

DAREBIN NATURE TRUST

TERMS OF REFERENCE

Adopted by Council 9 June 2020

1. Introduction and background

In late 2016, at its first meeting after being elected, the new Darebin Council voted unanimously to recognise a climate emergency requiring urgent action to respond to the challenge. The Darebin Nature Trust (the Trust) was set up as part of that response.

It is now recognised internationally that the pace of change to address the climate and biodiversity emergency must be quickened to start to reverse the significant impact that climate change and unsustainable land use practices are having on planetary life.

The Council Plan 2017-21 set a specific goal to create a Nature Trust to increase open space and native vegetation, and ensure all residents live within 500 metres of open space. In 2019 Council adopted a new Open Space Strategy, 'Breathing Space' which sets strong direction to enhance biodiversity.

These Terms of Reference have been prepared to provide a clear outline of the purpose, role and function of the Darebin Nature Trust advisory committee for everyone involved. The Terms of Reference are designed to align with Council's obligations under the local government act and its aspirations in its community engagement Strategy.

Policy context

The establishment of the Darebin Nature Trust supports Darebin City Council's promise to the community as articulated in the Council Plan 2017-2022:

- *"Establish Darebin Nature Trust to create more open space across Darebin."*
- *"We will expand and improve our network of open and green spaces, parks and natural environments to provide for the lungs of our city and reduce the impacts of climate change."*

Council has a strong commitment to community engagement and runs advisory committees as part of its commitment to this, along with a range of other community engagement activities and processes to understand community views, needs and aspirations to help it make decisions.

The Local Government Act sets out a range of obligations for Councillors and officers that may apply in regard to their role in attending or running Advisory Committee meetings, and Council has a range of policies that may apply and be updated during the term of an advisory committee. Council also has an internal document '*Darebin Council's Advisory Committees Operating Guideline*' that has existed for some time and which is a comprehensive resource that sets out the rules and protocols upon which Advisory Committees are established and function. This document is currently under review as part of the broader review of the Advisory Committee terms of reference and is anticipated to be brought before Council for endorsement as part of this process. Officers have used this document as reference in the development of these terms of reference.

If there is any conflict between these terms of reference and any relevant policy, the latest decision of Council is the one that applies. In any conflict between these terms of reference and legislation or regulation, the legislation applies.

2. Purpose and objectives

The purpose of the Darebin Nature Trust advisory committee is to provide advice to Council on protecting and enhancing Darebin's biodiversity and open space with a view to its significant improvement. The committee structure makes this possible by accessing community expertise associated with biodiversity, open space, environment, urban liveability and associated community engagement, education and advocacy programs.

The objectives of the Trust are to advise Council on:

- Darebin's *Breathing Space: the Darebin Open Space Strategy, Urban Forest and Natural Heritage Strategies*, with regard to the implementation of actions and considerations related to biodiversity;
- reviews of parks, gardens and natural heritage and bushland management policies, improvement plans and masterplans to enhance biodiversity outcomes;
- the identification of biodiversity opportunities including project ideas;
- the planning and design of new open spaces for biodiversity enhancements;
- increasing the profile of Darebin's green spaces and local biodiversity;
- facilitating, educating, promoting and advocating for benefits to public and private landowners to enhance green space provision and biodiversity outcomes (such as the retention of bushland) in Darebin;
- securing green space for current and future generations;
- models for community advocacy and action to secure green space for current and future generations;
- prioritising investment in biodiversity as part of the annual business planning processes; and,
- educating and building community custodianship of our natural spaces so that Darebin's biodiversity is valued.

3. Membership

3.1 Representation, nomination and selection of members

The membership of the Trust will comprise up to 9 community members and 3 Councillor representatives. Community member appointments will be appointed by Council based on the following criteria:

- Capabilities and expertise in one or more of the following areas: biodiversity, ecology, open space management, urban design, community engagement and advocacy;
- The overall mix of capabilities and expertise to ensure a breadth of expertise;
- Representation of Darebin's diverse community; and
- Capacity to provide advice to Council in a timely and appropriate manner.

