



WHITEHORSE
CITY COUNCIL

Whitehorse City Council

MINUTES

Council Meeting

on

Monday 12 February 2024 at 7.00pm

**Held in the
Council Chamber
Nunawading Civic Centre**

Meeting opened at 7.00pm

Present: Cr Denise Massoud Mayor
Cr Andrew Davenport Deputy Mayor
Cr Blair Barker
Cr Prue Cutts
Cr Mark Lane
Cr Tina Liu
Cr Amanda McNeill
Cr Andrew Munroe
Cr Trudy Skilbeck
Cr Ben Stennett

Officers: Simon McMillan Chief Executive Officer
Stuart Cann Director Corporate Services
Jeff Green Director City Development
Lisa Letic Director Community Services
Siobhan Sullivan Executive Manager Transformation
Steven White Director Infrastructure
Vivien Ferlaino Manager Governance and Integrity
Fran Nolan Manager Strategic Marketing and Communications
Kerryn Woods Coordinator Governance

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1 Welcome

Prayer for Council

We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.

Grant that our own generation may build worthily on the foundations they have laid.

Direct our minds that all we plan and determine, is for the wellbeing of our City.

Amen.

Acknowledgement of Country

Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today.

2 Apologies

Cr Carr was an apology at the meeting.

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr Lane

CARRIED UNANIMOUSLY

Cr Davenport sought a leave of absence for the Council meeting to be held on 26 February 2024.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Barker

That Council grants a leave of absence for Cr Davenport for the Council meeting to be held on 26 February 2024

CARRIED UNANIMOUSLY

3 Disclosure of Conflicts of Interest

Nil

4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 11 December 2023

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr McNeill

That the minutes of the Council meeting dated 11 December 2023 be confirmed subsequent to an amendment correcting a typographical error regarding numbering of an address in Item 12.3 Suburban Rail Loop.

CARRIED UNANIMOUSLY

5 Urgent Business

Nil

6 Public Presentations

6.1 B Haines, Blackburn North – Item 8.1
Mahoneys Reserve Draft Master Plan – Northern Pavilion

6.2 N Young, Blackburn – Item 8.1
Mahoneys Reserve Draft Master Plan – Northern Pavilion

Additional Speaker

B. Harvey, Mont Albert – Item 8.2
Traffic Safety Assessment – Hamilton Street, Mont Albert

7 Public Question Time

A Hanrahan, Forest Hill read out the following question:

‘Why was the letter of notification of Mahoney’s Reserve Master Plan written on 1/12/23 not received until after the meeting had been held. Shouldn’t the Council allow a minimum of 3 weeks prior, because I received notification on the 11th when the meeting was conducted on the 9th’.

The question was taken on notice.

8 Petitions and Joint Letters**8.1 Traffic Safety Assessment - Hamilton Street, Mont Albert****SUMMARY**

1. A petition requesting that Council undertake a safety risk assessment of Hamilton Street, Mont Albert, has been received and signed by 20 signatories in support.

2. The petition request is as follows:

“We, the undersigned, request that Council urgently undertake a safety risk assessment of Hamilton Street, Mont Albert, involving Mont Albert resident safety professionals, with the intention of generating a Worksafe Victoria acceptable assessment report to inform Council’s consideration of making Hamilton Street one way as a traffic safety critical risk mitigation strategy.”

COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Barker

That the petition be received and referred to the Director City Development for appropriate action and response.

CARRIED UNANIMOUSLY

8.2 Mahoneys Reserve Draft Master Plan - Northern Pavilion

1. Three petitions requesting that Council stop current plans to demolish the Northern Pavilion at Mahoney's Reserve, have been received and signed by a total of 326 signatories in support.
2. The petition requests are as follows (two petitions contain identical request wording):

"We, the undersigned, have been playing regularly each week at the Mahoney's Reserve Northern Pavilion over many years. The Pavilion has long been a hub for table tennis and badminton enthusiasts. Its unique design and facilities, especially the high ceiling, making it possible for these sports. However, we understand there are plans to demolish it and replace it with a pavilion for cricket, soccer and scouting having an unsuitably low ceiling height.

Badminton and table tennis are more than just games, they are community builders and an essential part of our local culture. As the City of Whitehorse grows its Asian community, many Asian residents of Whitehorse use the Pavilion at Mahoney's Reserve as their primary venue for badminton and table tennis – two sports familiar to them.

The demolition of this facility would not only disrupt these activities but also displace our community members who have found camaraderie and joy in playing these indoor racquet sports here. We believe that any decisions about such important community assets should be made with full transparency and consideration for those who use them most. There are over 260 badminton and table tennis players using the pavilion each week.

We urge you to reconsider the proposed demolition of the Pavilion if its replacement has a low ceiling in the court area. Instead, lets work together to preserve this space for future generations of table tennis and badminton players in the City of Whitehorse."

"The redevelopment of the Mahoneys Reserve will have important consequences for the Eastern Suburbs and Churches Table Tennis Association.

The proposed new pavilion will not be suitable for Table Tennis as the ceiling height of the new pavilion will be well below the required ceiling height of 5 metres for Table Tennis.

While the City of Whitehorse is going to conduct a Table Tennis Feasibility Study during 2024 we understand that a Table Tennis Venue may not be built before the demolition of the current Pavilion, or even not at all.

In the meantime, if the current pavilion is pulled down, at least 264 Table Tennis players will be without a suitable venue until a Table Tennis Venue is constructed, which may be years away or may not eventuate.

We ask that the Table Tennis Feasibility Study be undertaken before any action is taken on the Mahoneys Reserve redevelopment. That way a new dedicated Table Tennis Venue could be constructed before the current Mahoneys Reserve pavilion is demolished. If the council decides against constructing a Table Tennis Venue, then Table Tennis should be considered as a tenant and the needs of Table Tennis included in the design of the new pavilion to be built at Mahoneys Reserve.”

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Skilbeck

That the petitions be received and referred to the Director Community Services for appropriate action and response.

CARRIED UNANIMOUSLY

9 Notices of Motion

Nil

10 Council Reports

10.1 Proposed Land Transactions Box Hill

Department Property and Leasing
Director City Development

SUMMARY

Council resolved at its 11 December 2023 meeting to facilitate the provision of one hectare of replacement open space in Box Hill, to support undertaking community engagement regarding the land transactions proposed by the Suburban Rail Loop Authority.

The *Local Government Act 2020* places statutory obligations on all Victorian councils and these obligations compel Council to undertake prescribed statutory processes.

This report seeks to authorise the manager of Council's Property & Leasing Department to commence the statutory processes required under Sections 112 & 114 of the *Local Government Act 2020*.

Upon completion of the statutory processes Council Officers will prepare a report for Council's consideration in respect of the proposed land transactions.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Liu

That Council:

1. Authorises the manager of Council's Property & Leasing Department to commence the statutory processes required under Sections 112 & 114 of the *Local Government Act 2020* and upon completion of the statutory processes prepare a report for Council's consideration in respect of the proposed land transactions.
2. Acknowledges that to ensure that Council complies with Sections 112 & 114 of the *Local Government Act 2020*, that the Chief Executive Officer (or delegate) will disclose aspects of the confidential Council report relating to this matter from the 11 December 2023 Council meeting.

CARRIED UNANIMOUSLY

KEY MATTERS

At its meeting held on 11 December 2023, to facilitate the provision of one hectare of replacement open space in Box Hill, Council resolved to support undertaking community engagement regarding the land transactions proposed by the Suburban Rail Loop Authority (SRLA).

10.1 (cont)

In reference to land transactions the Local Government Act 2020 (the LGA 2020) places statutory obligations on all Victorian councils and these obligations compel Council to undertake prescribed statutory processes.

