

DAREBIN NATURE TRUST

REVISED TERMS OF REFERENCE & OPERATING CHARTER (As proposed by Community Members of the DNT)

May 2020

Background and Rationale

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. Both the Darebin Energy Foundation (now Climate Emergency Darebin) and the Darebin Nature Trust (the Trust) were 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. As such the Trust will act with an emergency mindset in the quest for greater ambition that might address the emergency context.

Following the Council election, the Council Plan 2017-21 included 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. It was intended that the Nature Trust focus on strategic land acquisition, the preservation of biodiversity and creation of proactive responses to a changing climate placing stress on local ecological systems.

The Trust has been operating since August 2018 under the original Terms of Reference devised by Council prior to appointment of community members. The Trust was brought into existence as an advisory committee to Council and has operated accordingly since and is envisaged to retain such status under these Terms of Reference and Operating Charter.

Community members have been selected to participate on the Trust due to their expertise across a range of fields associated with biodiversity, open space, urban liveability and community engagement.

These Terms of Reference and Operating Charter have been prepared to reflect provisions for advisory committees under the Local Government Act and recommendations from community members of the Trust.

The operating rationale for the Trust is to:

- (i) access community expertise that is otherwise not readily available to council. This expertise includes biodiversity, ecology, open space provision and management, urban liveability, education, community engagement and advocacy, and environment;
- (ii) systematically seek the expertise and advice of the community members;
- (iii) evaluate expert advice from the community members at DNT meetings; and

(iv) advise Council on strategies to address the dual and related imperatives of the climate and biodiversity emergencies.

The following contains two parts:

- Part A - what Council requires of the Trust, i.e. its Terms of Reference; and
- Part B - the Operating Charter for the Trust – what the trust will do, how it will operate and the procedures that will govern its operation.

PART A – TERMS OF REFERENCE

In the context of a climate and biodiversity emergency, Darebin Council requires the Trust to:

(i) inform itself of issues, opportunities, constraints and urgent actions relating to the protection, management and enhancement of open space and biodiversity in Darebin;

(ii) 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;

(iii) engage in strategic and other planning work to help set short and longer-term organisational direction and action for open space and biodiversity shaped around the need to address the biodiversity emergency;

(iv) advise and assist Council in decision-making to retain and acquire land and invest in open space and biodiversity;

(v) advocate for, and increase understanding of, the benefits and importance of open space and biodiversity to the Darebin community; and

(vi) report to Council periodically on its work, via its Working Groups or other mechanisms, as set down in its Operating Charter in order to ensure accountability.

PART B – OPERATING CHARTER

1. Purpose

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.

In providing advice, the community members will be given every opportunity, encouragement and support to put their views before the advisory committee or its working groups. In addition, the expertise of community members will be deliberately and systematically sought to assist Council planning and operations for biodiversity and open space. The Trust has been set up to hear from Darebin's community sector regarding biodiversity and open space. That unfettered voice must be encouraged, heard and considered in the operation of the Trust, with outcomes and advice regularly reported to Council to ensure appropriate advantage is taken of the Trust's capabilities and advice.

2. Objective

The concise overall objective of the Trust is to advocate for the protection and enhancement of Darebin's biodiversity and open space and assist Council to pursue that objective.

3. Tasks

The central task of the Trust is to offer advice to Council that flows from addressing its objective and purpose.

The following are key generic tasks that have been identified that the Trust will be expected to pursue.

(i) Strategic planning

- initiating proposals to develop improved strategic planning around biodiversity, open space and urban liveability for Darebin and to offer advice and recommend those proposals to Council for consideration and adoption; and
- participating in planning exercises of a strategic nature that relate to or impact on biodiversity and open space.

(ii) Planning for improvement

- planning and design of open space sites to enhance and improve biodiversity and open space;
- planning for vegetation and habitat improvement across Darebin's open space; and
- identifying biodiversity opportunities including project proposals, on land across Darebin.

(iii) Reviewing policies and plans and supporting implementation

- reviewing parks, gardens and natural heritage and bushland management policies, improvement plans and masterplans to enhance biodiversity and open space outcomes; and
- supporting implementation of *Breathing Space: the Darebin Open Space Strategy*; *Urban Forest Strategy*; and *Natural Heritage Strategy*; and their monitoring and review/update to ensure biodiversity considerations and actions are adequately included.

