



VEHICULAR ACCESS TO BEACHES COMMITTEE

Terms of Reference

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**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

1	NAME	1
2	INTERPRETATION	1
3	STATUS OF COMMITTEE	1
4	PURPOSE	1
5	BEACH POLICIES	1
6	ROLE OF THE COMMITTEE.....	2
7	COMMITTEE DELEGATIONS.....	2
8	MEMBERSHIP	2
9	QUORUM AND RECOMMENDATION MAKING	4
10	TIMETABLE FOR MEETINGS	4
11	MEETING PRACTICES AND PROCEDURES.....	4
12	CODE OF CONDUCT	5
13	DISCIPLINARY ACTION	5
14	CONFIDENTIALITY AND PRIVACY	6
15	REVIEW	6

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

1 NAME

The Committee shall be known as the Nambucca Shire Council Vehicular Access to Beaches Committee.

2 INTERPRETATION

For the purpose of the terms of reference:

“The Committee” means the Nambucca Shire Council Vehicular Access to Beaches Committee.

“Council” means the Nambucca Shire Council.

“Member” means a member of the Committee.

3 STATUS OF COMMITTEE

Advisory Committee to Council.

4 PURPOSE

Council allows authorised and licensed motor vehicles to gain access to designated beach areas in the Nambucca Shire. The Vehicular Access to Beaches Committee meets twice a year to consider and advise Council on the development and implementation of relevant policies and programs relating to the provision and maintenance of vehicular access to public beaches and related management issues.

As such, the Committee was established to review the provision of vehicular access and control measures on the public beaches in the Nambucca Shire Council area.

5 BEACH POLICIES

The following policies are current and relate to beaches:

Title	Council Ref. No.
Access of Vehicles to Council's Beaches	893/2010
Beaches – General – Bonfires and Damage	3958/2006
Beaches – General – Horses on Beaches	3959/2006
Beaches – Inspectors/Lifesaving Authority to Patrol Beaches and Train	3961/2006
Beaches – Permits – Beach Access Permits	3988/2006
Beaches – Code of Conduct for Professional Fishers	3984/2006

Council has resolved to amalgamate all the above policies into one policy.

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

6 ROLE OF THE COMMITTEE

The Committee shall consider the following vehicular access and control measures on the public beaches in the Nambucca Shire Council area:

- 6.1 Regulatory signage for vehicular access tracks.
- 6.2 Maintenance and standard of vehicular access tracks.
- 6.3 Issuing and monitoring of beach driving permits for vehicles.
- 6.4 Traffic calming and speed restriction on beaches.
- 6.5 Refer animal control issues to the Council Ranger for investigation.
- 6.6 Review of policies associated with vehicles and animals on beaches.
- 6.7 Monitor income from sale of permits and recommend maintenance/capital improvement works within funding parameters.
- 6.8 Consider the environmental impact to beaches of vehicular access.
- 6.9 Receive and note reports from the Volunteer Beach Rangers.

7 COMMITTEE DELEGATIONS

- 7.1 The Committee does not have the power to incur expenditure as it is an advisory body only.
- 7.2 The Committee does not have the power to bind Council.
- 7.3 The Committee can make recommendations to the Council on all business presented before it. Recommendations of the Committee will be presented to Council in written form, accompanied by a report from relevant Council officers. Recommendations made by the Committee may or may not be adopted by Council.
- 7.4 To operate in accordance with the provisions of any Regulations, as adopted by Council.

8 MEMBERSHIP

- 8.1 Councillor Representation

Four Councillors with the Mayor as ex officio (annually nominated by Council in September).

Cr J Ainsworth
Cr B Morrison
Cr Paula Flack
Cr R Hoban (Mayor)
Cr B Finlayson

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

8.2 Community Representation (Volunteer Beach Rangers)

All approved Volunteer Beach Rangers as at the 25 October 2012 and detailed as follows:

Ms G Allen	Mr R Bennett
Mr C Brazel	Mr A J Hardge
Mr B Hall	Mr K Morrison Jnr
Mr N Ingold	Mr C Smith
Mr K Morrison *	Mr B Watts
Mr R Smyth	
Ms J Garlick (Resigned 11/2011)	Cr M Moran OAM (Deceased 05/2012)
Mrs J Young * (Resigned 10/2011)	Mr J Schneider (Resigned 07/2012)

* Beach Permit Driving Issuing Officer

8.3 Council Staff Representation

The following staff member is assigned to this Committee:

- Assistant General Manager Engineering Services or alternate staff member from the Engineering Services Department.
- Other members of staff as required.

Staff required to attend the Committee will participate equally with the Committee in terms of discussion but will not have any voting rights.

8.4 Appointment of new Representation (Volunteer Beach Rangers)

Appointment of new Volunteer Beach Rangers will require the applicant to complete Council's Application For Volunteer Work form (*Our Ref: 26805/2007*).