The statutory processes required under Sections 112 & 114 of the LGA 2020 include community engagement in accordance with Council's Community Engagement Policy regarding the proposed transaction.

Additional statutory processes required under Sections 112 & 114 of the LGA 2020 are: the publication of a public notice, and independent property valuations.

Council needs to undertake the statutory process itself; the statutory process cannot be blended with community engagement undertaken by the SRLA.

Broader community engagement undertaken in conjunction with SRLA regarding the replacement open space can be undertaken in parallel with the statutory process and can also reference the proposed land transactions being proposed by the SRLA.

However, a blended community engagement will not constitute compliance with Sections 112 & 114 of the LGA 2020.

Council needs to ensure that the statutory processes undertaken in accordance with Sections 112 & 114 of the LGA 2020 are independent and genuine.

Upon completion of the statutory processes Council Officers will prepare a report for Council's consideration in respect of the proposed land transactions.

It is envisaged that the Council report for Council's consideration will be presented to Council at its meeting on Monday 29 April 2024.

STRATEGIC ALIGNMENTS

Strategic Direction 4:

A built environment that encourages movement with high quality public places.

Objective: Council will plan, build, renew and maintain community assets and public spaces to meet community needs. We will plan for and facilitate appropriate land use and high quality development outcomes.

Strategic Direction 6:

An empowered collaborative community.

Objective: Council will engage with the community and provide opportunities to be included in decision-making processes.

Policy

Components of the statutory processes required under Sections 112 & 114 of the LGA 2020 reference Council's Community Engagement Policy.

10.1 (cont)

BACKGROUND

In late 2023 Council were asked to consider a formal proposal from the SRLA to create new public open space in Box Hill.

At its meeting of 11 December 2023 Council authorised the Whitehorse City Council Chief Executive Officer to write to the SRLA Chief Executive Officer advising of Council's support to go to community consultation on the proposal to transfer ownership of 10-12 Watts Street, Box Hill and 11 Court Street, Box Hill in exchange for 528 Station Street Box Hill.

It is important to note that community consultation is a component of Council's statutory obligations when proposing to complete land transactions; with the other components being the publication of a public notice and procuring independent property valuations and ensuring that these property valuations are no older than six months.

As advised by the SRLA, from 2026 the SRLA will be occupying up to one quarter of Box Hill Gardens to support the construction of the Suburban Rail Loop (SRL) Box Hill Station.

The SRL Public Open Space Framework requires SRLA to provide at least one hectare (10,000m²) of new public open space within 1.6 kilometres of the SRL Box Hill Station for the duration of the occupation of Box Hill Gardens (until approximately 2035).

This new public open space needs to be delivered prior to the commencement of SRLA construction activities within Box Hill Gardens.

In addition to the land transactions mentioned above, to enable the SRLA to provide the required one hectare, additional sites are also proposed to be converted into public open space. These sites do not form part of the "back-to-back" transaction proposed by SRLA. As such, these sites are not included in statutory processes required under Sections 112 & 114 of the LGA 2020. However, these two sites will be included in the broader community engagement being proposed by the SRLA.

Discussion and Options

As Council has resolved to support undertaking community engagement regarding the land transactions proposed by the SRLA. Council needs to commence statutory processes required under Sections 112 & 114 of the LGA 2020. There is no alternative option other than following prescribed processes.

To enable Council to make a fully informed decision regarding the proposed land transactions outlined above Council will be completing the following statutory procedures:

- Publish public notices advertising Council's Intention to Sell Land and Purchase Land.
- Complete one month of participatory engagement (Consult) for both the proposed sale and proposed purchase transactions.

10.1 (cont)

- Obtain independent property valuations for the proposed sale and proposed purchase transactions.

Upon completion of the statutory processes mentioned above, Council Officers will prepare a report for Council's consideration in respect of the proposed land transactions.

It is envisaged that this report will be considered by Council at its meeting of Monday 29 April 2024.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The Victorian Government Land Transaction Policy (VGLTP), published in April 2022, is the overarching policy that ensures that state government agencies adhere to the highest standards of behaviour when undertaking land transactions.

Section 6 of the VGLTP outlines that state governments agencies must not undertake a land transaction that involves the exchange of land.

The VGLTP suggests that state government agencies can generally achieve an outcome similar to a land exchange, by selling and purchasing land in separate "back-to-back" transactions.

Separate 'back-to-back' transactions involve the selling and purchasing (individual contracts of sale with concurrent settlement dates) by the State Government in separate transactions that have the same settlement date.

Legal advice provided by Maddocks Lawyers on 8 December 2023 confirmed that "back-to-back" transactions require Council to comply with the statutory obligations contained within Sections 112 & 114 of the LGA 2020.

Completing the statutory obligations contained within Sections 112 & 114 of the LGA 2020 ensures that there are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the Charter of Human Rights and Responsibilities Act 2006.

By undertaking the community engagement Council is recognising every individual's right to express their opinion regarding the proposed land transactions between Council and the SRLA.

Community Engagement

This report seeks permission to commence the statutory processes required under Sections 112 & 114 of the LGA 2020; with these statutory processes including community engagement obligations in accordance with Council's Community Engagement Policy.

10.1 (cont)

This statutory process and the accompanying community engagement is a statutory obligation bestowed on Council via the LGA 2020 and to ensure that this process is independent and genuine means that Council needs to undertake this process itself. The process cannot be blended with the community engagement undertaken by the SRLA.

For the proposed sale [sale by Council] transaction Section 114 of the LGA 2020 applies and Section 114 states the following:

“Restriction on power to sell or exchange land:

- (1) Except where section 116 applies, if a Council sells or exchanges any land it must comply with this section.*
- (2) Before selling or exchanging the land, the Council must—*
 - (a) At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so—*
 - (i) On the Council's Internet site; and*
 - (ii) in any other manner prescribed by the regulations for the purposes of this subsection; and*
 - (b) Undertake a community engagement process in accordance with its community engagement policy; and*

Obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.

“To ensure compliance with Section 114(2)(b) of the LGA 2020 mentioned above, participatory engagement (Consult) will be undertaken in accordance with Council’s Community Engagement Policy.

While for the proposed purchase [purchase by Council] transaction Section 112 of the LGA 2020 applies and section 114 states the following:

10.1 (cont)

“Acquisition and compensation

- (1) *A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.*
- (2) *The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—*
 - (a) *the Local Government Act 2020 is the special Act; and*
 - (b) *the Council is the Authority.*
- (3) *Any purchase or compulsory acquisition of land by a Council under this section must be undertaken in accordance with the Council's community engagement policy.”*

To ensure compliance with Section 112(3) of the LGA 2020 mentioned above, participatory engagement (Inform) will be undertaken in accordance with Council's Community Engagement Policy.

As Council's Community Engagement Policy has different participatory engagement for the proposed sale transaction and the proposed purchase transaction; it is recommended for consistency that Council undertakes participatory engagement (Consult) for both the proposed sale and proposed purchase transactions.

Council relies on the International Association for Public Participation (IAP2) Public Participation Spectrum to define its levels of engagement and the amount of influence participants can expect to have in the process.

Under the IAP2 Public Participation Spectrum the following applies to participatory engagement (Consult):

Consult Goal: “To obtain feedback on analysis, alternatives and/or decisions.”

Promise to target participants: “We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.”

Role of target participants: “Contribute”

Council's Property & Leasing Department propose the following engagement methods:

- Write to the nearby owners and occupiers inviting them to participate in the consultation process.
- Conduct a “drop in session” at the Box Hill Town Hall, most likely to be held on the evening of Wednesday 13 March 2024.
- Via “Your Say Whitehorse” platform have a survey opening on Monday 26 February 2024 and being open for a minimum of four weeks.

10.1 (cont)

It is envisaged that the community survey results will be considered by Council at its meeting dated Monday 29 April 2024.