(iv) Investment in open space and biodiversity

- advising on the provision of open space including retention, acquisition and disposal and related policy, especially as it pertains to biodiversity;
- advising, advocating and helping secure green space for current and future generations including linking habitat corridors via streetscapes and other land to progressively improve connectivity; and
- advising and helping prioritise Council investment in biodiversity as part of the annual business planning processes;

(v) Advocacy and education

- developing models for community advocacy and action to secure green space for current and future generations;
- advocating, facilitating, educating and promoting the benefits to public and private landowners from enhancing green space provision and biodiversity outcomes (such as the retention of bushland) in Darebin;
- increasing the profile of Darebin's green spaces and local biodiversity; and
- educating and building community custodianship of our natural spaces so that Darebin's biodiversity is valued.

3.1 Task Delivery

The achievement of the tasks of the Trust will be undertaken through meetings of the Trust and via other mechanisms as required and determined by the Trust. An example of other mechanisms is the setting up of Working Groups. These can be initiated by the passing of a resolution at a Trust meeting and its reporting to Council and adoption by a vote in the chamber.

Working Groups will enable focus on achievement of key tasks the Trust has identified as critical to furthering its purposes. Any Working Group established by the Trust will be required to document its own Operating Charter to describe its purpose, tasks, operating structure, membership, timing of review and possible sunseting.

Working Groups must provide reports on their work to meetings of the Trust and these should be reported to Council. Reports from Working Groups may include recommendations to the Trust to further assist and support the Working Groups.

The voting membership of Working Groups will be drawn from the same general source as that of the DNT, i.e. community and Councillor members of the Trust. Officers, especially those with functions closely related to the purpose of the Working Group, will also assist and participate on the Working Groups. Should the Working Group determine that additional expertise is required to meet its purposes, such expertise can be recruited from various sources via occasional, invited non-voting participation on the Working Group.

Some officer support of the Working Groups is anticipated, but Working Groups will determine this according to need. In many cases the tasks of Working Groups will assist officers in the delivery of their core work and the functioning of Working Groups should therefore not impose an additional burden or drain on resources. In some cases, community members may provide a lead role in servicing the Working Groups and this would further relieve officers of some tasks.

It should always be the objective of Working Groups to ensure that officers are comfortable with their role and that the Working Group is adding value to their functions.

4. Membership

The membership of the Trust will comprise 9 community members and a Councillor representative from each of the 3 current Council wards. Following the 2020 elections when Council will move to nine separate wards with single representation, one Councillor can be drawn from Wards A, B and C; one from Wards D, E and F; and one Councillor from Wards G, H and I.

Community member appointments will be made by Council in consultation with the Trust based on the following criteria:

- Demonstrated capabilities, experience, expertise and advocacy skills in one or more of the following areas: biodiversity, ecology, open space planning and management, urban design and liveability and community environmental engagement and advocacy;
- Considered views about and knowledge of Darebin's open space and biodiversity and associated issues, constraints and opportunities;
- Demonstrated capacity to offer bold, honest, unfettered and credible advice and to do so in a reasoned and constructive manner; and
- Demonstrated capacity to operate effectively in an advisory committee setting and to make significant contributions to the work of the Trust where required.

Council Officers will attend meetings and advise the Trust as required, but are not members of the Trust.

All community members are also members of the community member caucus (CMC) and are expected to attend its meetings to prepare for meetings of the Trust.

5. Member Roles/Expectations

5.1 Councillors

Councillors will fulfil their role by:

- chairing meetings;
- listening and learning from Trust members;
- contributing to group discussions;
- together with other councillors, making decisions in the council chamber regarding the Trust and related issues (such as biodiversity and use of public open space) as informed by the community members and council officers;
- informing and supporting other councillors (not part of the Trust) to understand the work and perspectives of the Trust, including where diverse opinions exist; and
- continuing to use their position as councillors to advocate for biodiversity protection, increased natural green space, and other goals of the Trust.

As advocates for the community sector, Councillors will play an important part in assisting the community members to execute their role and achieve the Trust's purpose, especially in relation to giving voice to the community sector at meetings of the Trust and offering encouragement, help and support to facilitate that.

5.2 Community Members

The role of the nine community members is to primarily offer advice to meetings of the Trust and any delegated entities such as Working Groups, so their knowledge and expertise can influence and benefit Darebin's open space and biodiversity and its design and management.

The knowledge and expertise of the community members will be sought, heard and valued at meetings of the Trust. Their knowledge must be freely offered and their advice systematically sought in order to take full advantage of its availability. This will be encouraged and facilitated via a number of means including the role Councillors will play.

Advice should be issue-focused, devoid of partisan implications and constructed within a climate and biodiversity emergency mindset. The Trust should not be unduly constrained by considerations of how advice might be received. Council will either accept or reject advice from the Trust and has every right to do either.

The community members will be recognised as the intellectual leaders of the Trust and they therefore have a key role in determining its direction alongside the Councillors.

The community members also recognise that leadership comes with responsibilities. The community members are committed to undertaking project work around identified tasks in order to fulfil the Trust's objective and purpose. Community members are expected to undertake work between Trust meetings (e.g. within Working Groups or similar) to achieve this.

