

## **PROPOSED GOVERNANCE ARRANGEMENTS – MEELUP REGIONAL PARK**

The City of Busselton is the management body for Meelup Regional Park, which is 'A Class' Reserve 21629, for the purpose of 'Conservation and Recreation', and with a formal management plan adopted by the Council and the Minister for Lands pursuant to section 49 of the *Land Administration Act 1997*. In addition to the Council and City officers, there are two other key elements of the governance arrangements that the Council has established to ensure appropriate management of the Park –

- The Meelup Regional Park Committee (the terms of reference for which are set out below); and
- The 'Friends of Meelup Regional Park Incorporated' (which has not yet been formed).

The roles of the four key elements of the governance arrangements are generally as described below –

- *Council:*
  1. Establishes the Committee membership and terms of reference;
  2. Sets strategic direction having considered advice provided by the Committee and City officers;
  3. Adopts statutory plans relating to the Park, both at draft adoption and final adoption stage having considered advice provided by the Committee and City officers;
  4. Adopts non-statutory plans if there is no consensus between the Committee members and City officers;
  5. Sets the annual budget and long term financial planning;
  6. Sets annual 'key focus areas' for the Committee and City officers;
  7. Determines direction (through formal Council meeting processes) on other matters where there is no consensus between Committee members and City officers; and
  8. Requires that City officers work pro-actively with the 'Friends of Meelup Regional Park Incorporated' with the aim of ensuring its viability and sustainability.
- *Committee:*
  1. Provides advice to the Council about Committee membership and terms of reference;
  2. Provides advice to the Council about strategic direction;
  3. Provides advice to the Council about statutory plans relating to the Park;
  4. In partnership with City officers, provide periodic (generally twice annual) briefings to Councillors on matters relating and affecting management of the Park

5. Adopts non-statutory plans if there is consensus between the Committee members and City officers and if it is not appropriate for such plans to be adopted by a decision formally made by City officers;
  6. Provides advice (through formal Committee meeting processes) to the Council on other matters where there is no consensus between Committee members and City officers;
  7. Through informal meetings of City officers and Committee members, provides regular information and feedback to City officers on matters relating to and affecting the management of the Park; and
  8. Especially, until such time as the 'Friends of Meelup Regional Park Incorporated' has been formed, in partnership with City officers, assists in the encouragement, coordination and facilitation of volunteer involvement in the management and promotion of the Park.
- *Friends of Meelup Regional Park Incorporated:*
    1. In partnership with Meelup Regional Park Committee and City officers, encourages, coordinates and facilitates volunteer involvement in the management and promotion of the Park;
    2. Through informal meetings of City officers and Committee members, provides regular information and feedback to the Committee on volunteer activities and other matters relating to and affecting the management of the Park;
    3. Nominates representatives to be on the Committee, subject to Council endorsement; and
    4. Other matters as set out in a memorandum of understanding with the City that is to be developed.
  - *City officers:*
    1. Provide advice to the Council about Committee membership and terms of reference.
    2. Provide advice to the Council and Committee about strategic direction;
    3. Provide advice to the Council and Committee about statutory and non-statutory plans relating to the Park;
    4. Provide regular (generally monthly) briefings to Committee members through informal meetings of City officers and Committee members on matters relating to and affecting the management of the Park;
    5. In partnership with the Committee, provide periodic (generally twice annual) briefings to Councillors on matters relating to and affecting the management of the Park;
    6. Following receipt of information or feedback at informal meetings of City officers and Committee members, present proposed annual budget and long term financial plan allocations to the Council for consideration;
    7. Where the context requires, or there is no consensus between City officers and Committee members, present formal reports to the Committee, so that the Committee can make a formal recommendation to the Council in

relation to those matters (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);

8. Implement the Council's budget with respect to the Park;
9. Maintain roads, paths, ablution facilities and other basic infrastructure, in partnership with the 'Friends of Meelup Regional Park Incorporated' where appropriate;
10. Apply and enforce laws that relate to management of the Park in accordance with relevant Council Policy; and
11. In partnership with the Committee and/or 'Friends of Meelup Regional Park Incorporated', encourage, coordinate and facilitate volunteer involvement in the management and promotion of the Park.

### **Meelup Regional Park Committee Terms of Reference**

#### 1. Introduction

The Council of the City of Busselton has established the Meelup Regional Park 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, as follows –

*To be added*

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

*To be added*

- 3.4 Two deputy community members as appointed by the Council, who may be present at all Committee meetings, including when matters are being considered 'behind closed doors' (i.e.

*Note: Once the 'Friends of Meelup Regional Park Incorporated' has been formed, the intention is that the Council will progressively move towards a model of three community members being representatives of that group, with the other three being independent members, potentially with retention of deputy members. That will, however, be a decision for the Council at the time, in consultation with stakeholders at that time.*

- 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.

#### 4.0 Presiding Member

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*.

#### 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.*

- 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. In cases where the Committee recommendation is not consistent with the officer recommendation to the Committee, the Chief Executive officer shall present the Committee recommendation but may also present an alternative officer recommendation for consideration by the Council.
- 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

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 considered by the Council.

#### 7.0 Informal Meetings

- 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 of Committee members and City officers shall be to discuss 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, City officers where delegated, authorized 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 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 Chief Executive Officer or the Chief Executive Officer's nominee.

<b>History</b>	
9 October, 2013	
12 October, 2011	C1110/315