To comply with Section 114(2)(a)(i) of the LGA 2020 Council will publish on its internet site a Public Notice advertising our intention to sell land; this publication will occur prior to the “Your Say Whitehorse” platform survey opening on Monday 26 February 2024.

Whilst Section 114(2)(a) of the LGA 2020 does not obligate Council to publish the required Public Notice in The Age newspaper; however, Council Officers recommend that Council publish the Public Notice in The Age on Saturday 24 February 2024.

The reasoning behind this recommendation is that the publication of the Public Notice in The Age newspaper along with publication on Council’s internet site will maximise the creditability of the statutory processes being undertaken by Council.

Additionally, prior to the “Your Say Whitehorse” platform survey opening on Monday 26 February 2024, Council will be publishing a courtesy notice advising the community of Council’s intention to purchase.

It is important to note that there is no statutory obligation on Council to publish an intention to purchase notice, consequently Council will not be publishing the intention to purchase notice in The Age newspaper.

Financial and Resource Implications

The recurrent budget of Council’s Property & Leasing Department will fund the statutory processes required under Sections 112 & 114 of the LGA 2020.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Council’s Property & Leasing Department with input from Council’s lawyers will undertake the community engagement process.

Collaboration with the following Council departments: Major Transport Projects, Strategic Communications and Community Engagement & Development.

This collaboration will be also undertaken to ensure that the statutory processes required under Sections 112 & 114 of the LGA 2020 are fully compliant.

Conflict of Interest

The LGA 2020 requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

10.1 (cont)

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

To facilitate the provision of one hectare of replacement open space in Box Hill, Council resolved to support undertaking community engagement regarding the land transactions proposed by the SRLA.

This report seeks to commence the statutory processes required under Sections 112 & 114 of the LGA 2020.

Upon completion of the statutory processes Council Officers will prepare a report for Council's consideration in respect of the proposed land transactions.

10.2 Whitehorse Partnership Grant Review

Department Community Engagement and Development
Director Community Services

Attachment

SUMMARY

A review has been undertaken of Council's Partnership Grant program to assess its purpose and effectiveness. The proposed recommendations will improve Council's ability to strategically address vulnerability in Whitehorse.

As part of this process, targeted engagement with existing grant recipients (along with broad community engagement) was undertaken and the following recommendations seek to realise the significant social return on investment that the Program can deliver:

1. Introduce a new purpose, structure and timeline for Partnership Grants.
2. Maintain the funding of safety, traffic and waste management for the Lunar New Year Festival to the value of approximately \$76,000.00 (ex GST). This funding will be administered through a Memorandum of Understanding (MOU), which will address waste reduction strategies. Retain the Partnership Grant funding in 2024/25 and remove the Partnership Grant funding for 2025/26.
3. Move \$41,610.56 from the general community grants pool into the new Social and Wellbeing Partnership Grant program to maximise impact.
4. Develop a Framework for Neighbourhood House Partnerships throughout 2024 for implementation in 2025.
5. Implement the Partnership Grants Review recommendations in a staged approach that aligns with Council planning milestones and allows a transitional period eligible community organisations.
6. The Life Skills Program to be removed from the Partnership Grant Program and be considered within the scope of the Youth Services Review.
7. The Kindergarten Central Registration and Enrolment Scheme funding is to be retained but removed from the Partnership Grant Program.

The Community Grants Policy has been updated to reflect the outcomes of the review of Partnership Grants and the new category descriptions and requires Council adoption.

10.2 (cont)

MOTION

Moved by Cr Munroe, Seconded by Cr Skilbeck

That Council:

1. Introduces a new purpose, structure and timelines to the Partnership Grants program, with Partnership Grants to be divided into two categories:
 - a. Neighbourhood House Partnership Grants (maximum funding \$45,000 per year indexed with rate cap) and
 - b. Social and Wellbeing Partnership grants (maximum funding \$40,000 per year indexed with rate cap)
2. Maintains the funding of safety, traffic and waste management for the Lunar New Year Festival to the value of approximately \$76,000 (ex GST). This funding will be administered through a Memorandum of Understanding (MOU), which will address waste reduction strategies. Retains the Partnership Grant funding in 2024/25 and remove the Partnership Grant funding for 2025/26.
3. Moves \$41,610.56 from the general community grants pool into the new Social and Wellbeing Partnership Grant program to maximise impact.
4. Develops a Framework for Neighbourhood House Partnerships throughout 2024 for implementation in 2025.
5. Implements the Partnership Grants Review recommendations in a staged approach that aligns with Council planning milestones and allows a transitional period eligible community organisations.
6. Removes the Life Skills Program from the Partnership Grant Program, to be considered within the Youth Services Review and managed by the Youth Services unit.
7. Retains the Kindergarten Central Registration and Enrolment Scheme funding, removing this from the Partnership Grant Program for management by the Health and Family Services department.
8. Endorses the updated Community Grants Policy to reflect minor changes as a result of this review.

Cr Davenport proposed an amendment and noted that there was an anomaly in Attachment 1 of the report that stated:

'Discount Support Free Tipping

Free tipping passes to dispose of waste through Council's Recycling and Waste Centre. Determined through demonstrated need and within the available budget allocation.

Please note this grant category will cease in 2024/25.'

10.2 (cont)

This was inconsistent with the Council Resolution of 27 November 2023 which stated in part:

'That Council:

- 1. Retains the Discount Support Free Tipping program ongoing with a reduced budget allocation of \$15,000 (+CPI or equivalent).'*

The Mayor called a two minute recess at 7.48pm. The Council meeting resumed at 7.50pm.

Cr Davenport proposed the following amendment:

- In point 2, include that the \$76,000 (ex GST) funding be reviewed annually.
- Additional point 9 - Notes reference to discount tipping on Page 10 of Attachment 1 to be in accordance with Council Resolution dated 27 November 2023.

AMENDMENT

Moved by Cr Davenport, Seconded by Cr Cutts

That Council:

1. Introduces a new purpose, structure and timelines to the Partnership Grants program, with Partnership Grants to be divided into two categories:
 - a. Neighbourhood House Partnership Grants (maximum funding \$45,000 per year indexed with rate cap) and
 - b. Social and Wellbeing Partnership grants (maximum funding \$40,000 per year indexed with rate cap)
2. Maintains the funding of safety, traffic and waste management for the Lunar New Year Festival to the value of approximately \$76,000 reviewed annually (ex GST). This funding will be administered through a Memorandum of Understanding (MOU), which will address waste reduction strategies. Retains the Partnership Grant funding in 2024/25 and remove the Partnership Grant funding for 2025/26.
3. Moves \$41,610.56 from the general community grants pool into the new Social and Wellbeing Partnership Grant program to maximise impact.
4. Develops a Framework for Neighbourhood House Partnerships throughout 2024 for implementation in 2025.
5. Implements the Partnership Grants Review recommendations in a staged approach that aligns with Council planning milestones and allows a transitional period eligible community organisations.

10.2 (cont)

6. Removes the Life Skills Program from the Partnership Grant Program, to be considered within the Youth Services Review and managed by the Youth Services unit.
7. Retains the Kindergarten Central Registration and Enrolment Scheme funding, removing this from the Partnership Grant Program for management by the Health and Family Services department.
8. Endorses the updated Community Grants Policy to reflect minor changes as a result of this review.
9. Notes reference to discount tipping on Page 10 of Attachment 1 to be in accordance with Council Resolution dated 27 November 2023.

Amendment to be put

Cr Lane requested for the amendment to be put.

