



Meelup Regional Park Management Committee Agenda

29 July 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 29 JULY 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Meelup Regional Park Management Committee will be held in the Dunsborough and Districts Country Club, 40 Gifford Road, Dunsborough on Monday, 29 July 2019, commencing at 10.00am.

The attendance of Committee Members is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



PAUL NEEDHAM

A/CHIEF EXECUTIVE OFFICER

23 July 2019

CITY OF BUSSELTON

**AGENDA FOR THE MEELUP REGIONAL PARK MANAGEMENT COMMITTEE MEETING TO BE HELD ON 29
JULY 2019**

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2. ATTENDANCE

Apologies

3. PUBLIC QUESTION TIME

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION OF MINUTES









5.1 Minutes of the Meelup Regional Park Management Committee Meeting held 27 November 2017

RECOMMENDATION

That the Minutes of the Meelup Regional Park Management Committee Meeting held 27 November 2017 be confirmed as a true and correct record.

6. REPORTS

6.1 REVIEW OF GOVERNANCE ARRANGEMENTS AND COMMITTEE TERMS OF REFERENCE FOR MEELUP REGIONAL PARK

SUBJECT INDEX:	Committee Meetings
STRATEGIC OBJECTIVE:	6.1 Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Planning and Development
REPORTING OFFICER:	Environmental Management Coordinator - Greg Simpson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current Terms of Reference Meelup Regional Park Management Committee  
	Attachment B Proposed Governance Arrangements Meelup Regional Park  
	Attachment C Proposed Terms of Reference Meelup Regional Park Committee  
	Attachment D Proposed Terms of Reference Meelup Regional Park Working Group  

PRÉCIS

City officers have undertaken a review of the governance arrangements for Meelup Regional Park (the Park). This report recommends a number of changes to the terms of reference of the Meelup Regional Park Committee (the Committee) (including a simplification of the Committee name from Meelup Regional Park Management Committee) and the establishment of an overarching policy outlining the governance arrangements; in particular, separation of the formal role of the Committee from the current informal role that it also plays.

BACKGROUND

On 14 October 2015, Council resolved (resolution C1510/296) to adopt revised governance arrangements and terms of reference for the Meelup Regional Park Management Committee.

On 14 September 2016 Council endorsed (resolution C1609/242) an amendment to increase the number of deputy community members on the Committee. The membership of the Committee currently consists of two elected members and one deputy elected member, six community members and four deputy community (non-voting, unless voting members are not present) members as appointed by the Council.

As part of its October 2015 deliberations and review of the Committee's terms of reference, the Council resolved to support the formation of an incorporated 'Friends of Meelup Regional Park' group, and to include a notation within the terms of reference to indicate a future intention to include representatives of that group as part of the Committee membership, once the Friends of Meelup Regional Park Incorporated had been formed.

The terms of reference adopted by the Council in October 2015 also established a requirement for the Committee to periodically hold formal meetings. Under Paragraph 5.1, formal meetings of the Committee shall be scheduled when the need for a meeting is identified by either the Presiding Member or Chief Executive Officer, and only when there is a need for a matter to be subject of a formal decision of the Committee and/or the Council and, in any case no less than twice annually and no more frequently than once a month.

The current document, while encompassing the terms of reference for the Committee, is intended as a broader governance document and outlines the way in which both the Committee and the more informal working group (the membership of which is the same) operate. It includes arrangements for the Committee to schedule informal meetings (paragraph 7.1) when needed (no less often than every two months and no more frequently than once per month) to identify and assess matters relating to and affecting the management of the Park, and where necessary and possible, agree a consensus position on the approach to be taken with respect to those matters. In effect, the Committee is at this time operating more as a working group.

To ensure the ongoing effectiveness of Meelup Regional Park governance arrangements, and to ensure the Committee's governance structures are enhanced, the Council is asked to consider a separation of the document into three elements – the governance arrangements as an overarching Council policy, a stand-alone Committee terms of reference and a new Meelup Regional Park Working Group (the Working Group) terms of reference.

