



# Whitehorse City Council

## AGENDA

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### **Council Meeting**

on

**Monday 8 September 2025 at 7:00 PM**

**To be held in the  
Council Chamber  
Nunawading Civic Centre**

**Members:**      Cr Andrew Davenport                      Mayor  
                     Cr Prue Cutts                                      Deputy Mayor  
                     Cr Peter Allan  
                     Cr Blair Barker  
                     Cr Daniel Griffiths  
                     Cr Jarrod Gunn  
                     Cr Kirsten Langford  
                     Cr Jason Martin  
                     Cr Kieran Simpson  
                     Cr Ben Stennett  
                     Cr Hayley Weller

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## AGENDA

### 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

### 3 Disclosure of Conflicts of Interest

### 4 Confirmation of Minutes of Previous Meeting

Minutes of the Council Meeting 25 August 2025

#### RECOMMENDATION

That the Minutes of the Council Meeting 25 August 2025 be confirmed.

### 5 Urgent Business

### 6 Requests to Speak

### 7 Public Question Time

### 8 Petitions

**9 Notices of Motion****9.1 Notice of Motion - Roundabout on Mullen and Stanley Rd, Vermont South**

That Council seeks a report on the current condition of the roundabout and associated traffic islands at the intersection of Stanley Road and Mullens Road intersection, Vermont South including:

- a. details on the extent of civil construction works required to reconstruct the roundabout, together with the traffic islands on each approach and for the footpath and pram crossings to be realigned to accommodate improved pedestrian access and safety.
- b. estimated costs for budgeting purposes and options and timelines for any reconstruction to be included in a future Council Budget.

**10 Council Reports**

## 10.1 Graffiti Management

**Department** City Services  
Director Infrastructure

Attachment

### SUMMARY

This report is in response to the resolution from the Council Meeting on 24 March 2025, that Council:

*“Receives a report:*

- 1. Describing the practice and policy in the City of Whitehorse regarding the removal or cleaning of graffiti of Council and non-Council assets; and*
- 2. Providing options for what would be required for Council to monitor and clean graffiti from major retail areas (such as Britannia Mall among others) across the municipality and additional budget resources required, highlighting the alignment to the Community Vision 2040 and the Council Plan 2025-2029 that is currently being developed.*
- 3. Containing a draft Graffiti Management Plan, drawing on existing examples from other councils that cover:*
  - a. prevention strategies*
  - b. collaboration (including private and public partnerships)*
  - c. removal*
  - d. enforcement*
  - e. legal street art.”*

In response to this resolution, this report presents a background report on graffiti management in the City of Whitehorse, (Attachment 1), and a draft Graffiti Management Policy for consideration (Attachment 2). These documents reflect current practice. This report provides some options for consideration regarding graffiti management.

### RECOMMENDATION

That Council:

1. Notes that this report is in response to the resolution on 24 March 2025.
2. Endorses the draft Graffiti Management Policy as shown in Attachment 2.
3. Notes options provided for further activities in response to graffiti management.

## 10.1 (cont)

**KEY MATTERS****Background**

Notice of Motion No. 5 – Council Meeting 24 March 2025, Council resolved that Council:

*“Receives a report:*

- 1. Describing the practice and policy in the City of Whitehorse regarding the removal or cleaning of graffiti of Council and non-Council assets; and*
- 2. Providing options for what would be required for Council to monitor and clean graffiti from major retail areas (such as Britannia Mall among others) across the municipality and additional budget resources required, highlighting the alignment to the Community Vision 2040 and the Council Plan 2025-2029 that is currently being developed.*
- 3. Containing a draft Graffiti Management Plan, drawing on existing examples from other councils that cover:*
  - a. prevention strategies*
  - b. collaboration (including private and public partnerships)*
  - c. removal*
  - d. enforcement*
  - e. legal street art.”*

This report presents a background report on graffiti management in the City of Whitehorse, refer to Attachment 1, and a draft Graffiti Management Policy for consideration, refer to Attachment 2. These documents reflect current practice.

The draft Graffiti Management Policy has been prepared with reference to example documents from other Councils, as detailed in Attachment 1.

**DISCUSSION, OPTIONS AND ANALYSIS****Discussion**

There is an existing program to monitor and clean graffiti from major retail areas, such as Britannia Mall among others. There is a presence of township cleaners in each of the major retail areas on a regular basis, including daily at the large centres. The cleaners can remove small scale graffiti from Council assets, or request assistance from the two graffiti removal officers whose role is dedicated to graffiti removal.

