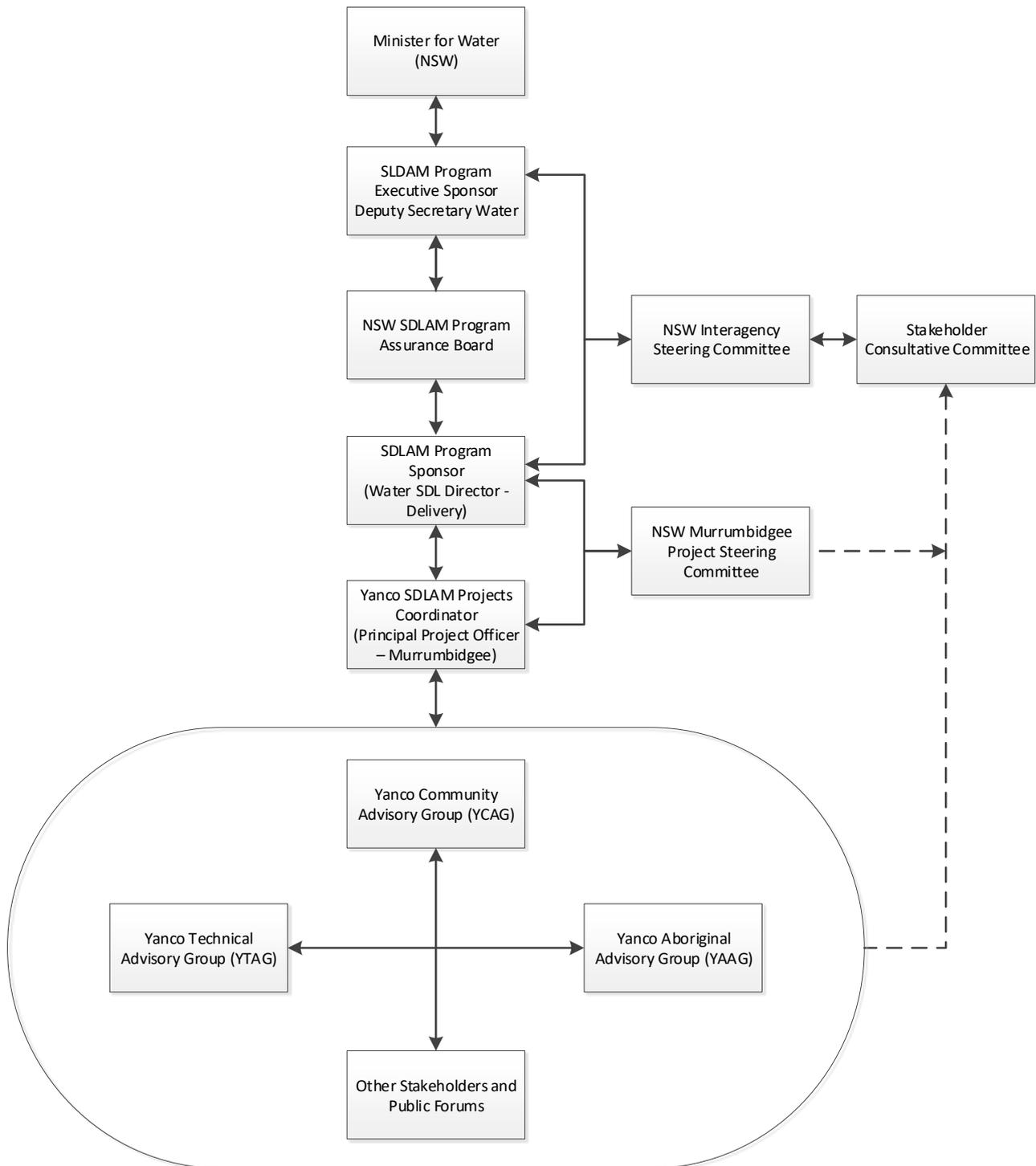


Figure 1. Yanco SDLAM Governance Diagram

Purpose

The purpose of the YCAG is to provide a forum for a cooperative, whole-of-community approach to designing, planning, assessing, monitoring, approving and constructing SDLAM projects associated with the Yanco Creek Offtake and the Yanco Creek System. The projects will assist the NSW Government meet its SDL commitments under the Murray–Darling Basin Plan.

Scope

The YCAG will provide a:

- forum for government, industry, community and scientific consultation on a range of issues to do with the Yanco SDLAM projects, consistent with delivering outcomes that balance economic, environmental and social (including cultural heritage) interests. This includes but is not limited to specific advice in relation to:
 - draft project plans with a key focus on:
 - project logic diagrams
 - live risk registers
 - engagement and communication plans
 - program schedules
 - draft project options identification and design
 - draft project options evaluation
 - draft Infrastructure NSW Gateway 1-equivalent review documentation
 - draft Infrastructure NSW Gateway 2-equivalent review documentation
 - procurement
 - planning for lodgement of statutory approval applications
- link between the local community, stakeholders and the Department of Planning, Industry and Environment.