Council is also asked to consider several proposed amendments to the terms of reference of the Committee. A copy of the current terms of reference provided as Attachment A, with the proposed Council policy 'Governance of Meelup Regional Park' provided as Attachment B and the terms of reference for the Committee and the Working Group provided as Attachment C and D respectively.

STATUTORY ENVIRONMENT

The Meelup Regional Park Management Committee is created pursuant to the *Local Government Act 1995* (the Act), specifically via a resolution of the Council pursuant to sections 5.8, 5.9(2) (c) and 5.17(1) (c) of the Act.

Section 5.9 (2) (c) and Section 5.9 (2) (d) of the Act set out that, *inter alia*, a committee may comprise; "council members (i.e. Councillors), employees and other persons; or Council members and other persons".

RELEVANT PLANS AND POLICIES

Meelup Regional Park is Reserve 21629, and is Crown Land over which the City has a management order. The reserve purpose is 'Conservation and Recreation'. The City has power to lease over the reserve, for a maximum period of 21 years and subject to the approval of the Minister for Lands (or their delegate), provided that any such lease is consistent with the reserve purpose. It is an 'A-Class' reserve, which means that any change to the management order requires Parliamentary consent.

There is also a formal management plan for the Park, which has been adopted by both the Council and the Minister for Lands, pursuant to section 49 of the *Land Administration Act 1997*. Where a management plan has been adopted pursuant to s49, the management body is required to manage the land in accordance with the plan.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no Long-Term Financial Plan implications associated with the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

This review aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

There are no risks identified of a medium or greater level associated with the officer recommendation.

CONSULTATION

At an informal meeting of the Committee held on 26 November 2018, the Committee considered proposed changes to the current terms of reference of the Committee, in relation to membership and also the requirement for the Committee to hold formal Committee meetings in accordance with a prescribed schedule as indicated under paragraph 5.1. The Committee's proposed direction from that meeting is as follows:

That the MRPMC Terms of Reference and Governance arrangements be reviewed to include representation from the Friends of Meelup Regional Park Incorporated and to remove the requirement for the MRPMC to have at least two formal meetings annually.

With respect to the holding of formal committee meetings, as detailed in the Officer Comment section of this report, it is recommended that the Committee continue to meet formally twice per annum.

OFFICER COMMENT

Officers are of the view that the existing governance arrangements and terms of reference of the Committee are, in practice, effective and appropriate, but require some refinements to align with future direction. The underlying aim should be to ensure that the City and community are best able to meet the challenges and embrace the opportunities associated with management of the Park into the future.

In principle, and in practice, the current governance arrangements are supported, with decision making at the lowest and least formal level as possible, through informal meetings and with the Committee holding formal meetings twice per annum or where matters are not able to be resolved at lower/informal levels and require more formal decision making.

In order to ensure the ongoing governance of the Committee structure however, it is recommended that the current functioning of the committee at the lower/informal level is clearly delineated as a working group. A separate terms of reference for the Working Group is proposed. The proposed Council policy establishes the rationale for this and how the two groups (the membership of which is the same) will operate together – and is a higher status means of outlining those arrangements than the current means of doing so.

As outlined above the current terms of reference of the Committee includes a notation to indicate that once the Friends of Meelup Regional Park group has been formed, that representatives of the group should be invited to become members of the Committee. The Friends of Meelup Regional Park have formed and are now an incorporated association, therefore Friends of Meelup Regional Park representation on the Committee can now be considered and the notation to do so, in the current terms of reference of the Committee, deleted.

It is therefore recommended that the terms of reference of the Committee be amended to specify that up to three community membership positions (referred to in paragraph 3.3) on the Committee, be filled by a representative of the Friends of Meelup Regional Park Incorporated Association. It is also recommended that the membership be adjusted to remove the four deputy community members and instead increase the number of community membership positions to allow for up to eight. It is felt that this will simplify the operation of the Committee. An additional deputy elected member is proposed such that there is a deputy per member, noting that section 5.11A (1) of the Act provides for a person to be a deputy of a member of a committee.

