

Instrument of Delegation



INSTRUMENT OF DELEGATION BY THE COUNCIL TO THE INNER MELBOURNE ACTION PLAN IMPLEMENTATION COMMITTEE

Pursuant to section 11(1) of the Local Government Act 2020 ("Act"), Yarra City Council ("Council") delegates to each person who is appointed as a member of the Joint Delegated 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 Schedule and Terms of Reference and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 17 August 2020;
2. a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Committee at a meeting of the Committee;
3. this delegation:
 - 3.1. comes into force on 1 September 2020;
 - 3.2. remains in force until Council resolves to vary or revoke it; and
 - 3.3. is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
 - 3.4. is implemented only as a member of the Joint Delegated Committee of the same name established by the City of Melbourne, the City of Port Phillip, the City of Stonnington, the City of Yarra and the Maribyrnong City Council.
4. all members of the Committee will have voting rights on the Committee.

**The Common Seal of the
Yarra City Council was
affixed hereto in the
presence of:**

**Cr Misha Coleman
Mayor
Yarra City Council**

**Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council**

18 August 2020

This document was witnessed by audio-visual link in accordance with the COVID-19 Omnibus (Emergency Measures) (Electronic Signing and Witnessing) Regulations 2020.

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the fulfilment of the Committee's purpose and objectives as stated in the Inner Melbourne Action Plan Implementation Committee – Terms of Reference ("Terms of Reference") adopted by Council on 17 August 2020, and for those purposes:

1. to enter into contracts, and to incur expenditure within the limits of the approved budget;
2. to do all things necessary to be done for, or in connection with, the performance of those functions, duties and powers, including:
 - 2.1. develop and prioritise an annual Implementation Program of the Inner Melbourne Action Plan 2016-2026 (IMAP 2016-26) goals, to be updated and approved annually;
 - 2.2. oversee implementation of the IMAP 2016-26 in accordance with the agreed Implementation Program;
 - 2.3. make recommendations to Council and other IMAP member Councils on budget allocations (refer Terms of Reference) to effect the implementation of the IMAP 2016-26;
 - 2.4. progress individual initiatives in accordance with the annual Implementation Program;
 - 2.5. review and recommend to the member Councils adjustments to the IMAP 2016-26, the annual Implementation Program and the Committee's governance and membership as required;
 - 2.6. monitor and report annually to the member Councils on the progress of the implementation of the IMAP 2016-26 program and any updates; and
 - 2.7. 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:

1. enter into any contracts, or incur expenditure, for an amount which exceeds the Committee's budget as approved by the IMAP member Councils in accordance with the Terms of Reference; and
2. exercise the powers which, under section 11(2) of the Local Government Act 2020 or otherwise, cannot be delegated, including but not limited to:
 - 2.1. the power of delegation (s11(2)(a));
 - 2.2. the power to adopt or amend the Governance Rules (s11(2)(h));
 - 2.3. the power to appoint the chair or the members to a delegated committee (s11(2)(i));
 - 2.4. the power to make, amend or revoke a local law (s11(2)(j));
 - 2.5. the power to borrow money (s11(2)(l));
 - 2.6. the power to declare general rates, municipal charges, service rates and charges and special rates and charges (s11(2)(m));
 - 2.7. any power, duty or function prescribed by the regulations for the purposes of this subsection (s11(2)(n)).

TERMS OF REFERENCE

Committee

The Inner Melbourne Action Plan (IMAP) Implementation Committee (the Committee) is constituted as a Joint Delegated Committee in accordance with section 64 of the Local Government Act 2020 (the Act).

This delegation extends previous delegations to the Committee to facilitate the implementation of the Inner Melbourne Action Plan 2016-2026 (IMAP 2016-26) and any subsequent reviews under revised legislation.

Preamble

The City of Melbourne, City of Port Phillip, City of Stonnington, City of Yarra and Maribyrnong City Council have each resolved to establish identically constituted Instrument of Delegations to establish the Committee as a Joint Delegated Committee in accordance with section 64 of the Act for the purposes set out in these Terms of Reference.

The five Councils will collaborate on the Committee to provide a coordinated decision-making process to facilitate the implementation of the IMAP 2016-26 as adopted by member Councils in June 2016 – including any updates.

The name of the Committee will be “Inner Melbourne Action Plan Implementation Committee”.