An issue that is prevalent in many of these areas, and other areas in the municipality, is graffiti on private property or assets that are managed by other authorities and agencies. It is not Council's role to manage private property, or the assets of other authorities, and Council does not have the powers to work on property it does not own or manage. Council manages its finite resources to deal with graffiti on its own assets and where it is assessed there is broad community benefit (for example removal of offensive material) and the merits of Council offering a service of providing resources to benefit a private entity would need to be assessed to understand the costs and benefits.



### 10.1 (cont)

When there is a request to remove graffiti from a private property, Council officers consider options including:

- Provide a graffiti removal kit or paint voucher to the property owner.
- Provide advice to the property owner on how they could remove the graffiti.
- Council may assist to remove the graffiti subject to the following criteria:
  - Removal would have a significant public benefit.
  - Available resources and funding to do so.
  - Approval provided by the property owner.
  - It is safe to do so, including not above a height of 3 metres.
  - It does not require entry into private property.
  - Surface is suitable for painting or cleaning and the removal will not cause damage.
  - Surface is a standard colour, if it needs to be painted.

Examples are provided in Attachment 1 where Council removes graffiti from private properties in major shopping areas, like Britannia Mall and Box Hill Mall, and examples where Council cannot remove graffiti. The examples where graffiti cannot be removed, include where the graffiti is higher than 3 metres from the ground and cannot be accessed safely from the adjoining footpath area, and where removal would require a specialist contractor.

In many cases, there would be some public benefit in removing graffiti from private properties, to improve the overall appearance of an area. The greater benefit is to the property owner by Council undertaking work that should be at the property owners' expense to maintain their building. There are many properties in Whitehorse that are well maintained by the property owner at their own expense (including graffiti management) and many in the community may object to public funds being used to maintain select private buildings due to the property owner's neglect.

It is not considered a reasonable use of Council funds to manage graffiti on assets that are the responsibility of others like signs and structures on arterial roads (Transport Victoria) and electricity poles (United Energy). In addition, there is a liability risk associated with potential damage to the asset, and risks to the safety of Council staff if work was to be done on these assets, for example, working near tram lines, railway tracks, arterial roads, or on electrical infrastructure.

### **Options Analysis**

There is no statutory obligation for Council to expand or change graffiti management services. Options available include:

- Option 1 – Maintain current level of funding and resources.
- Option 2 – Additional graffiti management funding and resources.
- Other considerations.

## 10.1 (cont)

**Option 1 – Maintain funding and resources**

Council's current resources allocated to graffiti management include:

- Council's Cleansing Coordinator has 14 years' experience working at Whitehorse and prior to this worked as a graffiti removal specialist.
- Two Infrastructure Cleansing officers who are dedicated to graffiti removal and pressure cleaning. There are two specialised graffiti removal vehicles that have paint and supplies, and a water pump and cleaning materials for pressure washing.
- Five officers dedicated to township cleaning, who remove smaller scale graffiti with pressure washing or wipes and report larger graffiti to the graffiti removal officers.
- Department of Justice and Community Safety through Community Correctional Services (CCS) provide crews for graffiti removal for those with community correctional service orders. These are weekly or fortnightly depending on availability and CCS programming. Following the resolution of Council on 23 June 2025, CCS was contacted seeking additional resources for Whitehorse and a letter was written to the Minister. The CCS team has advised that the fortnightly commitment to Whitehorse can be increased provided Council can supply the required materials.

**Option 2 – Additional funding and resources**

An option could be to expand the graffiti management officers from two to three, adding an additional Band 3 officer. The additional resource could focus on more programmed removal of graffiti from high profile private property locations (where the property owners have provided approval). This could include bigger areas of factory walls abutting parks and open space. The resource would need to spend time seeking private property owner approval. Any graffiti removed would still need to be below 3 metres and accessible from the footpath.

The estimated cost would be:

- Band 3 \$100,000 (including oncosts)
- Vehicle fitted for graffiti removal \$80,000
- \$20,000 consumables, fuel, paint, chemicals
- \$200,000 in year 1, \$100,000 ongoing increasing with EBA and CPI increases.

**Other considerations****Working with property owners**

There is a recognition of the challenges for property owners when a property is vandalised with graffiti. There is frustration about property damage, consideration of time and associated cost of removal, and emotions around invasion of privacy and concerns with ongoing safety.

