

# **URBAN FOREST STRATEGY COMMUNITY REFERENCE GROUP**

## **TERMS OF REFERENCE**

### **August 2021**

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## **Introduction**

The first Urban Forest Strategic Plan for Banyule was endorsed in 2015. The level of interest of the community on environmental issues has grown, and the expectations on how we manage Banyule's urban forest has changed. A revision of the Urban Forest Strategic Plan (2015) is sought to further guide tree management in both the private and public realm. The project to engage the community in this refresh of urban forest strategy will take place in the 2021/2022 financial year.

The process of reviewing our Urban Forest Strategic Plan (UFS) will aim to facilitate the expansion of the urban forest and enhance the benefits that our population of trees provides, whilst ensuring sustainable management.

The engagement that is carried out as part of the Urban Forest Strategy project will build on the extensive community engagement that was carried out to create the Banyule 2041 Shaping Our Future project. This vision described the community's desire to have a stronger focus on trees and the Banyule Urban Forest.

## **Aim**

The aim of Urban Forest Strategy Community Reference Group (UFSCRG) is to provide Council with ideas and feedback to shape the guiding principles of urban forestry in Banyule and help guide the development of the draft strategy.

## **Scope**

The scope of the Urban Forest Strategy is to develop principles that will guide development, planning and implementation of tree management practices including:

### **Public**

- Develop principles for long-term street tree planting, renewal and tree selection matrix
- Advise Council on options for a tree amenity charge.
- Review and adopt industry best tree management.
- Develop principles for considering the needs of an urban forest in the renewal and construction of council infrastructure, such as the incorporation of water sensitive urban design to support passive irrigation of trees.
- Develop principles for design of trees in open space to support Banyule's open space strategies.

### **Private**

- Consider the draft DELWP planning provisions for Cooling and Greening Melbourne that propose new minimum levels of tree protection and vegetation cover requirements and align with Banyule's vegetation protection and planning controls.
- Explore options for enforcement.
- Encourage appropriate tree planting in the private realm.
- Advocate for stronger protection and enhancement of urban forest in non-council land.
- Explore using the tree amenity value for bonds, vandalism and other enforcement in the private realm.

### **Public & Private**

- Align with the Living Melbourne strategy for both the private and public realms
- Provide information and advocate for the benefits of the urban forest to residents including schools and community groups

### **Membership**

The UFSCRG membership will consist of up to 12 members and will include representation from:

- Banyule Councillor (Chair)
- Local Environment Groups (2)
- Local Heritage Groups (1)
- Traders and retail associations (2)
- Business owners (2)
- Residents who have objected to a tree being planted in front of their property during the last planting season (2)
- Resident who has an urban design background (1)

The following representatives are also to be included, additional to the community members:

- Council officers
- Subject matter experts supporting the development of the plan.

**All UFSSCRG positions are voluntary positions.**

### **Recruitment**

#### **Selection Criteria**

Applications from interested community members will be assessed based on the following criteria:

- Interest and connection to trees and the urban forest.
- Willingness to commit to a twelve-month term.
- Ability to represent a diversity of views and interests of the community.
- Qualifications, skills and experience the person can bring to the UFSCRG, relevant to the UFS.

Staff members of Banyule are not eligible to apply for membership.

**Council will aim to ensure that members of the UFSCRG reflect the diversity of the community.**

#### **Selection Process**

An Expression of Interest that invites applications will be advertised through Council publications, social media and circulated through networks and will be advertised for a minimum of 14 days. Residents who have lodged opposition to tree planting in 2021 will be invited to nominate for the UFSCRG. Key organisations may be recruited directly by Council officers.

The selection committee for the reference group will include the UFS project control group comprised of the Director, Assets & City Services; Director, City Development; Manager, Planning & Building; Manager, Parks and Open Space and the Senior Project Manager. The committee will assess the candidates against the selection criteria and advise Council of the appointments via a briefing note. Where required, the selection committee may also conduct interviews with candidates.

#### **Terms of Appointment**

- Appointments will be for the duration of the UFS project, approximately a 12-month term.
- If the term exceeds 12-months, members will be provided with the opportunity to extend their term for a further 12-months.

- A member who is absent from two consecutive meetings, without forwarding an apology, will be assumed to have resigned.
- Members are free to resign from UFSCRG at any time by notifying the Senior Project Officer. Previous nominations may be considered to fill the vacancy. An Expression of Interest (EOI) process will be undertaken if there are no previous nominations that meet the criteria. By agreement of most existing members the group may choose not to fulfil the vacancy.

#### **Meeting Frequency and Duration**

- The UFSCRG will meet approximately four times over the next 12 months, for duration of up to 2 hours.
- It is expected that each member attends a minimum of 60% of all meetings.
- If members are an apology, they should provide a weeks' notice of their absence where possible.
- A quorum for the UFSCRG will consist of a minimum of one Councillor and five other members of the Reference Group.

#### **Roles and Responsibility**

##### **Role of Councillors**

- Consultation between Officers and the Chair to set the agenda.
- Prepare for, attend and actively participate in meetings.
- Take an active role in communicating the views of the broader community to Council.
- Provide feedback to Council.
- Keep the Reference Group informed of current and emerging developments, and issues and activities relevant to the Reference Group.
- Respond to requests for input into and/or feedback on Council activities, policies and reports, at time in between meetings.
- Share information and promote consultation opportunities with your networks.

