

*Instrument of Delegation by the Council*

**Port Phillip City Council**

**Instrument of Delegation**

**to**

**a Special Committee**

**by**

**the Council**

**TERMS OF REFERENCE (7 February 2006)**

**INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE**

**Preamble**

The Cities of Melbourne, Port Phillip, Stonnington and Yarra have each set up identically constituted section 86 special committees, in accordance with the *Local Government Act 1989*, to provide a coordinated decision-making process to facilitate the implementation of the Inner Melbourne Action Plan (IMAP) dated January 2006, as adopted by member Councils in December 2005.

The name of each of the section 86 special committees will be "Inner Melbourne Action Plan Implementation Committee" (described jointly as "the Committee").

Any of the member Councils may terminate its section 86 special committee at any time. Where no more than one member Council terminates its committee, it is the intention that the Committee will continue to operate, subject to modification of this Terms of Reference to reflect the altered membership structure.

**Purpose**

Generally, the purpose of the Committee will be to oversee the implementation of regionally based actions identified in the Inner Melbourne Action Plan (IMAP) January 2006, as adopted by member Councils in December 2005.

**Objectives**

The IMAP project scope is to provide for the development of regional actions to deliver agreed regional outcomes. The broad outcome is to ensure the continued development and liveability of the inner region of Melbourne into the future.

The IMAP project is distinctive in bringing together key government stakeholders to develop and deliver regionally based actions.

The Committee will provide:

- regional decision-making necessary to implement agreed IMAP actions, which is binding on the member Councils; and
- impetus for the coordination and commitment of all partner organisations.

## **Role and Functions**

The Committee will, with respect to:

### **Programming**

- develop and approve a rolling Three Year Implementation Program to implement the actions 'agreed' to in the IMAP. This Program is to be updated and approved annually by the Committee;
- approve individual 'Project Briefs' developed to progress specific IMAP actions in accordance with the Implementation Program;
- monitor the progress of individual IMAP actions ; and
- establish the IMAP Leadership Forums (CEO/Senior Management and Associate Partners Forum and the Elected Representatives Forum) to provide strategic input to the identification of regional priorities and development of the annualised Three Year Implementation Program.

### **Budgeting**

- from such monies as are allocated in each member Council's budget, determine the amount that member Councils will contribute annually for the cost of coordination and administration;
- be authorised to seek on behalf of the member Councils external funding for IMAP actions ; and
- make recommendations to the member Councils of budget allocations required to effect the implementation of specific IMAP actions, to enable consideration in each Council's annual budgeting process. Each member Council's budget is expected to reflect necessary resources to deliver on commitments agreed in the Plan. The budget of each member Council would be specific to meeting the IMAP actions relevant to that respective municipality. The recommended budget allocation is to be based on the perceived benefits and / or capacity of each member Council.

### **Procedures Protocol**

- develop a protocol to be adopted by the Committee to provide the basis for the working relationships between the member Councils in respect to matters within the Committee's Terms of Reference (including the role, relationships and operational processes of the Leadership Forums and the IMAP Co-ordination Officer) and for the resolution of any issues that arise between member Councils in respect to IMAP.
- provide advice, from time to time to the member Councils on the governance arrangements of the Committee.

### **Structure**

Each IMAP member Council's special Committee is constituted in accordance with section 86 of the *Local Government Act 1989* and its decision-making powers are subject to an Instrument of Delegation of the relevant IMAP member Council.

The Committee will consist of 8 voting members, being:

- one councillor and the Chief Executive Officer (or specified executive Director) from each of the following municipalities:
  - City of Yarra;

- City of Melbourne;
- City of Port Phillip; and
- City of Stonnington.

A quorum for the Committee will be five, which is a majority of the persons appointed to the Committee.

Decision-making will be by a show of hands. For a motion to be successful it must be carried with the support of the members from at least three of the Councils listed above, excepting that the annual approval of the rolling Three Year Implementation Program must be carried unanimously.

The Chairperson and Deputy Chairperson shall be appointed from the councillor members of the Committee on a rotational basis for each meeting.

The Committee will set meeting dates and shall meet at least quarterly or at such other intervals as agreed by the Committee.

One representative from each of the following associate partners:

- Vic Urban;
- Department of Infrastructure;
- Department of Sustainability and Environment; and
- Department of Innovation, Industry and Regional Development,

will be invited to attend the meetings of the Committee. Associate Partner representatives will not be members of the Committee or entitled to vote, but can participate in any discussion. The associate partners may change from time to time.

### **Reporting**

The business of the Committee shall be recorded in proper minutes that shall be distributed to member Councils and included in the Register available for public inspection.

The Committee shall provide an annual report to the member Councils.

### **Administration**

An IMAP Implementation Officer will be appointed to provide administrative support to the Committee.

The IMAP Implementation Officer will undertake a Co-ordination/Project Management role to:

- ensure the timely and coordinated delivery of the overall annual IMAP program; and
- provide the day to day oversight of the IMAP program and specific actions.

