

LAKE WENDOUREE AND GARDENS ADVISORY COMMITTEE

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Lake Wendouree and Gardens Advisory Committee (**Committee**).
- 1.2 Council will establish from time to time various Advisory Committees. The Committee is established to have a longer-term focus on the development of the facility and its programs providing Council with expertise in relevant matters to assist its decision making for the Ballarat Community.

The Lake Wendouree and Gardens Precinct (**Precinct**) refers to the public open space and developments held by Council for the Ballarat Botanical Gardens and Lake Wendouree Restricted Crown Grants.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can make recommendations to Council.
- 1.4 This Terms of Reference document is authorised by a resolution (R14/18) of Council passed on 31 January 2018.

2. PURPOSE

The Committee is established for the purpose of:

- 2.1 Seeking suitably qualified representatives of the Committee, that can provide advice on policies, applications for development and commercial activity, with specific areas of management.
- 2.2 Managing the Precinct in order to preserve and enhance the environmental and cultural values, while providing residents and visitors with quality recreational, educational and cultural experiences with minimum cost to Council's ratepayers while attracting economic stimulus to the region's business.

3. OBJECTIVES

The objectives of the Committee are:

- 3.1 Develop/review a whole of Precinct Management Plan that identifies roles and responsibilities of the various agencies involved in decision making, approvals and service.
- 3.2 Provide assistance where required on the management of the Australian Ex-Prisoner of War Memorial.
- 3.3 Provide input on the management of the fresh water ecology of Lake Wendouree.

- 3.4 Evaluate proposals for commercial use of the Precinct and provide advice to Council.

4. ROLES AND RESPONSIBILITY

The role of the Committee is:

- 4.1 Ensure that the cultural, environmental and aesthetic values of the Precinct are maintained and enhanced.
- 4.2 Review policies in relation to the use of public facilities in the Lake Wendouree area and provide feedback.
- 4.3 Review priorities for works in the Precinct and assist in funding opportunities.
- 4.4 Review applications for commercial licences and make recommendations to Council about their suitability and proposed terms and conditions.
- 4.5 Provide advice to the administration of bequests and trust funds associated with the Precinct.
- 4.6 Liaise with interest groups and respond to any other matters that are referred to the Committee.
- 4.7 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee.

5. MEMBERSHIP

- 5.1 The Committee will consist of up to 14 members comprising of:
- 5.1.1 Up to three Councillors
- 5.1.2 Between eight (8) and fourteen (14) external representatives comprising of:
- One representative of the Friends of the Ballarat Botanical Gardens;
 - Up to two representatives of the Ballarat Botanical Gardens Tenants Group;
 - Two representatives of the Lake Wendouree Aquatic Association; one representative of the angling clubs and one representative of the aquatic racing sports (rowing, yachting, canoeing, dragon boat etc.);
 - One representative from the Ballarat Associated Schools (BAS);
 - One representative of the Tramway Museum;
 - One representative of the Australian Ex-Prisoner of War Appeal Fund Trustees;
 - One Representative of Federation University Primary Industries/ Science Department;
 - One representative of the Ballarat Fish Acclimatisation Society (Trout Hatchery) *optional*; and

- Up to six community representatives with expertise in fresh water ecology, native fauna management and/or heritage and cultural asset management.
- 5.1.3 Council Officers to assist and advise the Committee when necessary
- Director, Infrastructure and Environment;
 - Supervisor Lake Wendouree; and
 - Curator, Parks & Nursery
- 5.2 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 5.3 A Council Officer appointed under clause 5.2 is not considered a member of the Committee and does not have voting rights.
- 5.4 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 5.5 Council will revise the membership and voting rights of each Committee member every two years.
- 5.6 Councillors, other than a Councillor appointed under clause 5.1.1, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 5.7 If Council does not appoint a chairperson for the Committee before the Committee's first meeting, the Committee shall appoint a Councillor as the chairperson at the first meeting.
- 5.8 The Committee may appoint and reappoint the chairperson as it sees fit and where the chairperson is absent from a meeting.
- 5.9 Any Councillor can attend the meeting as an observer.

6. MEETINGS

- 6.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
- 6.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
 - 6.1.3 The Committee's discretion, as exercised from time to time; and
 - 6.1.4 Council's Community Consultation and Participation Framework.
- 6.2 The Committee will meet a minimum of five times a year.
- 6.3 The Chairperson will chair all Committee meetings.
- 6.4 The Chairperson is the authorised spokesperson for the Committee.

- 6.5 The role of the Council Officer appointed under clause 5.2 includes:
- 6.5.1 maintaining a Register of Committee members, their date of appointment, reappointment, and official positions (if any) held as a Committee member;
 - 6.5.2 advising committee members of term completion dates and their eligibility for reappointment as relevant;
 - 6.5.3 acting as the contact point between Council and the Committee; and
 - 6.5.4 assisting with meeting the Committee's reporting requirements.
- 6.6 A quorum of the Committee will be half of the current appointed members plus one.
- 6.7 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.
- 6.8 Sub Committees may be appointed by the Committee and may meet between general meetings and as authorised by the Committee.

7. REPORTING


- 7.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 7.1.2 Part 4, Division 2 of the *Local Government Act 1989*; and
 - 7.1.3 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee must prepare and present to Council a report of its activities upon being required to do so by Council and, in any event, at least once per year.
- 7.3 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors*.
- 7.4 Consequently, an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 5.2 or, of that Council Officer is not present, by the Committee Chairperson, and forwarded to the Governance Unit for inclusion in the report to Council.
(Note – this only applies when a Councillor is in attendance.)

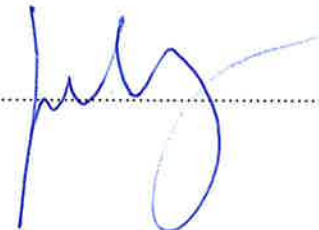
8. CREATION AND DISSOLUTION

- 8.1 By these Terms of Reference the Committee:
 - 8.1.1 is established; and
 - 8.1.2 has the responsibilities as set out in the Terms of Reference.
- 8.2 These Terms of Reference:
 - 8.2.1 come into force immediately the common seal of Council is affixed to it; and
 - 8.2.2 remain in force until Council determines to vary or revoke it.
- 8.3 The Committee must be dissolved by a resolution of Council.

Dated: 31 January 2018

The Common Seal of Ballarat City Council)
 was affixed by authority of the Council in the)
 presence of:)





MAYOR/COUNCILLOR

COUNCILLOR

CHIEF EXECUTIVE OFFICER

0534