Moved by Cr Davenport, Seconded by Cr Cutts

CARRIED

The motion with the amendments was put and became the Council Resolution as follows:**COUNCIL RESOLUTION**

Moved by Cr Munroe, Seconded by Cr Skilbeck

That Council:

1. Introduces a new purpose, structure and timelines to the Partnership Grants program, with Partnership Grants to be divided into two categories:
 - a. Neighbourhood House Partnership Grants (maximum funding \$45,000 per year indexed with rate cap) and
 - b. Social and Wellbeing Partnership grants (maximum funding \$40,000 per year indexed with rate cap)
2. Maintains the funding of safety, traffic and waste management for the Lunar New Year Festival to the value of approximately \$76,000 reviewed annually (ex GST). This funding will be administered through a Memorandum of Understanding (MOU), which will address waste reduction strategies. Retains the Partnership Grant funding in 2024/25 and remove the Partnership Grant funding for 2025/26.
3. Moves \$41,610.56 from the general community grants pool into the new Social and Wellbeing Partnership Grant program to maximise impact.
4. Develops a Framework for Neighbourhood House Partnerships throughout 2024 for implementation in 2025.

10.2 (cont)

5. Implements the Partnership Grants Review recommendations in a staged approach that aligns with Council planning milestones and allows a transitional period eligible community organisations.
6. Removes the Life Skills Program from the Partnership Grant Program, to be considered within the Youth Services Review and managed by the Youth Services unit.
7. Retains the Kindergarten Central Registration and Enrolment Scheme funding, removing this from the Partnership Grant Program for management by the Health and Family Services department.
8. Endorses the updated Community Grants Policy to reflect minor changes as a result of this review.
9. Notes reference to discount tipping on Page 10 of Attachment 1 to be in accordance with Council Resolution dated 27 November 2023.

For: *Cr Barker, Cr Cutts, Cr Lane, Cr Massoud, Cr McNeill, Cr Munroe, Cr Skilbeck, Cr Stennett (8)*

Against: *Cr Davenport, Cr Liu (2)*

CARRIED

KEY MATTERS

An analysis of the current Partnership Grants program identified areas where improvement is needed, including:

- The purpose and desired outcomes of Partnership Grants is unclear.
- The reporting attached to the grants adds little value to Council planning.
- A regular review process is needed to avoid grants continually being rolled over, and
- Some current Partnership Grant recipients are a contracted/outsourced service of Council, rather than a partnership grant arrangement.

Officers are providing a set of recommendations to respond to these issues.

STRATEGIC ALIGNMENT

The proposed changes to the Whitehorse Partnership Grant program respond to the Whitehorse Community Vision 2040, the Whitehorse Council Plan 2021-2025 and the Whitehorse Municipal Public Health and Wellbeing Plan 2021-2025. The following table presents the Strategic alignment:

10.2 (cont)

Strategic Document	Relevant Priorities
Community Vision	<ul style="list-style-type: none"> - Empowered and Collaborative Community - Health and Wellbeing
Council Plan	<p>Strategic Direction 7: A Safe and healthy community</p> <p>Objective: Council will protect and promote the health and wellbeing of the Whitehorse community</p> <p>Strategic Actions:</p> <p>Advocate for and respond to social, health and wellbeing needs identified in the Municipal Public Health and Wellbeing Plan, in partnership with local agencies.</p> <p>Increase the capacity of Council, its partners and the community to identify, respond to and prevent elder abuse and family violence.</p>
Municipal Public Health and Wellbeing Plan	<p>Priorities:</p> <ul style="list-style-type: none"> - Mental wellbeing - Physical activity

The recommendations arising from this Review also enable enhanced alignment to strategic priorities outlined in subsequent Council Plans and Municipal Public Health and Wellbeing Plans.

Policy

Should Council endorse the recommendations the following update will be required to the Community Grants Policy (updated policy included in attachment 1):

Community Grants Policy Section 6. Grant categories

Current Policy:

Grant Category	Description	Funding Level
Partnership Grant (4 year service agreement – tendered grants and non-tendered grants)	Partnership Grants will be the subject of a further review. Recommendations will be presented to Council in 2023.	

Proposed Update:

Grant Category	Description	Funding Level
Neighbourhood House Partnership Grants	Neighbourhood House Partnership Grants	Up to \$45,000

10.2 (cont)

	incorporate Council's financial support to houses.	
Social and Wellbeing Partnership grants	Social and Wellbeing Partnership grants respond directly to the needs of the communities with a focus on the most vulnerable and socially disadvantaged population groups.	Up to \$40,000

BACKGROUND

Council's annual Community Grants program supports community organisations through various grant streams, including:

1. Annual Community Grants
2. Discount Support hall hire
3. Discount Support free tipping
4. Partnership Grants

In 2022 Council conducted a comprehensive review of its Community Grants program, deciding to separately review Partnership Grants in the subsequent year.

The Partnership Grant review, the subject of this report focused on the purpose, effectiveness, reach, and impact of the grant program. The review also considered aspects such as assessment criteria, evaluation criteria, decision-making, and historical trends.

It excluded general grant categories and did not consider the provision of Family, Youth and Children support and counselling services (currently provided by EACH), as in December 2022 Council made the decision to remove the funding from the Community Grants Program to the department aligned to the program (Family & Children's Services Department). A review of this agreement will take place as part of the Youth Services Review that has commenced and is due for completion by mid-2024.

Partnership Grants have historically been set for a four (4) year period, however, the current Partnership Grants funding agreements were for a two (2) year period because of the planned review. Due to delays in undertaking the review, grant allocations were extended an additional year, and are now due to expire on 30 June 2024.

The total amount budgeted amount for Partnership Grants in 2023/24 is \$817,710.

10.2 (cont)

Discussion and Options

An analysis of the current Partnership Grants program identified areas where improvement is needed, including:

- The purpose and outcomes sought from Partnership Grants is unclear.
- The reporting attached to the grants adds little value to Council planning.
- A regular review process is needed to avoid grants continually being rolled over, and
- Some current Partnership Grant recipients are a contracted/outsourced service of Council, rather than a partnership grant arrangement.

The following recommendations seek to directly address these areas for improvement.

Recommendations

1. Introduce a new purpose, structure and timelines to the Partnership Grants program.

Partnership grants would respond directly to the needs of the communities with a focus on the most vulnerable and socially disadvantaged population groups. This redefined purpose would enable true partnership and strategic purpose and helps both the community and Council address key priority areas of health and wellbeing.

Partnership grants would need to align to one or more of the Council Plan objectives (which ensures alignment to the Whitehorse Community Vision) and applicants will be required to identify the alignment between their initiatives and the Council Plan.

Partnership grants to be divided into two categories:

- 1) Neighbourhood House Partnership Grants and (maximum funding \$45,000 per year indexed with rate cap)
- 2) Social and Wellbeing Partnership grants (maximum funding \$40,000 per year indexed with rate cap)

(The proposed Social and Wellbeing Grant criteria is available in attachment 2).

This redefined purpose will enable true partnership and strategic purpose. The alignment of the grants program and the Council Plan allows the framework for a true partnership and helps both the community and Council address key priority areas of health and wellbeing.

Through the Council Plan, increasing social inclusion, community participation and access to community services is a key priority for both Council and the community. These findings are particularly relevant as our community reconnects following the isolation experienced by many during the COVID pandemic.

10.2 (cont)

Neighbourhood Houses play a critical role fostering community connections, providing a place for people to meet and participate in programs and activities that are affordable and respond to a wide range of community interests. They have a unique service offering that allows for a localised understanding and assistance in response to community need.

Neighbourhood Houses Partnerships to continue to be a 4-year funding but with expanded requirements for establishing programs and services provided to show alignment with council objectives, agreed metrics to quantify and measure outcomes as well as meet the formalised approach to a Partnership working arrangement.

Funding and assessment criteria would be linked with deliverables and outcomes as defined in the framework (outlined below) and this grant category would be funded by existing funds.

Social & Wellbeing Partnership Grants are for community organisations and groups to deliver programs to respond to vulnerability and community need identified within the Council Plan.