Since 2015, the Committee has been able to conduct the majority of its decision making relating to the management of the Park by consensus at informal meetings, and in accordance with the powers and duties delegated by the Council. Since 2015, there have been 5 formal meetings of the Committee.

While it is anticipated that the requirement for the Committee to hold formal meetings on matters that require a formal decision of the Committee and/or the Council will continue to be minimal, it is recommended that the Committee continue to meet twice per annum for the purposes of oversight and also as it has a delegated power:

...to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget.

Under section 5.23 of the Act all meetings of a committee to which a local government power or duty has been delegated are to be open to the public. Further under section 5.25 and Regulation 12 of the Local Government (Administration) Regulations 1996, at least once each year a local government is to give local public notice of the dates on which and the time and place at which the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months. It is also for this reason that it is recommended that regular meetings of the Committee are held.

CONCLUSION

The recommendation of this report is seen as providing improved governance arrangements while continuing to ensure that the growing community involvement in the Park, and the members of the recently formed Friends of Meelup Regional Park Incorporated, are adequately represented on the Committee and actively involved in the management of the Park.

OPTIONS

Council may determine not to support the proposed changes to the governance arrangements for Meelup Regional Park, in which case the current terms of reference would remain. Alternatively, the Council may resolve to amend the changes proposed in the officer recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is envisaged that implementation of the recommendation would be completed by the publication of the new Council policy and terms of references within one week of the Council making a decision consistent with the officer recommendation.

OFFICER RECOMMENDATION

That the Council adopt the

1. Council policy 'Governance of Meelup Regional Park' as set out in Attachment B;
2. Meelup Regional Park Committee Terms of Reference as set out in Attachment C; and
3. Meelup Regional Park Working Group Terms of Reference as set out in Attachment D.

ATTACHMENT A - Meelup Regional Park Management Committee Terms of Reference

1.0 Introduction

- 1.1 The Council of the City of Busselton has established the Meelup Regional Park Management Committee pursuant to sections 5.8 and 5.9(2) (d) of the *Local Government Act 1995*.

2.0 Purpose

- 2.1 To assist the Council in managing and promoting Meelup Regional Park.
- 2.2 To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.
- 2.3 To build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

3.0 Membership

- 3.1 Two elected members as appointed by the Council, as follows –

To be added

- 3.2 One deputy elected member as appointed by the Council (The deputy elected member should be notified if their presence at the meeting is required due to the absence of an elected member), as follows –

To be added

- 3.3 Six community members as appointed by the Council, as follows –

To be added

- 3.4 Four deputy community members as appointed by the Council, who may be present at all Committee meetings as non-voting members, including when matters are being considered 'behind closed doors', as follows –

To be added

Note: When the 'Friends of Meelup Regional Park Incorporated' has been formed, the intention is that the Committee may include representatives of that group.

- 3.5 Membership of the Committee shall, unless determined otherwise, be for a term of approximately two years, ceasing on the day of the next ordinary Council election.
- 3.6 If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person's membership of the Committee.

6.1 Attachment A Current Terms of Reference Meelup Regional Park
Management Committee

4.0 Presiding Member/Deputy Presiding Member

- 4.1 The Committee shall appoint a Presiding Member and Deputy Presiding Member to run its meetings. The Presiding Member shall ensure that business at formal meetings is conducted in accordance with the *City of Busselton Standing Orders Local Law*.
- 4.2 The Presiding Member or, in their absence, the Deputy Presiding Member, may speak on behalf of the Committee. Another member only may speak on behalf of the Committee with authorisation from the Presiding Member or, in their absence, the Deputy Presiding Member.
- 4.3 If any community member of the Committee has any concern in relation to the governance or management of the Park that they do not feel is being adequately addressed or resolved, they should raise that concern with the Presiding Member or, in their absence, the Deputy Presiding Member, who, having considered the matter, may raise the matter with either City officers or with the elected members on the Committee.

5.0 Formal Meetings

- 5.1 Formal meetings of the Committee shall be scheduled when the need for a meeting is identified by either the Presiding Member or Chief Executive Officer, and only when there is a need for a matter to be subject of a formal decision of the Committee and/or the Council, and in any case no less often than twice annually and no more frequently than once a month.

