



**8.10**

**APPOINTMENT OF COUNCILLORS TO COMMITTEES**

**LOCATION/ADDRESS:**

**WHOLE OF MUNICIPALITY**

**GENERAL MANAGER:**

**DORON KARLINER, GOVERNANCE**

**PREPARED BY:**

**MURRAY CHICK, COORDINATOR GOVERNANCE**

**TRIM FILE NO:**

**18/04/119**

**ATTACHMENTS:**

- 1. Council appointments to committees**
- 2. Instrument of Delegation to Planning Committee**

**PURPOSE**

To appoint Councillors to special committees, internal community reference (advisory) committees and external committees and to establish a new Special Committee (“Planning Committee”) with delegated power to determine both statutory planning applications and planning scheme amendments.

**I. RECOMMENDATION**

That Council:

- 1.1 Makes the appointments of Councillors as representatives to the special committees, community reference (advisory) committees and external committees (Attachment 1).
- 1.2 Notes that a review of community reference (advisory) committees will be undertaken in the first half of 2018 and a further report will be presented to Council on the outcomes of the review and a recommended advisory committee structure.
- 1.3 Confirms that appointments to special committees and external committees are effective from the date of this resolution and for the 2018 calendar year unless Council resolves an earlier expiry date.
- 1.4 Confirms that the appointments to community reference (advisory) committees are effective from the date of this resolution until 30 June 2018.
- 1.5 Pursuant to section 86 of the Local Government Act 1989 establishes a Special Committee of Council titled “Planning Committee”.
- 1.6 Adopts and affixes the common seal to the Instrument of Delegation and schedule in relation to the “Planning Committee” (Attachment 2).
- 1.7 Dissolves the Special Committee previously established by Council under section 86 of the Local Government Act 1989 known as the “Statutory Planning Committee” and revokes any previous delegations granted to this committee, both with effect from the date of this resolution.



**2. BACKGROUND**

- 2.1 Council annually makes appointments to positions on special committees, community reference (advisory) committees and external committees. In addition where appropriate and in accordance with a committee's terms of reference, Council appoints Chairpersons to various committees.
- 2.2 Council at its 22 November 2016 Ordinary Council meeting made its committee appointments for the balance of 2016 and the 2017 calendar year. As the term of these appointments is due to expire Council is required to make new appointments.

**3. KEY INFORMATION**

- 3.1 Council annually makes appointments to its special committees, internal community reference committees and external committees. This report facilitates those appointments.
- 3.2 Council is able to determine the appointments as it deems appropriate. Council can at any time also amend committee appointments made or add new appointments during the year.
- 3.3 Attachment 1 lists the various special committees, community reference (advisory) committees and external bodies to which appointments are required. The schedule of proposed Councillor appointments to these committees contained in Attachment 1 is the same as the schedule Council adopted at its Council meeting on 22 November 2016.
- 3.4 Given Council has now adopted its Council Plan 2017 – 2027 it is timely to review the advisory committee structure of Council to ensure that it aligns with the six strategic directions of the Council Plan. For example Council currently has 11 community reference (advisory) committees of which six align with strategic direction 5 – “We thrive by harnessing creativity” however no advisory committee directly aligns with strategic direction 2 - “We are connected and it’s easy to move around” and strategic direction 3 – “We have smart solutions for a sustainable future”. To this end it is proposed to develop a review process and to undertake a review of advisory committees in the first half of 2018. Consequently this report recommends that the term of advisory committee appointments (only) expire on 30 June 2018 and that a further report will be presented to Council prior to that time on the outcomes of the review.
- 3.5 Council currently has a Statutory Planning Committee established under section 86 of the Local Government Act with delegated power to determine statutory planning items only. However this committee has not met since December 2016. In its place Council has been considering statutory planning applications and planning scheme amendments at Ordinary Council meetings.
- 3.6 However prior to Council formally considering statutory planning applications and planning scheme amendments, a public Planning Forum is held in the morning of the day of the Council meeting. The purpose of the Planning Forum is for the community to address the Councillors on statutory planning applications and planning scheme amendment matters. However not all Councillors can attend the morning Planning Forums and in addition the Forums involve a duplication of effort for the community, Councillors and Council staff given the Forum does not have decision making powers



and the matters heard at the Forum still need to be decided upon by Council at a formal Council meeting.

