

Attachment A - Meelup Regional Park Management Committee Terms of Reference

1. Introduction

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 Two 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.

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.

- 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

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 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>	
9 October, 2013	
12 October, 2011	C1110/315
14 October 2015	C1510/296