Note: Matters that would require a formal decision of the Committee are any matter that requires a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, any amendment to the budget, any matter that requires, from a legal/statutory perspective, a formal decision of the Council, any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council, and/or matters that require a formal decision of the Council because consensus has not been achieved in an informal meeting, as set out in Part 7.0 of these Terms of Reference), as well as matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the Park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes).

- 5.2 Formal meeting agendas shall be distributed by the Chief Executive Officer to Committee members no less than seven days prior to the meeting.
- 5.3 Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they shall indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee and the Presiding Member their intention to do so, setting out their proposed alternative and the reasons for that alternative, no less than 24 hours prior to the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee shall provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

Note: In relation to alternative recommendations put forward by Committee members, City officers are able to assist in the drafting of alternative recommendations, but that should not be construed as indicating officer support for any alternative that may be proposed.

6.1 Attachment A

Current Terms of Reference Meelup Regional Park
Management Committee

- 5.4 The Chief Executive Officer shall ensure that minutes of formal meetings are kept, presented for review and adoption at the subsequent formal meeting, and provided to the Council for information as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting.
- 5.5 Where the Committee makes a decision in a formal meeting that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting. Where the Committee makes a recommendation to the Council inconsistent with the officer recommendation presented to the Committee, City officers may also present an alternative officer recommendation to the Council when such matters are formally presented to the Council, in addition to ensuring that Committee recommendations are also presented to the Council, in verbatim form..
- 5.6 Quorum for a meeting shall be at least 50% of the members (i.e. four).
- 5.7 Meetings shall be open to the public, unless items are of a nature that can be considered confidentially pursuant to the *Local Government Act 1995*.
- 6.0 Delegated Powers
- 6.1 Pursuant to section 5.17 of the *Local Government Act 1995*, the Committee, when constituted for a formal meeting, is delegated to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
- 7.0 Informal Meetings/Deliberations
- 7.1 Informal meetings of Committee members and City officers involved in management of the Park shall be scheduled when the need for a meeting is identified by either the Presiding Member, the Chief Executive Officer or the Chief Executive Officer's nominee, and in any case no less often than every two months and no more frequently than once per month (notwithstanding that, the Committee members and City officers may agree to establish informal working groups or similar charged with addressing particular issues and which may meet as deemed appropriate), and when a formal meeting is also scheduled in the respective month, informal meetings shall take place immediately following the formal meeting.
- 7.2 The purpose of informal meetings and other forms of informal deliberation (primarily, this would entail email communication involving all Committee members and relevant City officers) involving Committee members and City officers shall be to identify and assess matters relating to and affecting the management of the Park, and where necessary and possible, agree a consensus position on the approach to be taken with respect to those matters.
- 7.3 Where consensus on a particular matter is achieved at an informal meeting of Committee members and City officers, or through other forms of informal deliberation, City officers where delegated, authorised or otherwise empowered to do so, shall take the necessary steps to ensure that the consensus position on a particular matter is implemented.

Note: 'Consensus' means 'general agreement', it is not necessarily achieved through a simple majority 'vote' and nor does it necessarily require unanimity. Judgement as to whether consensus has been

6.1 Attachment A

Current Terms of Reference Meelup Regional Park
Management Committee

achieved should not usually involve any kind of 'voting' procedure or similar. A judgement that consensus has been achieved on a particular matter pursuant to clause 7.3 above will require both the Presiding Member at the meeting and the Chief Executive Officer or the Chief Executive Officer's nominee to be of the view that there is general agreement. If that does not occur, consensus has not been achieved and the matter shall be addressed as per clause 7.4 below.