Responsibility

The YCAG can make recommendations to the department regarding Yanco SDLAM project planning and implementation. However, it has no decision-making responsibility.

Table 1 provides a brief overview of the responsibilities of each community group represented within the YCAG.

Table 1. Responsibility and Core Interest of key agencies and groups in the YCAG

Agency or Group	Responsibility or Core Interest
Department of Planning Industry and Environment—Water	Lead NSW agency for the SDLAM program Lead NSW agency on water management
Yanco Creek and Tributaries Advisory Council	Representative group for over 150 landholders within the Yanco Creek system
Leeton Shire Council	Represent constituents
Murrumbidgee Council	Represent constituents
Federation Council	Represent constituents
Narrandera Shire Council	Represent constituents
Edward River Council	Represent constituents
South West Anglers	Recreational

Agency or Group	Responsibility or Core Interest
Creek Country Alliance	Community
Colombo Creek Ski Club	Recreational
Murrumbidgee Field Naturalists	Environmental
NSW Farmers	Rural

Membership

Table 2. YCAG membership

Name	Position	Organisation
Tanya Thompson	Executive Officer	Yanco Creek and Tributaries Advisory Council
Bob Crawford	President	Yanco Creek and Tributaries Advisory Council
Mark Wettenhall	Vice President	Yanco Creek and Tributaries Advisory Council
Paul Maytom	Mayor	Leeton Shire Council
Ruth McRae	Mayor	Murrumbidgee Council
Patrick Burke	Mayor	Federation Council
David Fahey	Deputy Mayor	Narrandera Shire Council
Norm Brennan	Mayor	Edward River Council
Jim Muirhead	Committee Member	South West Anglers Association Inc.
Richard Sleigh	Representative	Creek Country Alliance
Jim Morgan	Representative	Colombo Creek Ski Club
Nella Smith	Secretary	Murrumbidgee Field Naturalists
Richard Coughlan	Representative	NSW Farmers Association

A single proxy representative can attend a meeting in lieu of a member where circumstances prevent the member's attendance. The Chairperson and coordinator should be notified in advance of the meeting of proxy representatives.

A single early career observer from each group can attend meetings to gain experience and improve knowledge however, they are not to participate in discussions unless invited by the chairperson. The observer cannot vote on behalf of the group they represent. The observer will not be entitled to travel and accommodation compensation. The Chairperson and coordinator should be notified in advance of the meeting of a request for an early career observer.

A list of membership names and/or these terms of reference will be published on the Department of Planning, Industry and Environment website.

The term of YCAG is to the completion of Stage 1 of the Program (approximately 30 June 2022). Consideration will be given by the department to extending the term to Stage 2 (implementation and construction) subject to funding and governance arrangements.

Secretariat support

The Department of Planning, Industry and Environment will provide secretariat support through a Senior Project Officer or Project Officer.

The secretariat supports the YCAG by:

- coordinating meetings
- preparing the agenda
- preparing and/or distributing agenda papers
- preparing and distributing minutes
- maintaining a rolling actions register.

Conflicts of interest

A conflict of interests occurs where a member's private interests make it difficult for them to perform their duties impartially in the public interest. A conflict may be:

- an **actual conflict**, where there is a direct conflict between a member's current duties and responsibilities and their private interests
- a **perceived conflict**, where a person could reasonably perceive that a member's private interests are likely to improperly influence the performance of their official duties, whether or not this is the case
- a **potential conflict**, where a member has a private interest that could conflict with their official duties in the future.

Interests can be pecuniary (involving a likely financial gain) or non-pecuniary.

Group members should declare their conflicts of interest by:

- advising the Secretariat in writing, noting this will be kept on file
- declaring their relevant interests at the beginning of each meeting.

If a member of the group has an interest in a matter being considered or about to be considered at a meeting, and the interest appears to raise a conflict with the proper performance of the member's duties, the following actions should be taken:

- The member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the Chairperson and other group members at the meeting
- Record the disclosures
- Where a member discloses an interest relating to a matter under consideration by the group that member may, with the agreement of the group, contribute to the group's discussion of the matter
- Where a member discloses a pecuniary interest relating to a matter under consideration by the group that member must not participate in the final decision-making
- Where a member discloses a non-pecuniary interest relating to a matter under consideration by the group that member may, with the agreement of the group, participate in the final decision-making. In this case, the member must remain objective so that their interest does not bias or be seen to bias their decision-making.

Meetings

Frequency of meetings

Meetings will meet monthly, or as determined by the Chairperson.

Format

An independent chair will facilitate meetings. Meetings consider matters related to the Yanco SDLAM projects.

Meetings will be run in accordance with a formal agenda. The style of meetings may change depending on the primary issues of discussion at the time (for example, round table versus workshop format), but will typically include:

- progress updates including a review of actions
- development of ideas (e.g. alternative options)
- evaluation of options
- program planning
- problem-solving
- conflict resolution
- advice to the department for decision-making.

The format of the meetings may be face to face, videoconference or teleconference as determined by the Chairperson.