Each of the member Councils will endeavour to ensure that its budget makes provision for the resources reasonably necessary to deliver on commitments agreed by the Committee. The budget of each member Council would be specific to meeting the IMAP 2016-26 actions and advocacy relevant to that respective municipality. The recommended budget allocation is based on the perceived benefits and/or capacity of each member Council.

Any of the member Councils may resolve to withdraw from the Committee at any time, which withdrawal will be effective immediately upon notification to the member Councils. The Committee will continue to operate and subsequently modify this Terms of Reference to reflect the altered membership structure.

Purpose and Objectives

The purpose and objectives of the Committee are to:

- oversee the implementation of regionally based strategies and advocacy identified in IMAP 2016-26 as adopted by member Councils in June 2016, and any subsequent reviews.
- develop regional actions and deliver outcomes which help ensure the continued development and liveability of the inner region of Melbourne into the future.
- bring together key government stakeholders to develop and deliver regionally based actions.
- provide regional decision-making necessary to implement agreed strategies and actions, which is binding on the member Councils; and
- provide impetus for the coordination and commitment of all partner organisations.

Context

In fulfilling its purpose and objectives, the Committee will have regard to:

- the overarching governance principles in section 9(2) of the Act;
- legislative requirements generally;
- available resources;
- existing initiatives and programmes in the Region;
- economic, social and environmental values; and
- respecting individual differences between communities

Role and Functions

The Committee will, with respect to:

Programming

- Review and approve updates to the IMAP 2016-26 in the first year of a new four year Council term, which will underpin the activities of the Committee during that term.
- Develop and approve an annual Implementation Program budget to implement strategies stated in the IMAP 2016-26 and its subsequent reviews. This Program is to be updated and approved annually by the Committee.
- Approve individual “Project Briefs” developed to progress specific actions in accordance with the Committee’s approved Implementation Program.
- Ensure the execution of the Implementation Plan meets the planned activities over the four year Council term; monitor the progress of individual actions.
- Establish the IMAP Leadership Forums (Executive Forum and the Annual Forum) to provide strategic input to the identification of regional priorities and development of the annualised Implementation Program.

Budgeting

- On or before 30 November each year, prepare a draft annual budget for the next financial year for submission to the Committee for approval. The annual approval of the Implementation Program must be carried unanimously by the members on the Committee.
- In consultation with the members on the Committee, and by reference to the budget above; determine the amount that each Member Council will contribute annually for the cost of the Committee’s functions, coordination and administration.
- On or before 31 December each year, make recommendations to the member Councils of budget allocations required to effect the implementation of specific Committee strategies and actions for consideration in each Member Council's annual budgeting process.
- Be authorised to advocate to, and seek funding from, external public entity sources for the Committee’s strategies and actions.

Procedures Protocol

- Regularly review and adopt the IMAP Operational Protocol, the Committee's governance procedures, to:
 - provide the basis for the working relationships between the member Councils in respect of matters within the scope of these Terms of Reference (including the role, relationships and operational processes of the Leadership Forums and the IMAP Executive Officer); and
 - assist the resolution of any issues that arise between member Councils in respect of the IMAP 2016-26 and its implementation; and
- Provide advice, from time to time, to the member Councils on the governance arrangements of the Committee.

(See also Proceedings of the Committee below.)

Admission of New Members

Additional neighbouring Councils can be admitted as member Councils (new Council) upon the recommendation of the Committee and following approval by resolution of all existing member Councils, on the basis that:

- the new Council
 - establishes a Joint Delegated Committee under section 64 of the Act which adopts the Instrument of Delegations, Schedule and Terms of Reference for the Committee
 - agrees to adopt the provisions of the existing IMAP 2016-26 and any future reviews
 - agrees to provide annual funding through their budget process on the same basis as the other member Councils on the Committee; and
- where possible, the new Council commences their membership at the start of a financial year with approved funding in place; and
- unless resolved otherwise by a majority of the existing member Councils, the new Council is entitled to the benefit of all actions and projects already completed or in progress by the Committee.