- 7.4 Where a consensus position on any particular matter cannot be achieved, the Chief Executive Officer shall ensure that a report is prepared to be presented to and considered by the Committee in a formal meeting, following which the matter will be presented for formal consideration at an ordinary meeting of the Council.
- 7.5 The Chief Executive Officer or the Chief Executive Officer's nominee shall ensure that notes of informal meetings are prepared and distributed to all Committee members and the City officers present at the meeting for their review within seven days of the meeting. If the Committee members or City officers present at any particular meeting have any concerns with the notes prepared, they should advise the Presiding Member and Chief Executive Officer or the Chief Executive Officer's nominee as soon as possible and in any case prior to the next informal meeting, and where that occurs the Presiding Member shall ensure that the matter is resolved to the extent necessary and practicable at the next informal meeting, with the outcome to be reflected in the notes of that next informal meeting. Notes shall record the outcomes of discussions, but not the content of those discussions.
- 7.6 Informal meeting agendas shall be developed in consultation between the Presiding Member (or Deputy Presiding Member in the Presiding Members' absence) and Chief Executive Officer or the Chief Executive Officer's nominee, and shall be distributed to Committee members no less than three days prior to the meeting.
- 7.7 Informal meetings shall not generally be open to the public, although the Presiding Member may agree to invite members of the public to be present when particular matters of interest are being considered, following consultation with the Chief Executive Officer or the Chief Executive Officer's nominee.

8.0 Key Guiding Documents

The following are the key guiding documents relating to the role of the Committee -

1. Meelup Regional Park Management Order;
2. Meelup Regional Park Management Plan;
3. City of Busselton Standing Orders Local Law;
4. City of Busselton Code of Conduct;
5. City of Busselton Community Strategic Plan;
6. City of Busselton Long Term Financial Plan; and
7. City of Busselton Adopted Annual Budget; and
8. Relevant City of Busselton Local Laws, Determinations and Council Policies.

<u>History</u>	
Revised 14 September 2016	C1609/242
Revised 14 October 2015	C1510/296
Revised 26 August 2015	C1508/248

Revised 12 October, 2011	C1110/315
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1. PURPOSE

- 1.1. The purpose of this Policy is to outline the governance arrangements for Meelup Regional Park, ensuring that the Park is managed in an effective and inclusive manner consistent with the Management Plan.

2. SCOPE

- 2.1. This Policy guides Council, the Committee, Working Group, employees and the broader community with respect to the governance of Meelup Regional Park, that is, decisions related to the planning, management, development, use or promotion of the Park, but not including day-to-day decision-making or service delivery relating to the maintenance of infrastructure or landscaped areas, collection of waste, or similar.

3. DEFINITIONS

Term	Meaning
Committee	Meelup Regional Park Committee, as described in the Policy Statement and generally as set out in the Committee Terms of Reference
Friends Group	Friends of Meelup Regional Park Incorporated
Management Plan	The <i>Meelup Regional Park Management Plan July 2010</i> , or subsequent or amended plan as may be approved by the Minister for Lands pursuant to Section 49 of the <i>Land Administration Act 1997</i>
Park	Meelup Regional Park ('A Class' Reserve 21629, managed by the City of Busselton for the purposes of 'Conservation and recreation', as well as road reserves that pass through Reserve 21629)
Policy	This City of Busselton Council policy entitled "Governance of Meelup Regional Park"
Working Group	Meelup Regional Park Working Group, as described in the Policy Statement and generally as set out in the Working Group Terms of Reference

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 3 – Environment and Key Goal Area 2 Places and Spaces of the City's Strategic Community Plan 2017 and specifically the following Community Objectives:
- 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
 - 2.2: Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

5. POLICY STATEMENT

- 5.1. The Park is a strategic asset with significant ecological, cultural and recreational values to both the local community and the broader State of Western Australia. The City has a responsibility to provide appropriate stewardship to maintain those values into the future.

