

Nillumbik Shire Council
Instrument of Delegation
Future Nillumbik Committee

Pursuant to Section 86 of the Local Government Act 1989, Nillumbik Shire Council (the Council) delegates to the Special Committee known as the Future Nillumbik Committee (the Committee) the functions, duties and powers set out in the Schedule, and declares that:

1. This Instrument of Delegation is authorised by a Council resolution made at a meeting of the Council on 31 January 2017.
2. This delegation comes into force immediately upon the Common Seal of Council being affixed to this Instrument of Delegation.
3. This delegation remains in force until Council resolves to vary or revoke it.
4. This delegation is to be exercised in accordance with any guidelines or policies which Council adopts from time to time by resolution of the Council.

Schedule

The functions, duties and powers specified in the attached Terms of Reference, as may be amended by Council, with the exception of the following:

- The power of delegation
- The power to declare a rate or charge
- The power to borrow money
- The power to enter into contracts or incur any expenditure for an amount exceeding an amount previously determined by Council
- Any prescribed power
- The power to adopt or abandon planning scheme amendments under the Planning and Environment Act 1987.

THE COMMON SEAL OF NILLUMBIK SHIRE COUNCIL
WAS AFFIXED TO THIS INSTRUMENT ON

DATE

COUNCILLOR

CHIEF EXECUTIVE OFFICER

Future Nillumbik Committee

Terms of Reference



Classification

The Future Nillumbik Committee is a Special Committee of Council established under Section 86 of the *Local Government Act 1989*

Delegation

Council delegates powers to the Future Nillumbik Committee to determine any issue, take any action or do any act or thing as per the Instrument of Delegation (effective from the date of that Instrument of Delegation).

Scope and Purpose

The scope of the Future Nillumbik Committee's responsibilities includes all matters within the following portfolio areas (further detail is provided in Appendix 1).

- Community Services
- Economic Development and Marketing
- Environment and Sustainability
- Finance and Governance
- Infrastructure
- Social infrastructure
- Planning

Membership and chairperson

- All Councillors are members of the Future Nillumbik Committee.
- Council has resolved to assign individual portfolio responsibilities to individual Councillors. The agenda for the Committee shall identify which items of business relate to the respective portfolios.
- The Chairperson for each particular item shall be the Councillor with the relevant portfolio responsibility. Once the items for each portfolio have been concluded, the meeting will then be chaired by the Councillor with portfolio responsibility for the subsequent items.
- When a Councillor is in the role of Chairperson, they will have the power and authority of the Chairperson as provided in the Meeting Procedure Local Law, including a casting vote.
- If the relevant portfolio Chairperson is absent or unable to chair the Committee meeting, then an acting Chairperson shall take the chair in accordance with the Meeting Procedure Local Law.
- At the commencement of the meeting, when preliminary matters are considered (such as apologies, confirmation of minutes, and declarations of interest) the Mayor shall be the Chairperson.

Conduct of Committee meetings

- Committee meetings will be conducted in accordance with Council's Meeting Procedure Local Law.
- A quorum will comprise four of the seven councillors.
- All members of the Committee have voting rights. Decisions are to be made by a majority vote through a show of hands.
- Matters which are required by law to be determined by Council at a Council Meeting cannot be determined by the Committee.
- The Committee's powers are limited to those provided in the Instrument of Delegation from Council, and are subject to any further limitations prescribed in the *Local Government Act 1989*, the *Planning and Environment Act 1987*, or any other legislation.
- The Committee may consider and determine all other matters. However the Committee may also, on occasions, consider such matters and resolve to refer them to Council for determination.
- In circumstances where an urgent matter requires consideration, and it is a matter that does not correspond to a particular portfolio, the matter will be included in the Committee agenda, and the Mayor will chair the Committee meeting for that matter.