They are required to respond directly to objectives and funding is offered over a 4-year period (up to \$40,000).

It is proposed that the Social and Wellbeing Partnership grant is funded by the remaining partnership grant funding (\$58,446.58 – currently held by Uniting East Burwood and the Asian Business Association of Whitehorse ABAW) and proposed to move \$41,610.56 from the annual general community grants pool. This would make \$100,057.14 available for total Social and Wellbeing Partnership Grant category. Uniting East Burwood would still be eligible for the new Social and Wellbeing Partnership Grant and a transition period is recommended (as per recommendation 5).

2. *Removes the Whitehorse Lunar New Year Festival from the Partnership Grants program and maintain the funding of safety, traffic and waste management to the value of approximately \$76,000.00 (ex GST). This funding will be administered through a Memorandum of Understanding (MOU), which will address waste reduction strategies and be implemented in a phased manner*

The Lunar New Year Festival is unique for its size, history and cultural diversity within the City of Whitehorse and the event delivers considerable benefits.

Should Officer recommendations be endorsed, the Whitehorse Lunar New Year Event will not fit the criteria of a partnership grant in its future state as it does not directly address community vulnerabilities.

The Lunar New Year Festival is the biggest event held annually in the City of Whitehorse and is unique for its size, history and cultural diversity. There are significant benefits from the event including:

- Community connection and activation
- Cultural diversity celebration

10.2 (cont)

- Multiculturalism through event partnership
- Trade benefits of the local area
- Box Hill and City of Whitehorse profiling for both visitors and business investors
- Significant media coverage

And there are also significant impacts to community from its operation including:

- Safety Risk Management
- Road closures and traffic implications
- Public Relations and reputational risks when an event of such scale operates without Council support

As such, a continued significant financial contribution is recommended to directly manage the community safety of the event (valued at approximately \$76,000). However, the Lunar New Year Festival would no longer align to the new purpose of the Partnership Grants to address vulnerability and social disadvantage. Therefore, it is recommended that this event does not receive Partnership Grant funding from 2025/26 (allowing for a transition period – See Recommendation 5).

To manage costs for Council's Festival budget, a proposed change would apply to the cost distribution for waste management services to reflect a 50/50 split between Council and ABAW (previously ABAW paid \$8,000 and Council paid the balance of approximate \$17,000). This 50/50 arrangement is currently applied to traffic management.

This shift would provide a fairer distribution of costs for the two contracts between ABAW and Council. This would mean that ABAW would be required to contribute more to the provision of waste management from 2024/25 financial year.

Site and Safety Contractor costs would remain the responsibility of Council in acknowledgement of the scale, complexity, reputational risk and volume of people attending the Lunar New Year on Council land. Council contribution towards Site and Safety, Traffic and Waste Management is approximately \$76k indexed annually.

It is recommended that Council's support be formalised through an annual Memorandum of Understanding with ABAW (managed via Council's Arts and Cultural Services Team). The MOU will also formalise the benefits that ABAW will be required to deliver to Council and the community in recognition of the significant support it receives for the Lunar New Year event. These benefits will include increased opportunities for on-site branding at the event and in pre-event marketing materials as well as opportunities for Council to host activations such as engagement opportunities if desired, at the event free-of-charge.

10.2 (cont)

This recommendation would result in a reduction in Council funding to ABAW of approximately \$5,000 in 2024/25 and \$32,900 in 2025/26. This includes an increase in the cost of waste management for ABAW from 2024/25 and the removal of Partnership Grant funding from 2025/26. However, in 2025/26, ABAW would have the option to enter into a competitive process for funding up to the maximum of the Major Grant allocation (currently capped at \$10, 000).

From 2025/26, the current partnership grant funding amount that had previously been awarded to the ABAW would be included in the new Social and Wellbeing Partnership Grant category.

3. Move \$41,610.56 from the general Community Grants pool into the new Social and Wellbeing Partnership Grant program to maximise impact.

In order for Social and Wellbeing Partnership Grants to provide significant and lasting benefit to the community, an increase of \$41,610.56 to the funding stream is recommended. This amount would consist of \$19,666 from the Discount Support Free Tipping program budget and \$21,944.56 from the Major Grant category of the annual cash grants. Organisations currently awarded in this category could apply for a Social and Wellbeing Partnership Grant, if eligibility criteria were met.

4. Develop a Framework for Neighbourhood House Partnerships over 2024 for implementation in 2025.

The proposed purpose of Neighbourhood House Partnership Grants is to improve the way Council and the Neighbourhood Houses work together in the planning and implementation of the Council Plan.

For this to be an authentic partnership it is critical that the Neighbourhood Houses and Community Centres play a partner role in the creation of a Framework that sets out how Council and the Neighbourhood Houses will work together and respond to community needs. The development and implementation of the Framework allows for an informed and considered approach to developing a fair and equitable approach to the funding of Neighbourhood Houses into the future.

Council acknowledges the need for a more equitable and transparent approach to Neighbourhood House funding, however it is recommended to maintain the current distribution of funding with a commitment to review as the Neighbourhood House Framework is developed.

5. Implement the Partnership Grants Review recommendations in a staged approach that aligns with Council planning milestones and allows eligible community organisations a transitional period.

A transition period is required to align with and respond to the incoming Council Plan and Municipal Public Health and Wellbeing Plan.

It is proposed that the new Social and Wellbeing Partnership Grants would commence for the 2025/26 year (opening approx. July 2025). This would mean that Uniting East Burwood would receive a 12-month extension to their current arrangement and would receive funding for the 2024/25 year and would be eligible to apply for a Social and Wellbeing Partnership

10.2 (cont)

Grant from 2025/26 via a competitive process. ABAW would also receive a 12-month extension to their cash component of the Partnership Grant to the value of \$27,886.10 (to enable a transitional period).

It is proposed the Neighbourhood House Partnership grants receive a 12-month extension to their current arrangements and receive funding for the 2024/25 year. This will allow for the development of the Framework in 2024.

Depending on the outcome of the Framework and review, Neighbourhood House partnership grants will then open for a three-year period in 2024/25 to align with the new Council Plan development. Following this in 2028, Neighbourhood House Partnership Grants would open every 4 years in line with Council's planning cycle.

6. The Life Skills Program to be removed from the Partnership Grant Program be considered within the Youth Services Review.

The Life Skills Program and the funding and management of the contract would be removed from the Community Grants Program and sit with the department aligned to the program (Health and Family Services). The future provision of the program is to be considered as part of the Youth Services review currently being undertaken.

7. The Kindergarten Central Registration and Enrolment Scheme to be retained but removed from the Partnership Grant Program.

Council continues to support the provision of the Whitehorse Kindergarten Central Registration and Enrolment Scheme.

The Kindergarten Central Registration and Enrolment Scheme is a direct service provision and should be managed under a service agreement rather than a grant process. Evaluation and future provision of this service to be assessed as part of regular Department/business planning.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

The Partnership Grant program has facilitated long standing agreements between Council and community groups. With any change comes reputational risk and relationship impact. All our partnerships with community organisations are valued and we will continue to work proactively with our partners to support their achievements and in our mutual commitment to outcomes for the community.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues but rather the Partnership Grant Program enhances equity, inclusion and human rights.

10.2 (cont)

Community Engagement

55 people participated in the engagement program	10 Councillors attended engagement sessions
32 people completed the online survey	14 current Partnership Grant recipients participated in focused interviews

Responses by theme is captured below (further detail of these themes is available in attachment 3).

Theme 1: Partnership Grants add significant value to the community.

Theme 2: Partnership Grants need to address vulnerability within the community and be prioritised to respond to health and wellbeing being gaps of Council service provision.

Theme 3: The partnership/collaboration between recipients and Council needs to be strengthened.

