

Please note: These minutes are yet to be confirmed as a true record of proceedings

**CITY OF BUSSELTON**

**MINUTES FOR THE MEELUP REGIONAL PARK MANAGEMENT COMMITTEE MEETING**

**HELD ON 29 JULY 2019**

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## MINUTES

### MINUTES OF MEELUP REGIONAL PARK MANAGEMENT COMMITTEE HELD IN DUNSBOROUGH AND DISTRICTS COUNTRY CLUB, 40 GIFFORD ROAD, DUNSBOROUGH, ON 29 JULY 2019 AT 10.00AM.

#### 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 10.10am.

#### 2. ATTENDANCE

##### Presiding Member:

Mr Peter Randerson – Deputy  
Presiding Member

##### Members:

Cr John McCallum  
Cr Kelly Hick  
Mr Damien Jones

##### Officers:

Mr Paul Needham, Director, Planning and Development Services  
Mr Greg Simpson, Environmental Management Coordinator

##### Apologies:

Bob Jarvis  
Shirley Fisher  
Albert Haak

##### Public:

Robert Jones  
Geoffrey Musto  
Barry Guest  
Carol Smith

#### 3. PUBLIC QUESTION TIME

3.1 Ms Carol Smith

##### **Question**

Will there be a discussion today on the proposed moon viewing platform at Meelup Beach?

##### **Response**

Today's meeting will discuss changes to the governance arrangements and terms of reference for the Meelup Regional Park Management Committee. The community response following the advertising of the proposed moon viewing platform at Meelup Beach for public comment indicated that a review of the Meelup Beach precinct was required to review and update the Meelup Beach Master Plan to guide future works in and around Meelup Beach. It is intended that this review will be undertaken during the financial year and the review process will involve further community consultation.

**4. DISCLOSURE OF INTERESTS**

Nil

**5. CONFIRMATION OF MINUTES**

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

**Committee Decision and Officer Recommendation**

**MP1907/048** Moved Member K Hick, seconded Member J McCallum

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

**CARRIED 4/0**

**10.22am** At this time, Damien Jones entered the meeting.

## 6. REPORTS

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

<b>SUBJECT INDEX:</b>	Committee Meetings
<b>STRATEGIC OBJECTIVE:</b>	6.1 Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Planning and Development
<b>REPORTING OFFICER:</b>	Environmental Management Coordinator - Greg Simpson
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	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, when the Friends of Meelup Regional Park Incorporated has 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 these times 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, 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 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.

**COMMITTEE DECISION AND AMENDED OFFICER RECOMMENDATION**

**MP1907/049** Moved Member J McCallum, seconded Member T Smurthwaite

1. **That the terms of reference for Meelup Regional Park Working Group (Attachment D) be amended to remove the duplication at paragraph 4.4 (p. 20); and**
2. **That the Council adopt the:**
  - a. **Council policy 'Governance of Meelup Regional Park' as set out in Attachment B;**
  - b. **Meelup Regional Park Committee Terms of Reference as set out in Attachment C; and**
  - c. **Amended Meelup Regional Park Working Group Terms of Reference as set out in Attachment D.**

**CARRIED 5/0**



**7. VERBAL UPDATES OF MAJOR PROJECTS AND GENERAL DISCUSSION ITEMS**

Nil

**8. NEXT MEETING DATE**

Monday, 26 August 2019

**9. CLOSURE**

The meeting closed at 10.38am.

THESE MINUTES CONSISTING OF PAGES 1 TO 9 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON MONDAY, 26 AUGUST 2019.

DATE: \_\_\_\_\_ PRESIDING MEMBER: \_\_\_\_\_