6.1 Attachment B

Proposed Governance Arrangements Meelup Regional Park

- 5.2. Given the above, the City considers it important that appropriate governance arrangements are established and maintained for the Park, and this Policy sets out those arrangements.
- 5.3. The objectives of this Policy are:
- to set out arrangements for the appropriate governance of the Park which will assist the Council in providing the stewardship to maintain the Park's significant ecological, cultural and recreational values into the future.
 - to ensure that the full range of considerations relevant to the governance of the Park are considered, including environmental, amenity, recreational, cultural, community, social, economic and financial considerations; and
 - to further build and maintain productive working relationships between the Council, City officers, community, volunteers, users of the Park, and other stakeholders.
- 5.4. To achieve these objectives Council will establish (subject to formal consideration by the Council, usually in the period immediately following each ordinary election):
- a committee pursuant to Sections 5.8 and 5.9(2)(d) of the Local Government Act 1995, to be known as the Meelup Regional Park Committee;
 - a working group, to be known as the Meelup Regional Park Working Group; and
 - the members of the Committee shall generally be members of the Working Group and vice versa.
- 5.5. To achieve these objectives, the City will also:
- notify the Working Group before making any decisions relating to the governance of the Park within the scope of this Policy; and
 - consult with the Working Group and, in the circumstances set out in the Committee Terms of Reference, obtain a decision or recommendation of the Committee, in relation to matters considered strategically important to the governance of the Park.
 - seek to support the establishment of and maintain an ongoing partnership with the Friends Group;
- 5.6. The roles of the Committee and Working Group with respect to the governance of the Park shall be broadly as follows:
- the purpose of the Committee is to consider matters that require a formal decision of the Committee and/or the Council, as set out in the Committee Terms of Reference; and
 - the purpose of the Working Group is to discuss and resolve matters in an informal, open, creative and constructive manner, as set out in the Working Group Terms of Reference.
6. **RELATED DOCUMENTATION / LEGISLATION**
- Meelup Regional Park Committee Terms of Reference
 - Meelup Regional Park Working Group Terms of Reference
 - Meelup Regional Park Management Plan

7. **REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	NA	Resolution #	NA



1. INTRODUCTION

- 1.1. The Council of the City of Busselton has established the Meelup Regional Park Committee (Committee) pursuant to sections 5.8 and 5.9(2)(d) of the *Local Government Act 1995*.
- 1.2. The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.
- 1.3. The Committee is to consider matters that require a formal decision of the Committee and/or the Council, in order to meet the stated objectives as per Part 2 of this terms of reference.
- 1.4. Matters that would require a formal decision of the Committee are:
 - a. any matter that require a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, or any matter that requires, from a legal/statutory perspective, a formal decision of the Council), other than the adoption or amendment of the Council Budget, as it relates to the Park;
 - b. matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the Park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes);
 - c. matters that require a formal decision of the Council because consensus has not been achieved through discussions with the Meelup Regional Park Working Group; and
 - d. any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council.

2. OBJECTIVE

- 2.1. To assist the Council in managing and promoting Meelup Regional Park (the Park).
- 2.2. To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

3. MEMBERSHIP

- 3.1. Two elected members
- 3.2. Two deputy elected members
- 3.3. Between six and eight community members, with up to three of these members to be representatives of the Friends of Meelup Regional Park Incorporated Association.

6.1 Attachment C

Proposed Terms of Reference Meelup Regional Park
Committee

3.4. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

3.5. If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person's membership of the Committee.

4. PRESIDING MEMBER

4.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

5. MEETINGS

5.1. The Committee shall meet at least two times per year.

5.2. Notice of meetings shall be given to members at least seven days prior to each meeting.

5.3. The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Local Government Act 1995* and the *City of Busselton Standing Orders Local Law*.

5.4. All members of the Committee shall have one vote. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.

5.5. Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they should, as far as practicable, indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee their intention to do so, setting out their proposed alternative and the reasons for that alternative, by 3pm on the day before the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee will then provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

5.6. Where the Committee makes a decision that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the Committee meeting.

6. QUORUM

6.1. Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not.

6.2. A decision of the Committee does not have effect unless it has been made by a simple majority.

7. DELEGATED POWERS

7.1. Pursuant to section 5.17 of the *Local Government Act 1995*, the Committee is delegated to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget.

7.2. Any decisions shall not be actioned until the Committee meeting minutes have been formally considered by the Council.