Theme 4: Partnership grants should align with the Council Plan, Municipal Public Health and Wellbeing Plan and Whitehorse Community Vision.

Theme 5: Greater equity amongst Neighbourhood House and Community Centre funding is desired.

Theme 6: A framework for Neighbourhood Houses is needed and should be developed in partnership with houses. This framework should include a review of reporting requirements.

Theme 7: Funding security of 4 years is preferred but application and acquittal requirements need to allow for flexibility to accommodate reactive response to community needs at a local level.

Financial and Resource ImplicationsCurrent Grants Program

Promotion, assessment, implementation and management of the Community Grants Program is resourced through the Community Engagement and Development annual budget.

As stipulated in the revised Community Grants Policy, the level of financial assistance available is limited by Council's budget allocation and its priorities. No applicant can be guaranteed funding, nor can any applicant be guaranteed to receive the full requested amount.

Financial implications of Partnership Grant Review Recommendations

Recommendations in this report will have no overall net increase on the Community Grants budget, however, organisations that might not have previously applied may now apply based on a greater understanding of what can be applied for under each grant category and the longer time periods allow for a more strategic and planned approach.

10.2 (cont)

Removing the Life Skills Program and The Kindergarten Central Registration and Enrolment Scheme from the Community Grants Program (to be managed by Health & Family Services) will have a financial impact on the Community Grants Program, as the funding will move across and sit in the Health & Family Services budget.

Overall, there will be no net financial impacts for Council as a result of the recommendations contained in this report.

Innovation and Continuous Improvement

The implementation of the recommendations in this report will strengthen the alignment of the Partnership Grant program to Council and the community priorities. Ensuring alignment to Whitehorse Community Vision 2040, Council Plan and Municipal Public Health and Wellbeing Plan means that a diverse range of activities, services, and programs are delivered through the Community Grants Program that are responsive to community needs and identified priorities and have positive impacts in terms of social connection and community capacity building.

Collaboration

The Partnership Grants Review involved collaboration with cross-Council departments, particularly those responsible for programs funded by the Partnership Grants.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

The recommendations outlined in this report will improve and streamline Council processes, as well as ensure a clearer and more effective Partnership Grants program. The types of programs and services delivered will be more aligned to the priorities of the community, address vulnerability and therefore result in better outcomes for the Whitehorse community. Community groups and organisations applying for Partnership Grants into the future will also find the process clearer, fairer and more secure with the 4-year option more broadly available.

ATTACHMENT

- 1 Attachment 1 - Draft Community Grants Policy 
- 2 Attachment 2 - Proposed Social and Wellbeing Grant criteria 
- 3 Attachment 3 - Outcomes of Community Engagement 

10.3 Dog Incidents and Data

Department Community Safety
Director City Development

SUMMARY

On 28 August 2023 a Notice of Motion was adopted by Council in relation to compiling serious dog attack data for Whitehorse and the Eastern Region. The resolution stated:

1. Seek a report from officers detailing:
 - a) The number of serious dog attacks reported in the last 3 years, including whether they were attacks on other dogs and/or people.
 - b) The number of prosecutions and fines issued in relation to these attacks.
 - c) The number of infringements and, if the information is available, warnings with no infringement issued, for dog off lead offences in on lead areas.
2. Write to the Eastern Region Group (ERG) of Councils to request all member Councils provide this information as it pertains to their Council to the ERG and made available for all member Councils of the ERG.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Cutts

That Council notes the findings of this report.

CARRIED UNANIMOUSLY

KEY MATTERS

Three (3) Councils from the Eastern Region responded to the request. Each Council's perception of the requested information varied. The tables show the comparative data.

Some of the Councils requested that they do not be identified in the report, hence the deidentified nature of the data.

10.3 (cont)

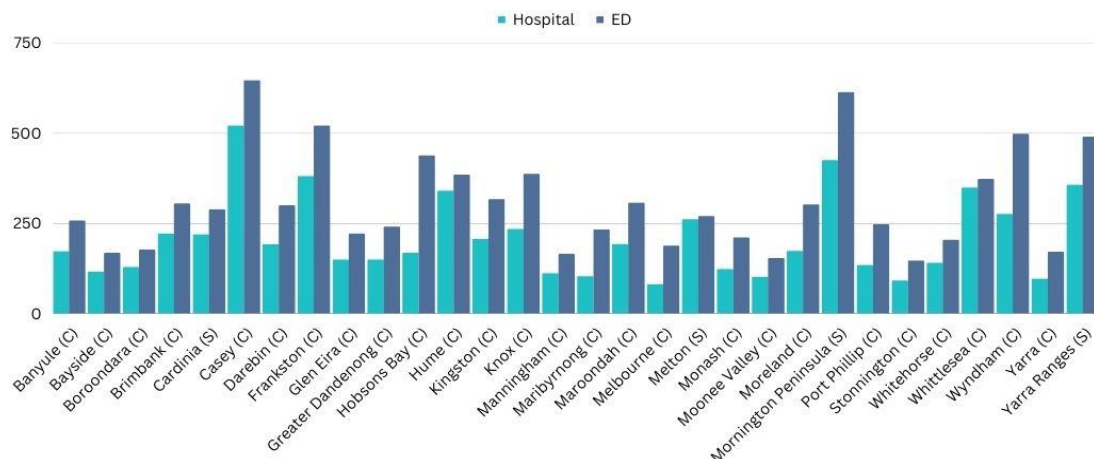
Council	Serious Dog Attacks Reported 2020-2023	Serious Dog Attack Serious (on person)	Serious Dog Attack (on animal)
Whitehorse	58	6	52
Council A	45	7	38
Council B	473 (non-serious, serious and rush all included)	Not Supplied	Not Supplied
Council C	170 (serious and non-serious included supplied only from 2021)	4	14

Council	Number of Dog Attack Prosecutions 2020-2023	Number of Infringements Relating to Dog Attacks 2020-2023	Number of Infringements Dog Off Lead Offence 2020-2023
Whitehorse	12	42	7
Council A	28	59	30
Council B	31	37	7
Council C	8	Not Supplied	Not Supplied

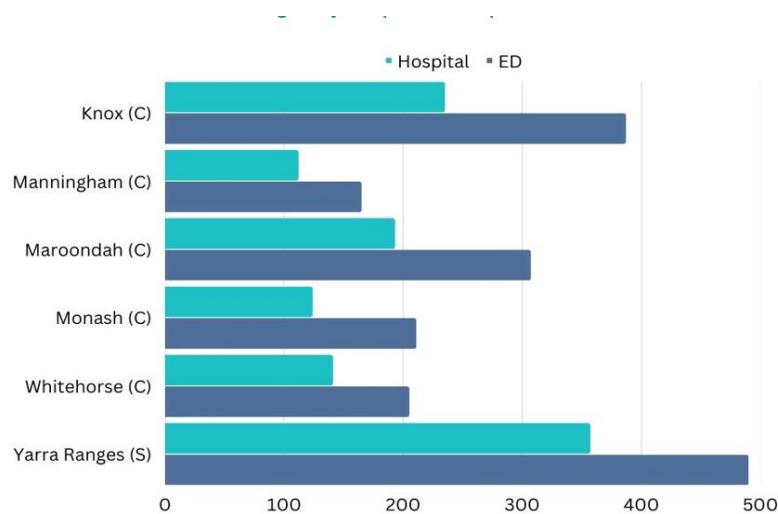
Strategic Alignment Strategic Direction 7: A safe and healthy community

BACKGROUND

Of relevance to this report is a research study undertaken by Monash University into hospital admissions from dog bites per Local Government area between 2018 – 2022. This included people bitten by their own dogs. Whitehorse was on the lower percentile in comparison to other Victorian Councils.