- 3.7 Consequently this report recommends that Council dissolves the current “Statutory Planning Committee” and establish a Special Committee under section 86 of the Local Government Act 1989 titled “Planning Committee”. This special committee would have the power to determine both statutory planning applications and planning scheme amendments. By ceasing to hold planning Forums and establishing a new “Planning Committee” with expanded powers the benefits of this change are the potential to increase the opportunity for all Councillors to hear firsthand community comment on statutory planning and planning scheme amendment matters; to improve organisational efficiency by eliminating duplication of effort and similarly remove the prospect of community members having to attend both a Planning Forum and a Council meeting. It is proposed that the meeting procedure of the proposed new “Planning Committee” will allow adequate time for members of the public with an interest in the matter to make verbal submissions to Council and for Councillors to be enabled to interact with the submitter.



## FURTHER SUPPORTING INFORMATION

### 4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The appointment of Councillors to committees is consistent with Council's strategic direction and commitment to the community of a financially sustainable, high performing, well governed organisation that puts the community first.
- 4.2 A review of the Advisory Committee structure of Council will ensure that this structure aligns with the strategic directions of the Council Plan.

### 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Councillors currently make use of the standing item on the Council agenda "reports by Councillor delegates appointed to other bodies" to report back to Council on the activities of the respective bodies.

### 6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council is required by section 76 of the Local Government Act 1989 (the Act) to keep Councillors indemnified whilst they are undertaking the duties of a Councillor. The legislation states: "A Council must indemnify and keep indemnified each Councillor, member of a Council committee, member of Council staff and any person exercising a function or power on behalf of a Council against all actions or claims (whether arising during or after the term of office or employment of that Councillor or member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any function or power conferred on the Council or Council committee or any Councillor, member of the Council committee or member of Council staff by or under this or any other Act."
- 6.2 This indemnity covers Councillors whilst acting in good faith and representing Council on these bodies.
- 6.3 Section 86 of the Act states, amongst other things, that:
  - 6.3.1 Apart from advisory committees that Council may establish it can also establish Special Committees with delegated powers.
- 6.4 Section 139 of the Act states that:
  - 6.4.1 Council must establish an Audit Committee
  - 6.4.2 this committee is an advisory Committee
  - 6.4.3 the chairperson must be suitably qualified and cannot be a member of Council staff or a Councillor.

### 7. SUSTAINABILITY – Triple Bottom Line

#### 7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 Membership of the Association of Bayside Municipalities involves the identification, resolution and advice on matters of common interest to Bayside Councils to improve the overall management of the Port Phillip Bay environment.



**7.2 SOCIAL & CULTURAL IMPLICATIONS**

7.2.1 The Cultural Development Fund Reference Committee aims to assist and encourage artists and organisations to develop and realise creative projects. The Cultural Heritage Reference Committee aims to provide advice on feedback on cultural heritage and history; improving access to heritage services for residents and to highlight historical and heritage assets of the city.

**7.3 ECONOMIC IMPLICATIONS**

7.3.1 The South Melbourne Market Special Committee aims to oversee the Market's performance and direction, ensuring its financial viability, its pre-eminent position as a community resource and its position as a dynamic retail competitor.

**7.4 FINANCIAL IMPLICATIONS**

7.4.1 The Audit and Risk Committee provides guidance to Council on:

7.4.1.1 Internal and external financial reporting

7.4.1.2 Management of financial and other risks

7.4.1.3 Effectiveness of the internal and external audit function

7.4.1.4 The compliance framework and its external financial and performance accountability and responsibilities.

7.4.2 Appointment of Councillors to these committees has minor impact on budget resources and has been factored into Council's current budget structure, however, it is acknowledged that there is a time commitment from Councillors to be involved in, and to attend the meetings of such committees.

**8. IMPLEMENTATION STRATEGY**

**8.1 TIMELINE**

8.1.1 The appointments will take effect from the date of this resolution. A review of advisory committees will be undertaken in the first half of 2018.

**8.2 COMMUNICATION**

8.2.1 Once the appointments are determined, relevant Council staff will:

8.2.1.1 advise the respective committees and external bodies of the appointments made; and

8.2.1.2 ensure that Councillors' calendars are updated with the appropriate meeting dates.

**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.