Appointments will be determined by decision of elected Councillors at a meeting, except if a vacancy occurs within 6 months of the end of term, when it may be filled at the discretion of the CEO through a recommendation from the General Manager. Members appointed to fill a vacancy are appointed for the remainder of the term of current members only.

Nomination for the appointment of members of the Trust will be advertised publicly, and by letters sent to relevant community groups and organisations.

3.2 Term of appointment

- Community member appointments to the Committee will be for a period of approximately 4 years, which aligns with a term of Council.
- At the end of the term the Committee will be reviewed, including its Terms of Reference, with any proposed changes to be considered by Council. If the Committee is to be renewed, then there will be a call for nomination for new members.
- Annually Council considers renewal of Committees and considers appointment of Councillor representatives.

3.3 Vacation of Membership of the Trust

Membership of the Trust will become vacant in the following circumstances:

- if the member resigns membership by notice in writing to the committee;
- if the member is absent for more than three (3) consecutive meetings without prior leave of absence or an apology being accepted by Trust meetings, subject to confirmation by the elected Council of the resignation;
- upon the death of the member;
- if the member becomes a mentally incapacitated person; and,
- if a member is found to be in breach of the Code of Conduct following a recommendation by the relevant General Manager to the CEO.

3.4 Role of Community members

The role of the community members is primarily to provide advice to Council on relevant matters, so their knowledge and expertise can benefit Darebin's open space and biodiversity and its design and management.

As a member of the Trust, members agree to:

- Attend meetings and participate in discussions.
- Adequately review any agenda attachments or documents as required prior to meetings.
- Allow all Trust members to present their views and opinions.
- Suggest agenda items to the secretariat officer and provide input into planning the forward agenda.
- Work within the Terms of Reference.
- Clearly declare any conflict of interest regarding any issue under discussion.
- Maintain confidentiality where appropriate.
- Not speak publicly such as to the media on behalf of Council.
- Engage in respectful behaviour / conversation at all times.
- Inform themselves of issues, opportunities, constraints and urgent actions relating to the protection, management and enhancement of open space and biodiversity in Darebin.
- Provide honest, considered, constructive and impartial advice to Council that will improve the quality and extent of open space and biodiversity in Darebin, especially taking into account the biodiversity emergency.
- Provide advice on strategic and other planning work to help inform organisational direction and action for open space and biodiversity.
- Advise Council in decision-making to retain and acquire land and invest in open space and biodiversity.
- Advocate for, and increase understanding of, the benefits and importance of open space and biodiversity to the Darebin community.

4. Meetings and procedures

The purpose of the procedures in this section is to tap into the expertise of members of the advisory committee in an effective way.

4.1 Approach to seeking input

Council will seek feedback from the advisory committee on matters related to the purpose.

The expertise of community members will be systematically sought to assist Council planning and projects for biodiversity and open space.

Advisory committees are established to allow for in depth exploration and discussion of advice on specialist topics.

There is no obligation or requirement for voting or forming a consensus view. It is common for advisory committees to hold diverse views and it is often helpful to understand these as they allow council to meet a variety of needs across the community.

However, advisory committees are also free to make recommendations and indicate common views through consensus or votes. Should the advisory committee do this, then the quorum that applies is set out in the quorum section.

From time to time, and out of session, on matters where an individual member of an advisory committee has specialist expertise, their individual feedback may be sought on specialist questions.

4.2 Meeting frequency

The committee will meet at least 6 times per year.

4.3 Establishment of Working Groups

The following Working Groups will be established consisting of community members, Councillors and relevant Council officers to support in-depth exploration of an issue related to the purpose of the Trust.

- Biodiversity Management Plan Working Group
- Vegetation Improvement Working Group
- Streetscapes, Corridors and Acquisitions Working Group
- Community Engagement Working Group

Working groups must abide by the same terms of reference including meeting procedures and conduct requirements. Council officer participation and contribution to any working group will be subject to approval by the relevant General Manager. Frequency of meetings of working groups will be determined by the Trust.

4.4 Quorum

A quorum of five community members and at least one councillor is required for a vote on a recommendation, at a formally scheduled meeting of the advisory committee.