10.3 (cont)



Discussion and Options

As part of Whitehorse's Domestic Animal Management Plan (DAMP) targeted initiatives and new strategies to address improving responsible pet ownership and addressing dog behaviour are constantly being reviewed.

Community Laws current projects include a targeted Whitehorse resident dog behaviour session, education sessions in parks and continuing to quickly and effectively investigate complaints surrounding the containment of dogs, dog attacks and behavioural issues displayed in parks and reserves.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

There are no legal or risk implications arising from the recommendation contained in this report.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report.

10.3 (cont)

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Three (3) Eastern Region Councils responded to the request for dog attack data.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

It is recommended that Council notes the findings in this report.

10.4 S11A Appointment of Authorised Officers under the Planning and Environment Act 1987

Department Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

The appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted to them under legislation or a local law.

Instruments of Appointment and Authorisation are prepared in accordance with advice from the Maddocks (Lawyers) Authorisations and Delegations Service, which Council subscribes to.

Whilst the appointment and authorisation of authorised officers under other relevant legislation is executed by the Chief Executive Officer under delegation, Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* and the *Environment Protection Act 2017* be authorised by Council resolution.

Council is required to appoint persons as authorised officers for the purpose of enforcing the *Planning and Environment Act 1987*.

Authorisations are different to delegations whereby the appointment is made to a natural person that holds a statutory position giving the appointed officer the ability to undertake the necessary functions listed in the instrument. Delegations on the other hand are made to positions within Council.

The S11A Instrument is presented regularly to Council for the purposes of authorising new staff members who have commenced and removing staff members who have departed the organisation.

COUNCIL RESOLUTION

Moved by Cr Lane, Seconded by Cr Skilbeck

That Council:

1. Appoints the officers named in the S11A Instrument of Appointment and Authorisation at Attachment 1 as Authorised Officers pursuant to section 147(4) of the Planning and Environment Act 1987; and
2. Authorises the Chief Executive Officer to sign the S11A Instrument of Appointment and Authorisation as approved above to come into force once executed and revoke the previous S11A Instrument of Appointment and Authorisation executed on 12 September 2023.

CARRIED UNANIMOUSLY

10.4 (cont)**KEY MATTERS**

An ‘*authorised officer*’ is a person, other than a Councillor, appointed by Council to carry out a compliance or enforcement function under legislation related to the functions and powers of the Council.

There are no legislative changes to the authorisation under the *Planning and Environment Act 1987*.

The instrument has been updated to reflect staff changes arising from new appointments and departures.

STRATEGIC ALIGNMENT

The recommendation of this report accords with the Strategic Direction 1 of the Council Plan: *An innovative Council that is well led and governed*, through compliance with legislative requirements and regulations to achieve good governance and integrity.

Policy

There are no policy implications arising from the preparation of this report.

BACKGROUND

Instruments of Appointment and Authorisation empower relevant staff to exercise the powers granted to authorised officers by legislation or a local law.

Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks Authorisations and Delegations In Depth Service.

Discussion and Options

Due to staff changes and movements, a review of appointed and authorised officers has been completed. The updated S11A Instrument of Appointment and Authorisation at Attachment 1 is presented for Council's consideration.

Failure to update the S11A Instrument of Appointment and Authorisation will impact the ability of the organisation to fulfil its statutory responsibilities.

SUPPORTING REPORT DETAILS**Legislative and Risk Implications**

Provisions relating to authorised officers continue to operate under the *Local Government Act 1989*. Equivalent provisions relating to authorised officers have not carried over to the *Local Government Act 2020*.

Authorisations are made pursuant to section 147(4) of the *Planning and Environment Act 1987*.

10.4 (cont)**Equity, Inclusion, and Human Rights Considerations**

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report.

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Collaboration was undertaken with the City Planning and Development team in drafting the S11A Instrument of Appointment and Authorisation at Attachment 1.

Conflict of Interest

The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

In most cases, authorisations are approved by the Chief Executive Officer; however, authorisations under the *Planning and Environment Act 1987* are required to be issued by resolution of the Council.

It is recommended that Council resolves to authorise the Chief Executive Officer to execute the S11 Instrument of Appointment and Authorisation at Attachment 1.

ATTACHMENT

- 1 S11A Instrument of Appointment and Authorisation - Planning and Environment Act - February 2024 

10.5 S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 and S11B Appointment of Authorised Officers under the Environment Protection Act 2017

Department Governance and Integrity
Director Corporate Services

Attachment

SUMMARY

The delegation of powers and appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted under legislation or a local law.

The Environment Protection Act 2017 (the Act) and Environment Protection Regulations 2021 (the Regulations) came into effect on 1 July 2021.

Under the Act and Regulations, the scope of Council's role as a regulator did not change, but changes to the laws and powers of councils included a new delegation of powers directly from the Environment Protection Authority Victoria (EPA) to councils. Pursuant to section 437(1) of the Act, the EPA issued an Instrument of Delegation directly to Council.

Council adopted the S18 Instrument of Delegation (S18) in May 2022; however, a number of provisions were omitted and the powers contained within the S18 can only be delegated to council staff who are authorised under section 242(2) of the Act.

Maddocks Lawyers advise that officers enforcing the Act should be authorised by Council resolution. For this reason, both the S18 Instrument of Delegation and the S11B Instrument of Authorisation are presented to Council for adoption (refer Attachment 1 and Attachment 2 of this report.)

COUNCIL RESOLUTION

Moved by Cr Skilbeck, Seconded by Cr Lane

1. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council resolves that:
 - a) There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation (Attachment 1) to members of Council staff the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.

10.5 (cont)

- b) The instrument comes into force immediately upon this resolution being made and is to be signed by Council's Chief Executive Officer.
 - c) On coming into force all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the power conferred by s 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, resolves that:
- a) The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument.
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

KEY MATTERS

The *Environment Protection Act 2017* (the Act) and *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.

By virtue of section 437(2) of the Act, Council has the power to sub-delegate the powers contained in the EPA's Governing Board approved Instrument of Delegation to members of Council staff.

The powers, duties and functions described and summarised in the Schedule as attached (Attachment 1) to this report, are only delegated for the purpose of regulating:

- onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- noise from the construction, demolition or removal of residential premises.

Where Council has sub-delegated EPA powers and functions under s437(2) of the Act, the members of Council staff must be authorised officers under s242(2) of the Act.

As such, a new Instrument of Appointment and Authorisation is included at Attachment 2 of this report.

Authorised officers must exercise the powers in accordance with the EPA's approved Instrument of Direction.

10.5 (cont)

The attached Instrument of Sub-Delegation and Instrument of Appointment and Authorisation are recommended for the effective and efficient operations of Council's activities. They also facilitate the execution of routine and administrative tasks with consistency and certainty.

STRATEGIC ALIGNMENT

The recommendation of this report accords with the Strategic Direction 1 of the Council Plan: *An innovative Council that is well led and governed*, through compliance with legislative requirements and regulations to achieve good governance and integrity.

BACKGROUND

The delegation of powers and appointment of authorised officers enables appropriate staff within the organisation to administer and enforce various Acts, Regulations or Council local laws in accordance with the powers granted under legislation or a local law.

Instruments of Appointment and Authorisation prepared for Council's consideration are based on advice from the Maddocks (Lawyers) Authorisations and Delegations In Depth Service.

Policy

There are no policy implications arising from the preparation of this report.

SUPPORTING REPORT DETAILS

Legislative and Risk Implications

This report has been prepared in line with the *Environment Protection Act 2017* and *Environment Protection Regulations 2021*.

Failure to adopt and update these instruments will impact the ability of the organisation to fulfil its statutory responsibilities.

Equity, Inclusion, and Human Rights Considerations

In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.

It is considered that the subject matter does not raise any human rights issues.

Community Engagement

No community engagement was required for this report.