Council provides graffiti removal kits, and paint vouchers for standard acrylic paint, to support property owners to remove graffiti from their private property where the graffiti is visible from a public space, for example, a front

### 10.1 (cont)

fence or fence abutting a Council park or open space. There is a current plan to do more around promoting this service.

The Whitehorse Community Local Law 2024 S3.1 and S3.2 requires property owners/occupiers to maintain their properties and prevent them from becoming unsightly. Community members can report a private property that is unsightly, with graffiti which is visible to the public, to Council and this will be investigated by the Local Laws team. Further information is available on the Council website. Unfortunately, enforcement action under this scenario would result in a property owner being investigated (and potential infringements) for being the victim of a graffiti attack.

### **Legal street art**

Some of the inner-city councils like Melbourne and Yarra, have a recognition of the importance that legal street art has to contributing to a vibrant, urban culture. Legal street art requires the permission of the property owner and is to comply with planning regulations. Artists must obtain written approval from the property owner and comply with the council law.

Legal street art is not promoted in Whitehorse, considering the neighbourhood character and aesthetic is different to an inner-city council.

### **Murals**

There are several examples in Whitehorse where murals have been effectively used to uplift the appearance of an area, for placemaking, and creating public art. Murals do have the benefit of reducing graffiti in the same location, although it may just shift the graffiti to other nearby locations.

Murals, involving the commissioning of artists can be expensive and are generally only considered in high profile areas, subject to available funding.

### **Collaboration and partnership opportunities**

Council will participate in partnership opportunities that may arise, on any aspect of graffiti management including prevention, education, sharing of resources, funding for murals or other street art projects. The collaboration may be with other councils, other authorities or agencies, or the police. Council currently collaborates with CCS for the provision of graffiti and litter removal teams.

All graffiti that is removed by Council is photographed and uploaded to a database that is used by other councils and the police. If the police arrest an offender, the database can be used to identify previous offences with the same graffiti tag.

### **Lobbying**

Council will seek opportunities to partner with neighbouring and regional municipalities to lobby the State Government for support with graffiti management and prevention, with a focus around Big Build Sites and other high impact areas. Council will advocate for the timely removal of graffiti from State Managed projects and land, through engagement with relevant Departments, Members of Parliament and staff.

## 10.1 (cont)

**Overarching Governance Principles and Supporting Report Details**

<b>Strategic Alignment</b>	<p>Whitehorse Community Vision 2040 Theme 2: Movement and Public Spaces Key priority 2.3: Provide active public spaces which are accessible by all, where people feel safe and connected with others in the community.</p> <p>Integrated Council Plan 2025-2029, including:</p> <p>Strategic Direction 1: Community - Community is about making sure people can easily meet and connect with others and feel they belong. Objective 1.4: A community where people feel safe Strategy – Partner with local agencies to improve perceptions of community safety.</p> <p>Strategic Direction 2: Built - The spaces we create shape how we live, move, and interact. Our built environment reflects our values of accessibility, safety, and sustainability. Objective 2.4: A desirable and well-presented City Strategy – Deliver programs and services to the community that support a clean City.</p> <p>Strategic Direction 3: Economy - A thriving economy creates opportunity, fosters innovation, and builds prosperity. Objective 3.1: A thriving local economy</p> <p>Strategy - Enable and support the creation of clean, safe and welcoming places to shop, access services, do business, exchange and visit, and promote the benefits of shopping and supporting local.</p>
<b>Financial and Resource Implications</b>	<p>The background report and draft Graffiti Management Policy are based on current resource allocations.</p>
<b>Legislative and Risk Implications</b>	<p>The relevant legislation is the Graffiti Prevention Act 2007. Victoria Police is responsible for enforcement and prosecuting graffiti offenders.</p>

## 10.1 (cont)

<b>Equity, Inclusion, and Human Rights Considerations</b>	<p>In developing this report, 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 there are no issues that are required to be addressed.</p> <p>A gender impact assessment was completed for the development of the draft Graffiti Management Policy.</p>
<b>Community Engagement</b>	<p>There was no community engagement undertaken in preparing this report, considering it documents current practice.</p>
<b>Innovation and Continuous Improvement</b>	<p>There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.</p>
<b>Collaboration</b>	<p>No collaboration was required for this report, however there is ongoing collaboration on graffiti management with the Council teams of Cleansing, Community Laws, and Placemaking, Victoria Police and CCS.</p>
<b>Conflict of Interest</b>	<p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>