8. EVALUATION OF COMMITTEE'S EFFECTIVENESS

8.1. At the meeting of the Committee prior to the ordinary biennial Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:

- a. Are the Committee's purpose and objectives being met?

6.1 Attachment C

Proposed Terms of Reference Meelup Regional Park
Committee

- b. Should the purpose and objectives be amended?
- c. Is the Committee functioning effectively and as per the requirements of the *Local Government Act 1995*?
- d. Are the Committee members regularly attending meetings?
- e. Review the Terms of Reference, including membership.

9. TERMINATION OF COMMITTEE

9.1. Termination of the Committee shall be:

- a. in accordance with the *Local Government Act 1995*; and
- b. by a decision of Council.

10. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14 September 2016	Resolution #	C1609/242



1. INTRODUCTION

- 1.1. The Meelup Regional Park Working Group (Working Group) has been established in accordance with the Council Policy 'Governance of Meelup Regional Park' with the aim of ensuring the effective and inclusive management of Meelup Regional Park (the Park) and to build and maintain productive working relationships between the Council, City officers, volunteers and volunteer groups and users of the Park.
- 1.2. The purpose of the Working Group is to discuss matters relating to and affecting the management of the Park and which are administrative in nature, and where necessary and possible, agree a consensus position on the approach to be taken with respect to those matters.

2. MEMBERSHIP

- 2.1. Membership of the Working Group shall be the same as the Meelup Regional Park Committee (Committee) and may also include City officers involved in management of the Park.

3. PRESIDING MEMBER

- 3.1. The Presiding Member of the Committee (Presiding Member) shall be responsible for the running of Working Group meetings.

4. MEETINGS

- 4.1. Meetings of the Working Group will be scheduled when the need for such a meeting is identified by either the Presiding Member, the Chief Executive Officer or the Chief Executive Officer's nominee, and in any case no more frequently than once per month
- 4.2. When a Committee meeting is also scheduled in the respective month, the Working Group will meet immediately following the Committee meeting.
- 4.3. Meeting agendas shall be developed in consultation between the Presiding Member and Chief Executive Officer or the Chief Executive Officer's nominee, and shall be distributed to members and relevant City officers no less than three days prior to the meeting.
- 4.4. When a Committee meeting is also scheduled in the respective month, the Working Group will meet immediately following the Committee meeting.
- 4.5. Where consensus on a particular matter is achieved at a meeting, City officers where delegated, authorised or otherwise empowered to do so, shall take the necessary steps to ensure that the consensus position on a particular matter is implemented.

- 4.6. 'Consensus' means 'general agreement', it is not necessarily achieved through a simple majority 'vote' and nor does it necessarily require unanimity. Judgement as to whether consensus has been achieved should not usually involve any kind of 'voting' procedure or similar. A judgement that consensus has been achieved on a particular matter pursuant to clause 4.5 will require both the Presiding Member at the meeting and the Chief Executive Officer or the Chief Executive Officer's nominee to be of the view that there is general agreement. If that does not occur, consensus has not been achieved and the matter shall be addressed as per clause 4.7.
- 4.7. Where a consensus position on any particular matter cannot be achieved, the Chief Executive Officer shall ensure that a report is prepared to be presented to and considered by the Committee, in accordance with the Committee's Terms of Reference.
- 4.8. The Chief Executive Officer or the Chief Executive Officer's nominee shall ensure that notes of Working Group meetings are prepared and distributed to all members and the City officers present at the meeting for their review within seven days of the meeting. Notes shall record the outcomes of discussions, but not the content of those discussions.
- 4.9. If the members or City officers present at any particular meeting have any concerns with the notes prepared, they should advise the Presiding Member and Chief Executive Officer or the Chief Executive Officer's nominee as soon as possible and in any case prior to the next meeting, and where that occurs the Presiding member shall ensure that the matter is resolved to the extent necessary and practicable at the next meeting, with the outcome to be reflected in the notes of that meeting.

5. APPROVAL

Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	NA	Resolution #	NA

7. **GENERAL DISCUSSION ITEMS**

8. **NEXT MEETING DATE**

9. **CLOSURE**