Financial and Resource Implications

There are no financial or resource implications arising from the recommendation contained in this report.

10.5 (cont)

Innovation and Continuous Improvement

There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.

Collaboration

Council subscribes to the Maddocks (Lawyers) Authorisations and Delegations In-Depth Service, which provides advice regarding legislative amendments and template instruments.

Collaboration was undertaken with relevant departments within the organisation in preparation of the proposed instruments.

Conflict of Interest



The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.

Conclusion

It is recommended that Council resolves to authorise the Chief Executive Officer to execute the updated S18 Instrument of Sub-Delegation (Attachment 1) and the S11B Instrument of Appointment and Authorisation (Attachment 2) in accordance with the list of authorised officers named in the Instrument.

ATTACHMENT

- 1 S18 Instrument of Sub-Delegation under the Environment Protection Act 2017 
- 2 S11B Instrument of Appointment and Authorisation under the Environment Protection Act 2017 

10.6 Records of Informal Meetings of Councillors

Department Governance and Integrity
Director Corporate Services

COUNCIL RESOLUTION

Moved by Cr McNeill, Seconded by Cr Cutts

That Council receives and notes the Records of Informal Meetings of Councillors.

CARRIED UNANIMOUSLY

Pre-Council Meeting Briefing 11 December 2023 – 6.30pm-6.49pm

Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Public Presentations • Public Questions • Council Agenda Items – 11 December 2023 	Cr Massoud (Mayor & Chair)	S McMillan
	Cr Davenport (Deputy Mayor)	C Clarke
	Cr Barker	J Green
	Cr Carr	S Sullivan
	Cr Cutts	S White
	Cr Lane	V Ferlino
	Cr Liu	K Woods
	Cr McNeill	
	Cr Munroe	
	Cr Skilbeck	
	Cr Stennett	
	Others Present N/A	
Disclosures of Conflict of Interest: Nil		

10.6 (cont)

Mirrabooka Reserve Pavilion and Draft JUA 18 December 2023 – 3:30pm-3.57pm		
Matter/s Discussed:	Councillors Present	Officers Present
<ul style="list-style-type: none"> • Mirrabooka Reserve Draft Joint-Use-Agreement • Mirrabooka Reserve Pavilion Redevelopment 	Cr Massoud (Mayor)	L Letic
	Cr Lane	N Brown
	Cr McNeill	L Pegoli
	Cr Munroe	N Hirst
	Cr Skilbeck	D Dunstan
		K Chandler
Others Present N/A		
Disclosures of Conflict of Interest Nil		

Special Councillor Briefing 22 January 2024 – 6.30pm – 9.30pm		
Matter/s Discussed:	Councillors Present	Officers Present
2024/25 Budget	Cr Massoud (Mayor & Chair)	S Cann L Letic
	Cr Davenport (Deputy Mayor)	S White C Clarke
	Cr Barker	T Jenvey
	Cr Carr	T Peak
	Cr Cutts	N Brown
	Cr Lane	Z Quinn
	Cr McNeill	J Blythe
	Cr Munroe	R Andresson
	Cr Skilbeck	Z Thorn
	Cr Stennett	C Bolitho K Woods A De Campo I Wang J Nikas
Others present - N/A		
Disclosures of Conflict of Interest - Nil		

10.6 (cont)

Suburban Rail Loop Authority Briefing 30 January 2024 – 6.30pm-7.30pm				
Matter/s Discussed:	Councillors Present	Officers Present		
Suburban Rail Loop draft Precinct Visions for Box Hill and Burwood	Cr Massoud (Mayor & Chair) Cr Davenport (Deputy Mayor) Cr Barker Cr Cutts Cr McNeill Cr Munroe Cr Skilbeck	S McMillan J Green A Da Campo L McGuinness F Nolan K Cummings K Marriott L Morris R Andresson A Egan T Peak G Paterakis Z Quinn		
Others Present: F Carroll, L van Camp, E Dale (Suburban Rail Loop Authority)				
Disclosures of Conflict of Interest: Nil				
Councillor Briefing 5 February 2024 – 6.30pm – 9.30pm				
Matter/s Discussed:	Councillors Present	Officers Present		
<ul style="list-style-type: none"> • 2024/2045 Budget Fees and Charges • 2023/2024 Capital Works Program – December Quarter Review • Discontinued Roads Policy Update & Community Engagement • Draft Council Meeting Agenda 12 Feb 2024 	Cr Massoud (Mayor & Chair)	S McMillan	F Nolan	
			S Cann	I Wang
	Cr Davenport (Deputy Mayor)	J Green	K Woods	
		L Letic		
	Cr Barker	S Sullivan		
	Cr Carr	S White		
	Cr Cutts	N Brown		
	Cr Lane	C Clarke		
	Cr Liu (apology)	T Jenvey		
	Cr McNeill	Z Quinn		
	Cr Munroe	T Peak		
	Cr Skilbeck	A Ghastine		
	Cr Stennett	S Morison		
Others Present N/A				
Disclosures of Conflict of Interest Nil				

11 Councillor Delegate and Conference / Seminar Reports

11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance

Department Governance and Integrity
Director Corporate Services

Verbal reports from Councillors appointed as delegates to community organisations/committees/groups and attendance at conferences and seminars related to Council Business:

<ul style="list-style-type: none"> Cr Lane attended the Whitehorse Business Group Strategic Review meeting on 23 January 2024
<ul style="list-style-type: none"> Cr McNeill attended the Metropolitan Transport Forum meeting and the Whitehorse Disability Advisory Committee meeting on 7 February 2024.
<ul style="list-style-type: none"> Cr Cutts attended the Whitehorse Sport and Recreation Reference Group Meeting on 21 December 2023 and the Environment and Sustainability Reference Group meeting on 13 December 2023.
<ul style="list-style-type: none"> Cr Skilbeck attended a webinar by McCrindle regarding top trends anticipated for 2024 on 1 February 2024
<ul style="list-style-type: none"> Cr Massoud attended the Whitehorse Business Group Strategic Review meeting on 23 January 2024 and the Whitehorse Disability Advisory Committee meeting on 7 February 2024.

11.1 (cont)

Meetings attended by Councillors during December 2022 to November 2023

Delegated Committee	Delegate										
	Massoud	Davenport	Barker	Carr	Cutts	Lane	Liu	McNeill	Munroe	Skilbeck	Stennett
Municipal Association of Victoria						4/4			4/4		
Whitehorse Business Group	11/11								8/11		
Whitehorse Manningham Regional Library Corp.		4/5								5/5	
Eastern Affordable Housing Alliance	6/8										
Eastern Alliance for Greenhouse Action (EAGA) Executive Committee			4/4								
Eastern Region Group of Councils					6/6	6/6					
Eastern Transport Coalition							8/10				
Metropolitan Transport Forum								9/10			
Audit and Risk Committee			5/5							5/5	
Visual Arts Advisory Committee				4/4							2/4
Whitehorse Disability Advisory Committee	4/5							4/5			
Whitehorse Reconciliation Advisory Committee	5/5										
Domestic Animal Management Plan Advisory Committee			3/3	3/3							
Environment and Sustainability Reference Group	5/5				5/5						
Local Government Working Group on Gambling	4/4		4/4								
Whitehorse Sports and Recreation Network					4/4						4/4

COUNCIL RESOLUTION

Moved by Cr Cutts, Seconded by Cr McNeill

That Council:

1. Receives and notes the reports from delegates and reports on conferences/seminars attendance; and
2. Confirms delegated committee meeting attendances from December 2022 to November 2023.

CARRIED UNANIMOUSLY

12 Confidential Reports

Nil

13 Close Meeting

The Council Meeting was closed at 8.36pm.

These minutes are circulated subject to confirmation by Council at the next Council Meeting to be held on 26 February 2024.