8.5 Chairperson

The Chairperson of this Committee shall be a Councillor representative nominated by Council in September of each year (following the nomination of Councillors to Committees).

The role of the Chairperson is to preside at a meeting of the Committee. The Chairperson requires the skills to be able to facilitate the effective functioning of the Committee.

If the Chairperson of the Committee is unable to preside at a meeting of the Committee, the Deputy Chairperson nominated by Council in September of each year shall become the Acting Chairperson for that meeting.

8.6 Other Office Bearers

The Deputy Chairperson of this Committee shall be a Councillor representative elected by the Committee in November of each year following the nomination of Councillors to Committees.

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

9 QUORUM AND RECOMMENDATION MAKING

The quorum required to enable business to be transacted at meetings shall consist of 2 Councillors and 2 representatives.

In the absence of a quorum, 15 minutes after the advertised start of the meeting, the Committee members present may discuss the agenda items although any decisions taken will not become formalised until they have been ratified at the next Committee meeting with a quorum present.

Wherever possible, decisions of the Committee shall formally be made on the basis of a “mover” and “seconder” of the recommendation and the matter will be decided by a simple majority of those members present at the meeting, (provided a quorum is present). In the event of a tied vote, the Chairperson or person acting in the position of Chairperson shall in addition to their ordinary vote, have the casting vote.

10 TIMETABLE FOR MEETINGS

The meeting will occur on a biannual basis scheduled for the second Friday in November and February of each year commencing at 1.30 pm.

The meeting will be limited to a maximum of two hours duration unless the Committee resolves to extend the length of the meeting to a particular time or the completion of business.

Extraordinary meetings may be called by the Chairperson of the Committee in consultation with the Assistant General Manager Engineering Services.

The location, date and starting time for meetings will be advised on the agenda.

Committee meetings can only be held if three (3) working days notice has been given to all members.

Notice of apologies are to be provided to Council at least (3) working days prior to the scheduled meeting.

In the event there is no business, the meeting can be cancelled in consultation with the Chairperson.

11 MEETING PRACTICES AND PROCEDURES

The administrative provisions of Council's adopted Code of Meeting Practice shall apply.

The Committee will observe any other relevant Council protocols.

The minutes of the Committee must be forwarded to Council for Council ratification.

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

12 CODE OF CONDUCT

All members of Council Committees are required to observe the provisions of Council's Code of Conduct and any other policy applicable to the proper functioning of the Committee. All new members will be provided with a copy of Council's Code of Conduct and will sign to indicate that they have read and understood their obligations. A breach of the Code of Conduct may lead to the member being excluded from the Committee

In particular, if a Committee member has a pecuniary interest in any matter with which the Committee is concerned, and who is present at a meeting of the Committee at which the matter is being considered, they must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion (see Clause 251 of the Local Government (General) Regulation 2005).

A person does not breach the above clause if he or she did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

A member of a Committee who has a non-pecuniary conflict of interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered will disclose the interest to the meeting as soon as practicable. If a member of the Committee has declared a non-pecuniary conflict of interest there is a range of options for managing the conflict. The option chosen will depend on an evaluation of the circumstances of the matter, the nature of the interest and the importance of the issue being dealt with.

Committee members must act in a professional and conscientious manner with any information they obtain as a Committee member, especially as Committees need openness and honesty to operate efficiently. Committee members should feel free to express their opinions and views without fear of recrimination. It is therefore important that Committee members respect each other, despite differences, and work together to create an open and trusting atmosphere.

13 DISCIPLINARY ACTION

Should a member of the Committee breach Council's Code of Conduct, the matter will be referred to Council's General Manager for deliberation. The General Manager may consider a range of sanctions, depending on the nature of the breach. Serious breaches may result in removal of the member concerned from the Committee. In such cases the General Manager would convene a meeting of the Chairperson and person concerned to discuss the matter prior to the decision being finalised. The member who has committed the breach may be suspended from the Committee until the matter is determined.

**NAMBUCCA SHIRE COUNCIL
VEHICULAR ACCESS TO BEACHES COMMITTEE**

Terms of Reference

14 CONFIDENTIALITY AND PRIVACY

Members, through their involvement on the Committee, may come in contact with confidential or personal information retained by Council. Committee members are required to maintain the security and confidentiality of any such information and not access, use or remove that information, unless authorised to do so.

Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information. More information about the legislation can be obtained by contacting Council's Information Officer.

Should a Committee member become aware of any breach of the security, or misuse of Council's confidential or personal information they are asked to contact the Information Officer.

15 REVIEW

Amendments to this "Terms Of Reference" may be proposed to the Council by the Committee at any time, and change will not take effect until such time as Council has resolved to make any required amendments.