



8.2	INNER MELBOURNE ACTION PLAN (IMAP) COMMITTEE UPDATE OF DELEGATION
LOCATION/ADDRESS:	WHOLE OF MUNICIPALITY
GENERAL MANAGER:	CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT
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TRIM FILE NO:	11/01/162-02
ATTACHMENTS:	1. IMAP Instrument of Delegation & Terms of Reference

PURPOSE

- To recommend that Council review and approve the Instrument of Delegation from the Council to the Inner Melbourne Action Plan Implementation Committee (“IMAP”) in accordance with Section 86 (6) of the Local Government Act; and
- To reaffirm the exemption of non-Port Phillip City Council members of the IMAP special committee from being required to submit a Primary and / or Ordinary Returns of Interest.

I. RECOMMENDATION

That Council:

- 1.1 Revokes the previous Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee authorised by a resolution of Council on 25 August 2015 effective immediately following the passing of this resolution by Council.
- 1.2 Reaffirms the establishment of a Special Committee called the Inner Melbourne Action Plan Implementation Committee (“Special Committee”), pursuant to section 86 of the Local Government Act 1989 (“the Act”).
- 1.3 Adopts and affixes the Common Seal to attachment I – Instrument of Delegation from Council to the Inner Melbourne Action Plan Implementation Committee.
- 1.4 Adopts the Terms of Reference for the Inner Melbourne Action Plan Implementation Committee as detailed in attachment I.
- 1.5 Pursuant to section 81(2A and (2B) of the Act exempts the non-Port Phillip City Council members of Council’s Inner Melbourne Action Plan Implementation Committee from being required to submit Primary and / or Ordinary Returns of Interest.



2. BACKGROUND

- 2.1 The Inner Melbourne Action Plan 2016-2026 contains 5 goals and 27 Strategies. Approved in June 2016, this plan replaces the first Inner Melbourne Action Plan adopted in 2006. IMAP is now in the 11th year of its implementation program.
- 2.2 IMAP is a unique partnership between the Cities of Melbourne, Stonnington, Yarra, Port Phillip and the Maribyrnong City Council with five Section 86 Special Committees meeting as one, bound by identical Council Delegations and Terms of Reference; and with formal Memorandums of Understanding in place for Procurement protocols and joint Intellectual Property matters. Its primary function is to oversee the implementation of regional Strategies and Actions through cross council teams and associated partners.
- 2.3 Section 86 (3) of the Local Government Act 1989 (“the Act”) provides that a council may, by Instrument of Delegation, delegate any of its functions, duties or powers under this or any Act to a special committee.
- 2.4 Section 86 (6) of the Act requires Council to review any delegations to a special committee in force under this section within the period of 12 months after a general election.
- 2.5 Section 81(2A) of the Act states that:

“A Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.” The Local Government Inspectorate has advised that the IMAP member Councils can pass a resolution exempting other Councils’ members on each IMAP special committee from having to submit a return.
- 2.6 The Council adopted the IMAP Implementation Committee Delegations and Terms of Reference on 25 June 2013 following the last council elections. The timing allowed for inclusion across all the IMAP Councils of a new members clause and confirmation of the Maribyrnong City Council as a full member of the Inner Melbourne Action Plan partnership.
- 2.7 A membership amendment to the delegations was also approved by Port Phillip City Council on 25 August 2015 as a result of the City of Melbourne, in June 2015, formally resolving to change their membership of the Inner Melbourne Action Plan Implementation Committee to include the Director City Operations as a result of organisational changes.
- 2.8 The proposed Delegation (Attachment 1) is based on a document originally prepared by Council solicitors, updated to reflect the adoption of the new plan in 2016, and which is common to IMAP’s other member councils.

3. KEY INFORMATION

- 3.1 The Delegations and Terms of Reference are consistent with the documents approved in previous years, with the following updates included:



- The Inner Melbourne Action Plan 2016-2026, which was approved by all the IMAP partner councils by June 2016, is the plan to be implemented by the IMAP Implementation Committee through these delegations, and its reference replaces the 2006 plan.
 - The City of Melbourne has recently decided to change their membership to include the Director City Strategy and Place instead of the Director of City Operations.
 - The Maribyrnong City Council advised the IMAP Implementation Committee at their meeting on 9 December 2016 that they wish to include the Deputy Mayor for all meetings occurring prior to 1 November 2017 (with the membership to then revert to the Mayor unless the Maribyrnong City Council resolves otherwise).
 - The Metropolitan Planning Authority name change to the Victorian Planning Authority is reflected in the changes proposed.
- 3.2 The membership of the IMAP Implementation Committee is set out in the Terms of Reference attached to the formal Delegations of each of the five Council Special Committees. All member Councils of IMAP need to formally resolve on this membership change.
- 3.3 With respect to these changes in representation, the Council must therefore consider:
- **reaffirming** the Delegations, Terms of Reference and Schedule of the IMAP Special Committee in order to confirm the membership of the Council's Special Committee;
 - **exempting** all members of the Special Committee who are not councillors and officers of the Port Phillip City Council from being required to submit a primary return or an ordinary return under section 81(2A) and (2B) of the Local Government Act. (This provision is to reduce duplication and meet requirements of audit).
 - **noting** some changes to the membership and associate membership

A copy of the Instrument of Delegation and Schedule and the Terms of Reference of the IMAP Committee is appended (Attachment 1).



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The City of Port Phillip's membership to Inner Melbourne Action Plan Implementation Committee is an example of Council Plan Action 1.4 *'Build strategic relations with our partners'* in which the collective power of all committee members can be used to lobby for the interests of the community.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Primary stakeholders include the other member councils of the Inner Melbourne Action Plan Implementation Committee including;
- Maribyrnong City Council
 - City of Stonnington
 - City of Yarra; and
 - City of Melbourne

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The Instrument of Delegation is structured in accordance with the requirements of the Local Government Act 1989.
- 6.2 Council has legislative obligations under section 86(6) of the Act to review delegations to Special Committees and under section 81(2B) to review any Return of Interests exemptions in force within 12 months of an election.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- There are no environmental implications with the approving the instrument of delegation.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- There are no social & cultural implications with the approving the instrument of delegation.

7.3 ECONOMIC IMPLICATIONS

- There are no economic implications with the approving the instrument of delegation.

7.4 FINANCIAL IMPLICATIONS

- The funding for operation of the IMAP Committee in the 2016/17 financial year and proposed for the 2017/18 financial year will be met by the five member Councils as outlined in the attached Terms of Reference document



- In the 2016/17 financial year the City of Port Phillip's contribution to the IMAP Committee was \$95,000 excluding tax.

8. IMPLEMENTATION STRATEGY

- 8.1 The adopted Instrument of Delegation and Terms of Reference will take effect immediately after the passing of the Council's resolution.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.