The Implementation Officer will provide to the Committee:

- quarterly briefings at meetings; and
- six monthly progress reports.

## **Leadership Forums**

The Committee will establish two Leadership Forums:

1. a CEO/Senior Management and Associate Partners Forum; and
2. an Elected Representatives Forum of Councillors from the member Councils.

The forums will meet annually, or more often as required, with the role of the Forums being to:

- determine and drive strategic regional priorities;
- provide advice to the Committee on annual priorities and the review of the Three Year Implementation Program;
- facilitate liaison, partnerships and co-ordination with the State Government and its Agencies, including identifying project synergies / opportunities arising from State or Local Government programs; and
- receive progress reports and an annual report from the Committee on the implementation program.

Forum meetings will be recorded by minutes for formal tabling and consideration by the Committee.

## **Project Task Groups**

The Committee is able to establish Project Task Groups to undertake individual project actions.

The Project Task Groups would be formulated to deliver individual IMAP actions in response to the annual work program. The composition and funding of the Groups would be needs based.

The budget for specific project actions (including external funding where obtained) could be centralised in one partner Council's budget (ie the 'project lead' Council) or, alternatively, each partner Council could make project payments as required. The method of budget administration will be determined on an individual project needs basis.

Day to day co-ordination and integration of the Project Task Groups, would be managed by the IMAP Implementation Officer.

Individual 'Project Briefs' would be need to be approved by the Committee.

## **Membership**

The Inner Melbourne Action Plan Implementation Committee will comprise the following members:

- **City of Melbourne:**
  - Chair, Planning Committee; and
  - Director Sustainability & Innovation.
- **City of Port Phillip:**
  - Mayor; and
  - Chief Executive Officer.

- **City of Stonnington:**
  - Mayor; and
  - Chief Executive Officer.
- **City of Yarra:**
  - Mayor; and
  - Chief Executive Officer.

**Port Phillip City Council**

**Instrument of Delegation**

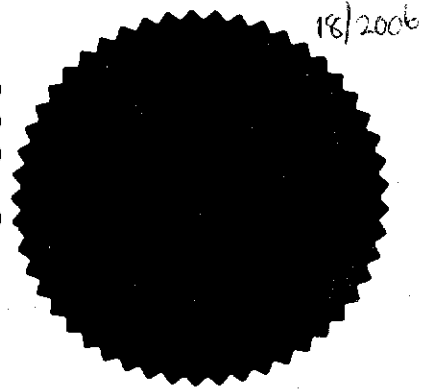
**INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE**

Pursuant to sections 86(3) and 88 of the *Local Government Act 1989* ("Act"), Port Phillip City Council ("Council") delegates to the special committee established by resolution of Council and known as the "Inner Melbourne Action Plan Implementation Committee" ("the Committee"), the powers, duties and functions set out in the Terms of Reference (dated 7 February 2006) included in the accompanying Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 27 February 2006;
2. this delegation:
  - 2.1. comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2. remains in force for a period of five years from the date of the Council resolution, or until Council resolves to vary or revoke it; and
  - 2.3. is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. the Committee is not authorised by this Instrument to:
  - 3.1. enter into any contracts, or incur expenditure, for an amount which exceeds the approved budget; and
  - 3.2. exercise the powers which, by force of section 86 of the Act, cannot be delegated, as follows:
    - 3.2.1. this power of delegation;
    - 3.2.2. to declare a rate or charge;

- 3.2.3. to borrow money;
- 3.2.4. to enter into contracts for an amount exceeding an amount previously determined by the Council;
- 3.2.5. to incur any expenditure exceeding an amount previously determined by the Council; and
- 3.2.6. any prescribed power.

The **COMMON SEAL** of the **PORT PHILLIP CITY COUNCIL** was affixed hereto in the presence of :



(Executive Director, Corporate Management)

27/2/2006

Date

## Schedule

### INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE

#### Powers and functions

The powers, duties and functions directly relating or ancillary to the following primary responsibilities:

1. develop and prioritise a rolling Three Year Implementation Program of Inner Melbourne Action Plan (January 2006) actions, to be updated and approved annually;
2. oversee implementation of the IMAP in accordance with the agreed Three Year Implementation Program;
3. make recommendations to the Council and other IMAP member Councils on budget allocations (refer Terms of Reference) to effect the implementation of IMAP actions;
4. progress individual initiatives in accordance with the annualised 3 year Implementation Program;
5. review and recommend adjustments to the Three Year Implementation Program as required;
6. monitor and report annually to IMAP member Councils on the progress of the implementation of IMAP actions; and
7. perform all other functions that are set out in the Terms of Reference (attached) that are not otherwise listed above.

#### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

- enter into any contracts, or incur expenditure, for an amount which exceeds the approved budget; or
- exercise the powers which, by force of section 86 of the Act, cannot be delegated.