4.5 Meeting chair

Council annually appoints councillors to its advisory committees including a Chair.

The role of the chair is to facilitate the meeting, including to manage the agenda and time, to create opportunities to hear diverse views, and to help the group clarify and understand input

and feedback.

If the chair is unable to attend, another councillor, or senior officer will chair the meeting.

4.6 Secretariat support

Council Officers will provide secretariat support to the Trust and will undertake the following functions:

- Preparation of meeting documentation including Agenda, Minutes, and Reports if applicable.
- Confirming attendees and noting apologies
- Circulation of meeting documentation ideally one week prior
- Managing conflict – see Code of Conduct below
- Time keeping, facilitation skills
- minute taking - Minutes of the meeting and agendas should ideally distributed to attendees before the next meeting and actions progressed as coordinated by the secretariat officer.
- A running forward planning agenda will be prepared, updated and circulated to members along with meeting minutes. The forward planning agenda will be a device by which community input is sought.

4.7 Providing advice to Council

As well as provision of advice through advisory committee meetings themselves, and in any written correspondence with the advisory committee, there are several other ways that advice from the advisory committee is shared with Council including:

- Where feedback relates to development of a Strategy or Plan, budget development, or other matter that will be considered by full Council and subject to decision, feedback will be reported to Council as part of reports to Council on the matter, in line with the consultation process for the particular strategy or plan. Generally, this includes summary of the main themes, copies of written feedback or submissions in full.
- Where feedback from the advisory committee relates to an operational matter, this will be shared with the responsible operational manager.
- A comprehensive report is presented to Council biannually on the progress and initiatives of all Council Advisory Committees. Any recommendations will be formally reported to Council as part of that.
- If a recommendation relates to an urgent matter the General Manager may consider providing a special report to Council at another time.

5. Conduct of Committee members

Members will:

- Act honestly and treat others with respect;
- Exercise reasonable care and diligence; and
- Not make improper use of their position or make improper use of information acquired because of their position.

Advisory Committee members other than Councillors are volunteers and as such they must sign a declaration that they will abide by any guidelines approved in Councils' *Excellence in Governance @ Darebin City Council - Employee Code of Conduct* ('the Code'). The Code covers interactions with fellow committee members, other volunteers, agency staff, contractors, consultants, Councillors, clients, residents, ratepayers and visitors to Council.

No member of the Committee is authorised to speak to the media on behalf of the Committee or Council.

A breach of the Code and /or this policy may result in the termination of membership of the Advisory Committee member, should the breach be sufficiently serious. Breaches of lesser severity will result in formal feedback being provided to the member by the General Manager or their delegate.

If a member of the Committee believes that another member or officers is not performing within expectations (i.e. Code of Conduct) this should be raised with the General Manager who will then investigate and review the matter in line with the applicable Code of Conduct.

Where there is a requirement for confidentiality, this is to be noted in the minutes if the matter arises during a meeting, or made clear to members if arising in communication outside of a meeting (e.g. provision of a draft policy ahead of a meeting, for discussion and feedback at the meeting), and addressed accordingly.

Members must disclose a conflict of interest in relation to any matter the Advisory Committee (the Trust) is concerned with or will, or is likely to, consider or discuss. The conflict of interest, including the nature of the relevant interest, must be disclosed before the matter is considered. Once disclosed, the member is required to immediately leave the meeting for that particular agenda item, and the conflict disclosure noted in the minutes.

The committee is advisory and doesn't have delegated authority to make decisions.

The Committee does not have an operational role and neither it, nor its members, may direct Council staff in the performance of their duties.

6. Key Council Staff involved with the Trust

Primary Contacts

Senior Environment Officer - Biodiversity

Coordinator Climate Emergency and Environment Strategy

Parks & Open Space Manager

Climate Emergency and Sustainable Transport Manager

Others as required

General Management City Sustainability & Strategy

General Manager Operations & Capital

Bushland Management Coordinator

Open Space & Horticulture Coordinators

Tree Management Coordinator

Planning Arborist

Turf Management Coordinator

City Futures Manager

City Design Coordinator

City Design Team Leader

Landscape Architects