Public submissions and presentations

One of the major functions of this Committee is to provide an opportunity for members of the public to address the Committee in relation to the matters listed in the agenda. Under the Meeting Procedure Local Law, there is not an opportunity for public presentations at Council meetings, therefore this opportunity is provided at Committee meetings.

The opportunity to address the Committee will be provided on the following basis:

1) Statutory right to address Committee

This includes those matters which are required to be considered under Section 223 of the Local Government Act 1989, which provides a right for persons who have made a written submission to also appear in person to address a meeting of Council or a Committee on the submission. Such matters include:

- the preparation or adjustment of the Council Plan
- the preparation of the Annual Budget or a revised Budget
- the granting of certain rate rebates or concessions
- a change to the method of valuation
- the declaration or variation of Special Rates and Charges
- the determination of Mayoral and Councillor allowances
- the making of Local Laws
- the proposed sale of Council land, change of land use, and certain leases
- various roads, traffic and drainage matters
- regional library agreements

Where other legislation provides a right to address Council or a Committee of Council, then this right shall be provided in addition to the above-listed matters.

2) Other rights to address Committee

In addition to the above statutory rights, the Committee will also provide an opportunity for members of the public to address the Committee in respect of matters listed in the Committee agenda.

Presenters who wish to address the Committee must register in advance, in accordance with the Meeting Procedure Local Law. Presentations are limited to three minutes.

This right to address the Committee is only available to those persons who have already made a written submission to Council on a matter where Council has invited public submissions as part of a public consultation process (unless the Committee or Council resolves otherwise). The person addressing the Committee must have lodged their written submission with Council no later than the Tuesday one week prior to the Committee meeting, or by any earlier date set by Council for the close of written submissions on the matter.

For planning permit applications, this right extends to the applicant and those persons who have lodged written objections or submissions.

Meeting frequency, time and venue

- Meetings will be open to the public (unless confidential business is being considered in accordance with Section 89 of the Local Government Act 1989).
- Committee Meetings will be held according to the schedule determined by Council. Meetings will generally be held once per month on the second Tuesday (however this may vary due to public and school holiday dates or other factors).
- Any Special Meetings may be called by Council resolution, by Committee resolution or by the Mayor.
- The venue for the meeting is the Council Chamber at the Civic Centre, Civic Drive in Greensborough (unless otherwise specified). Public notice of the Committee's meetings will be provided.
- Agendas and minutes will be coordinated by the Governance unit.

References

- *Local Government Act 1989*
- Meeting Procedure Local Law No. 6
- Instrument of Delegation

Council contact

General Manager Corporate Services

Approval date December 2016

Next review date November 2017

APPENDIX 1 – Portfolio descriptions

Community Services

- Aged and Disability Services policy and programs
- Arts and Cultural Services policy and programs
- Children, Family and Youth Services policy and programs
- Community Development and Inclusion policy and programs
- Libraries and Community Education policy and programs
- Maternal and Child Health policy and programs

Economic Development and Marketing

- Tourism industry development and marketing
- Agriculture
- Retail centres marketing
- Economic development policy and programs

Environment and Sustainability

- Recycling and waste management
- Animal management
- Food safety, public health and immunisation
- Environmental policy, education and events
- Water quality and conservation
- Biodiversity protection and land management

Finance and Governance

- Financial planning and policy
- Financial and performance reporting
- Budget and Annual Report
(excluding declaration of rates and charges, and the power to borrow money, which must be determined by Council)
- Audit and risk management
- Local laws

Infrastructure

- Emergency management
- Transport infrastructure and transport advocacy
- Council property and infrastructure asset management
- Plant and fleet management
- Open space presentation and maintenance

Social infrastructure

- Leisure centres and facilities
- Sportsground facilities
- Recreational trails
- Open space planning
- Community centres
- Community services infrastructure

Planning

- Planning applications
- Land-use planning policy
- Planning scheme and amendments
(excluding adoption or abandonment of amendments, which must be determined by Council)