It is not sufficient for community members to merely attend Trust meetings to offer verbal advice. In addition to the formal meetings of the Trust, community members may be engaged on delegated Working Groups to help advise about preparation of various documents or to advance particular issues associated with the Trust's purpose.

Participation on such bodies is a key expectation of community members. In addition, all community members are expected to attend CMC meetings to prepare for Trust meetings.

The expectation of community members' behaviour at CMC or other meetings, is that they will behave with respect, openness, by listening to one another and by allowing all to have a voice.

6. Chairing of Meetings

One of the Councillor members will Chair meetings of the Trust. When a Councillor is not present at a meeting a Council officer can act as Chair.

7. Meeting Agenda

Officers will draft a meeting agenda for circulation to members for comment at least 10 days before meetings of the Trust.

As far as possible, comment from members will be included and a revised agenda will be circulated to members 5 days before meetings of the Trust. Reasons for non-adoption of comments will be provided to the member(s).

The preparation of an agenda will facilitate and enable the purpose of the Trust to be achieved with adequate time given to hear from the community members.

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.

8. Meeting Attendance

Attendance at meetings of the Trust is expected in normal circumstances and is critical to fulfilment of appointment as a member. Provisions associated with absence from meetings is detailed in section 10 below.

9. Term of appointment

As far as possible, appointments to the Trust will be for a period of approximately four years to align with the Council term. At the end of the term, the Trust and all aspects of its operation can be reviewed, with any proposed changes to be considered by the new Council, including possible renewal with appointment of new members.

No member of the Trust may serve longer than two consecutive four year terms.

For the sake of continuity and smooth transition, no more than two-thirds of the Trust's membership appointed by a new Council can be new members appointed to the Trust for the first time.

10. 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 Chair of the Trust;
- if the Councillor member resigns their office;
- if the Councillor member is absent for 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;
- if the community member is absent for three (3) consecutive meetings without prior leave of absence being accepted by a Trust meeting;
- 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.

A motion of Council is required to fill membership vacancies on the DNT. If a casual vacancy occurs, it can be filled via either advertising the vacancy or seeking the availability of those who may have met the advertised criteria but missed appointment at the previous expression of interest. In the case of a single casual vacancy, the relevant General Manager will report to the Trust on the process to fill the casual vacancy and the Trust will be asked to offer comment on the recommendation prior to it going to Council. Members appointed to fill a vacancy are appointed for the remainder of the term of current members only.

11. Quorum

A quorum of seven voting committee members with at least two Councillor voting member and 5 community voting members is required for a vote on a recommendation.

12. Meeting Frequency

The Trust will meet on at least four occasions per year. The number of meetings for the particular year will be determined at the first meeting of each calendar year. Special meetings can be held at the discretion of the Chair. Extraordinary meetings can be called where the Chair is notified that two thirds of the members support the holding of such a meeting.

13. Reporting

The Trust shall make an annual report to Council at the conclusion of every calendar year, apart from the first year of its appointment by a new Council.

Apart from regular reporting of advice from the Trust to Council conveyed through an adopted recommendation(s) at Trust meetings, the Trust may also be required to make occasional reports to Council about its operation and progress, where requested and at the invitation of Council.

14. Conduct of 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.

Council policies applying to fraud, OHS, EEO, Safeguarding Children and Privacy apply to Advisory Committees.

Failure to abide by the conduct principles (and relevant Council policies) will result in the member being deemed to be in breach of their obligations and may result in their removal from the Trust. .

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.

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

If a member of the Committee believes that another member is not performing within the member expectations (i.e. Code of Conduct) this should be raised with the Trust Chair.

Sections 77A-81 of the Local Government Act define conflict of interest and procedures to be followed where a conflict is identified. 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 and must be recorded in the minutes.

The Councillor Chair is the official spokesperson for the Trust. Members may only speak on behalf of the group where the content and spokesperson is agreed by a quorum at a meeting. Any engagement with the media will be in accordance with Council's standard media and communications policy.

Members must ensure that new issues raised by the public or community are brought back to the Trust for consideration before any public information or response is provided in relation to the issue.

Appendix 1 Key Council Staff involved with the Trust

General Manager Operations & Capital

Parks & Open Space Manager

Bushland Management Coordinator

Open Space & Horticulture Coordinators

Tree Management Coordinator

Planning Arborist

Turf Management Coordinator

General Manager City Sustainability & Strategy

City Futures Manager

City Design Coordinator

City Design Team Leader

Landscape Architects

Climate Emergency and Sustainable Transport Manager

Climate Emergency and Environment Strategy Coordinator

Biodiversity Officer