Structure and Membership

The Committee consists of the following member Councils:

- City of Melbourne;
- City of Port Phillip;
- City of Stonnington;
- City of Yarra; and
- Maribyrnong City Council

The governing body of the Committee will consist of the following voting members from the Member Councils:

- one Councillor of the relevant member Council;
- the Chief Executive Officer of the relevant member Council;

Members

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

- City of Melbourne:
 - Chair, Future Melbourne (Planning) Committee
 - Chief Executive Officer
- City of Port Phillip:
 - Mayor
 - Chief Executive Officer.
- City of Stonnington:
 - Mayor
 - Chief Executive Officer.
- City of Yarra:
 - Mayor
 - Chief Executive Officer.
- City of Maribyrnong:
 - Mayor
 - Chief Executive Officer.

Associates

The Committee will invite representatives from Government departments and public agencies to attend and participate as 'Associates'. Associate representatives will not be members of the Committee or entitled to vote, but can participate in any discussion. The Associate representatives may change from time to time and include:

- Two representatives from the Department of Environment, Land, Water and Planning; and
- One representative each (total of 3) from the Department of Jobs, Precincts and Regions, Victorian Planning Authority, and Department of Transport.

Proceedings of the Committee

The proceedings of the Committee will be in accordance with:

- the Act;
- these Terms of Reference; and
- the IMAP Operational Protocol; and
- the Governance Rules of the meeting's host Council.

In the event of any inconsistency between the documents listed above, the inconsistency will be resolved according to the order in which those documents are listed.

Voting

- A quorum for the Committee will be six (6) members, which is a majority of the persons appointed to the Committee. At least three members present must be councillor representatives.
- Voting will be by a show of hands.
- For a motion to be successful, it must be carried with the support of the majority of members present representing at least four of the Councils listed above; excepting that the annual approval of the Implementation Program must be carried unanimously at a meeting with all Councils represented.

Appointing the Chairperson

The Chairperson shall be appointed from the councillor members of the Committee on a rotational basis for each meeting. If the Chairperson of the Council hosting the quarterly meeting is absent for all or part of a Committee meeting, the Committee members will appoint a Chairperson by majority resolution from those Councillor members present.

Meeting Dates

The Committee will set the times and dates for its meetings, and shall meet at least quarterly.

Conflict of Interest

The conflict of interest provisions for members of delegated committees prescribed by the Act and the Governance Rules of the meeting's host Council apply to members of the Committee.

Reporting

The business of the Committee shall be recorded in Minutes that shall be:

- distributed to each of the member Councils; and
- included in the Register of Minutes kept by the Committee; and
- made available for public inspection through each of the member Councils.

The Committee shall provide an Annual Report to the member Councils.

Administration

The Committee will nominate a host Council to manage administration and staff support on behalf of the Committee. This host arrangement will remain until the Committee resolve to vary or revoke it.

The IMAP Executive Officer will be appointed by the CEO of the host Council, in conjunction with the Executive Forum, to provide governance, advocacy and administrative support to the Committee.

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

- ensure the timely and coordinated delivery of the overall annual program; and
- provide the day to day oversight of the Committee's program and specific actions; and
- support the communications and advocacy work of the Committee.

The IMAP Executive Officer will provide to the Committee:

- quarterly briefings at meetings; and
- six monthly progress reports on the Implementation Program.

Leadership Forums

The Committee will establish two Leadership Forums:

1. an Executive Forum consisting of the Chief Executive Officers of each of the member Councils;
2. an Elected Representatives Forum of all Councillors from the member Councils [Annual Forum]

The Leadership Forums will meet as often as determined by the Committee, with the role of the Forums being to:

1. make recommendations to the Committee on determining and driving strategic regional priorities;
2. provide advice to the Committee on annual priorities for the review of the Implementation Program;
3. facilitate advocacy, liaison, partnerships and co-ordination with key stakeholders, including identifying project synergies and opportunities arising from Federal, State and Local Government programs; and
4. receive Plan updates, progress reports and an Annual Report from the Committee on the Implementation Program.

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

Project Teams

The Committee is able to establish Project Teams for the purpose of undertaking individual project actions. The Project Teams are formulated to develop the Project Brief and deliver individual actions in response to the Implementation Program.

The composition and funding of the Project Teams are needs based and approved by the Committee as part of its Implementation Plan budget approval process.

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

Day to day co-ordination and integration of the Project Teams is managed by the IMAP Executive Officer.

Individual 'Project Briefs' must be approved by the Committee before any funding is determined.