The Chairperson may also seek advice from members on issues out of session.

Operation (including Code of Conduct)

- The group operates in line with the NSW Department of Planning, Industry and Environment's Code of Ethics and Conduct.
- All members must be frank and honest in their official dealings with each other and participate in the best interests of the NSW Government.
- All members must declare any direct or indirect pecuniary or non-pecuniary interests (i.e. actual, perceived or potential conflicts of interest) at the commencement of any meeting and during any meeting if such interests become evident.
- All members must respect the confidentiality of sensitive information as directed by the Chairperson.
- If unable to attend, members should send delegates who are informed, able and authorised to attend in their place.
- From time to time the group may require information or advice from an individual or organisation that has specific and relevant local knowledge. Such input should be arranged through the Chairperson.
- The agenda and supporting papers will be distributed at least one week in advance of scheduled meetings.
 - All agenda items must be forwarded to the Chairperson by close of business two weeks prior to the next scheduled meeting.
 - The Chairperson has the right to refuse to list an item on the formal agenda, but members can raise an item under 'General Business' if necessary as time permits.

- The Chairperson has the right to consider the distribution of late agenda items and/or supporting papers when it is reasonable to do so.
- The minutes and other proceedings, will be distributed within one week of meetings by the Secretariat (as per requirements of the *State Records Act 1998*)
- The group will prepare and adopt a work plan to guide the forward planning of agendas
- No member is authorised to speak to the media in relation to the SDLAM Program from an YCAG perspective.
 - Members may speak to the media about SDLAM projects on behalf of the organisation they represent if they are authorised to do so, but not in their capacity as a member of the group.

Process

The role of the Chairperson is to:

- provide leadership to the group in its deliberations
- ensure that the group follows the code of conduct outlined in this document and the NSW Department of Industry's Code of Ethics and Conduct
- maintain confidentiality
- use appropriate negotiation, facilitation and conflict resolution tools when appropriate
- assist the group towards decision-making
- ensure that all group members receive copies of documents/papers in a timely manner
- create and manage a cooperative working relationship to assist the group in undertaking its functions and associated actions and measures
- use discretion with regard to the attendance at meetings by non-members and observers
- ensure that, where required, technical experts are invited to provide information to inform the group's discussions and decision-making
- ensure group decisions are recorded.

The obligations of the group members are to:

- maintain confidentiality where required
- share information with their respective branch and collaborate with other agencies consistent with a whole-of-government approach.
- work as a group cooperatively and inclusively
- participate and negotiate constructively to reach decisions
- contribute personal skills, knowledge and expertise to the decision-making process
- consider the existing budgetary and statutory limitations when developing advice and recommendations
- have the authority to speak on behalf of those they represent.

Decision-making

The YCAG will agree on advice and recommendations by consensus where possible. Consensus where the group is satisfied that an issue has been fully canvassed and that the action proposed is, at the least, acceptable to the group and consistent with its objectives and targets.

Where consensus is not possible, a Department of Planning, Industry and Environment—Water representative will record all views and give these views further consideration before making a decision on an appropriate course of action.

Quorum

A quorum is seven or more members

Escalation of issues

If YCAG cannot satisfactorily resolve a matter, the Chairperson may refer the matter to the NSW Murrumbidgee Project Steering Committee and/or the Stakeholder Consultative Committee (SCC) for further advice. Figure 1 outlines the governance groups in the subprogram.

Frequency of meetings

Meetings will be held monthly, or as determined by the Chairperson.

Reporting mechanism

Outcomes of meetings will be minuted and include a rolling actions table with responsibilities and delivery dates.

Minutes will be distributed to all group members.

Issues discussed and/or outcomes may be reported in accordance with the group's communications plan.

Records management

Records of all meetings and deliberations of YCAG will be kept in the Department of Planning, Industry and Environment records management system.

A public communique outlining the key points from each meeting will be published.

Remuneration

Unless otherwise detailed in a formal contract or partnership agreement, there is no remuneration to group members for their participation in group meetings.

Appropriate travel and accommodation expenses will be compensated as required.

Contact

If you have any questions or feedback about these terms of reference contact:

Rod Hardwick | Senior Project Officer

Department of Planning, Industry and Environment

5/620 Macauley Street | Albury NSW 2640

m: [0436 4761 868](tel:04364761868)

e: rod.hardwick@industry.nsw.gov.au

Version history

Table 3. Version history of these terms of reference

Version	Author(s)	Comments	Date
1.0	David Clarke	Preliminary draft	12/08/2019
1.1	Rob Irwin	Updated document to latest departmental template and edited content to be compliant with the department's editorial style guide.	22/08/2019
1.2	Rod Hardwick	Approved changes	28/08/2019
1.3	Rod Hardwick	Updated membership including provision for Observers. Minor editing and formatting. Provision included for public communicate to be published for each meeting.	21/10/2019
1.4	Rod Hardwick	Based on advisory group decision update quorum from 5 to 7 Adding wording on 'do nothing' option to reflect wording in Technical ToR Removed DPIE staff from membership Minor editing	18/11/2019