##### **Role of Reference Group members**

- Commit to serving for approximately 12 months.
- Prepare for, attend and actively participate in meetings.
- Take an active role in communicating the views of the broader community to Council.
- Provide feedback to Council.
- Keep the Reference Group informed of current and emerging developments, and issues and activities relevant to the Reference Group.
- Respond to requests for input into and/or feedback on Council activities, policies and reports, at time in between meetings.
- Share information and promote consultation opportunities with your networks as requested.

##### **Role of Council Staff**

The Senior Project Officer will provide support to the Reference Group including developing agendas and keep minutes of the meetings, follow up on actions identified in meetings, be a point of contact for reference group members and communicate with members between meetings.

#### **Shared Roles and Responsibilities**

All people present at meetings are expected to follow a **Code of Conduct**:

- Act honestly and treat others with respect.
- Not make improper use of their position or make improper use of information acquired because of their position.
- All members will be able to raise issues or problems and have them dealt with in an honest and respectful manner.
- All members will be given equal opportunity to participate in the reference group discussions.

#### **Extent of Authority**

- UFSCRG members have an active role to provide feedback and advice to Council to inform the development of the UFS.
- UFSCRG members participate in discussions at four meetings.
- UFSCRG members have an advisory role and do not hold any authority to make decisions or commitments on behalf of Council.

Furthermore, UFSCRG members do not have the authority to:

- Expend money on behalf of Council.
- Speak on behalf of Council.
- Speak on behalf of the UFSCRG.
- Commit Council to any arrangement.
- Consider any matters outside of its area of reference.
- Direct Council officers in the performance of their duties.

#### **Monitoring and reporting**

The minutes of UFSCRG meetings will be circulated to members via email for confirmation in 5 – 10 business days. The outcomes of meetings may then be summarised and placed on the designated Shaping Banyule page for community viewing.

Recommendations from reference group meetings may be presented to Council for noting and where appropriate action.

#### **Induction and Orientation**

An induction and orientation process will occur for all members at the beginning of the term of the Reference Group. This process will include:

- Briefing members on the expectations and requirements of membership of the Reference Group.
- Providing members with an overview of the reference group structure and decision-making processes of Council.
- Introduction to Banyule's Council Plan and other relevant Council policies, strategies and plans.
- Overview of key background data on urban forestry.

#### **Support to Participate in Meetings**

To allow for diverse participation, Council may support participation of members through provision of assistance including:

- Hearing Loops
- Translators
- Transport Vouchers

- Child Care reimbursement

Requests for support assistance will be directed to the Senior Project Manager prior to the meeting and Council will assess their capacity to support each request on a case by case basis.

#### **Reference group member regulatory obligations**

In performing the role of reference group member, a person must:

- act with **integrity**
- impartially exercise their responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage
- avoid conflicts between their Reference Group duties and their personal interests and obligations
- commit to regular attendance at meetings.

These obligations relate to requirements within the Local Government Act:

- misuse of position as a member of the Reference Group (Section 123)
- confidential information (Section 125) and
- conflict of interest (Sections 126 to 131).

Where a member has a conflict of interest, they must advise the Chair in advance of the meeting and no later than the beginning of the meeting. The member must leave the meeting during discussion.

**Refer to Appendix A for further detail**

#### **Record of Meetings to be tabled at Council Meetings**

This reference group is considered an informal meeting that may involve Councillors and in accordance with Banyule Governance Rules the details of the meetings including topics discussed, attendees and any conflicts of interest declared will be recorded and tabled at the next convenient Council meeting; and recorded in the minutes of that Council meeting.

#### **Changes to the Terms of Reference**

The UFS Project Control Group are responsible for ensuring that the Terms of Reference are current and responsive to the project requirements. Changes to the Terms of Reference can be made at any stage by mutual agreement of all Project Control Group members.

**When the Terms of Reference are amended, the updated version must be circulated to all reference group members to advise them of the changes. The changes will also be noted to all Councillors.**

## Appendix A

### Reference Group Member Regulatory Obligations Guidance to Members

LGA Section	LGA Requirement
<b>Misuse of Position</b>	
123(1)	<p>A Reference Group member must not intentionally misuse their position to:</p> <ol style="list-style-type: none"> <li>Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</li> <li>Cause, or attempt to cause, detriment to the Council or another person</li> </ol>
123(3)	<p>Circumstances involving misuse of a position by a member of the <b>Reference Group</b> include:</p> <ol style="list-style-type: none"> <li>Making improper use of information acquired as a result of being a member of the Reference Group; or</li> <li>Disclosing information that is confidential information; or</li> <li>Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or</li> <li>Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or</li> <li>Using public funds or resources in a manner that is improper or unauthorised; or</li> <li>Participating in a decision on a matter in which the member has a conflict of interest.</li> </ol>
<b>Confidential Information</b>	
125	<p>A member of the <b>Reference Group</b> must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.</p>
<b>Conflicts of Interest</b>	
126	<p>A member of the <b>Reference Group</b> has a conflict of interest if the member has:</p> <ol style="list-style-type: none"> <li>A general conflict of interest as described in Section 127; or</li> <li>A material conflict of interest as described in Section 128.</li> </ol>
127	<p>A member of the <b>Reference Group</b> has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Reference Group.</p>
128	<p>A member of the <b>Reference Group</b> has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p>

**Please Note:**

The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act.