**ATTACHMENT**

- 1 Graffiti Management Background Report
- 2 Graffiti Management Policy 2025

## 10.2 Art & Civic Collections Policy

**Department**

Arts and Cultural Services

Director Community Services

Attachment

**SUMMARY**

The Art & Civic Collections Policy 2025-2032 guides the development of the Whitehorse Art Collection and associated exhibitions, and the ongoing management of items in the Whitehorse Civic Collection. It ensures proper governance and the longevity of these significant public collections for the benefit of the community now and for future generations. This Report recommends adopting the Art & Civic Collections Policy 2025-2032.

The following five focus areas for development of the Whitehorse Art Collection over the life of the policy have been identified:

- Australian Impressionism
- Ceramics
- Environment
- First Peoples
- Portraits

This report also recommends that the Whitehorse Artspace name be changed to the Whitehorse Art Gallery to reflect the importance of the Collection and improve community understanding of the function of the Artspace as an art gallery.

**RECOMMENDATION**

That Council:

1. Endorses the Art & Civic Collections Policy 2025-2032 to ensure the sound governance, management and exhibition of the Whitehorse Art Collection and Whitehorse Civic Collection.
2. Approves a change to the name of the Whitehorse Artspace to the Whitehorse Art Gallery.

## 10.2 (cont)

**KEY MATTERS**

The Whitehorse Art Collection currently comprises over 2100 items including a large number of donations made to Council's Art Collection. Early donations and acquisitions focused on works created by artists associated with the celebrated Box Hill Artists' Camp of the 1880s – regarded as a seminal gathering that started the Australian Impressionist art movement. Today, the Art Collection is a significant municipal asset, with a mix of historic and contemporary art.

The Civic Collection, also maintained by Council, numbers over 850 items. It comprises important civic items and monuments, gifts from Sister City Matsudo, gifts from visiting international and national dignitaries and memorabilia that commemorates significant local sporting accomplishments.

The Art & Civic Collections Policy aims to ensure effective stewardship of the Art Collection and Civic Collection, safeguarding their accessibility for present and future generations.

Based on curatorial analysis of the Collection, consultation with relevant advisory committees and a broader community engagement process, the following five focus areas for the Whitehorse Art Collection have been identified:

- Australian Impressionism
- Ceramics
- Environment
- First Peoples
- Portraits

Acquisitions are sought for the collection that:

- Are made by professional artists and are of the highest affordable quality.
- Contain a high degree of artistic excellence
- Align with the collection areas identified for development.

Works will be sought primarily from emerging and established artists who live and/or work within Victoria and can be in a range of media including works-on-paper, ceramics, paintings, sculpture, and textiles.

In response to numerous community suggestions on marketing and promotion of the Whitehorse Art Collection and consultation with the Visual Arts Advisory Committee it is proposed to rename the Whitehorse Artspace to the Whitehorse Art Gallery in 2026. The name change will make the function of the Artspace as a gallery clearer for the public, particularly for first time visitors and new residents, assisting in increasing audiences and engagement with the Collection.

## 10.2 (cont)

**DISCUSSION, OPTIONS AND ANALYSIS****Collection Areas for Development**

Curatorial analysis of the existing Art Collection revealed focus areas that warrant further development. Changes and refinements to the collection areas that appear in the policy have been developed in consultation with the Visual Arts Advisory Committee over the course of three focused sessions that took place in May 2024, March 2025 and April 2025.

**1. Portraits**

The Collection holds notable portraits, particularly the founding portrait of JR Kefford by Ernest Buckmaster of 1927. This is the work that began the art collection, paid for by public subscription and we celebrate its 100th anniversary in 2027. A new collection focus of Portraits recognises the portraits already in the Collection and provides opportunities to develop community pride and identity by reflecting the people who make up the Whitehorse community.

**2. Environment**

To address areas of overlap between the Australian Landscape and Urban/Suburban collection areas in the previous policy, a new overarching collection area titled Environment has been introduced. This new collection area allows both traditional landscapes and more contemporary interpretations of both the natural and urban surroundings to be included.

**3. Ceramics**

The former collection area known as Craft is updated to Ceramics, to better reflect Councils' significant collection of ceramics which was further developed from the gift of the Ceramics Victoria Collection in 2015.

**4. First Peoples**

The previous policy included a statement regarding consideration of Indigenous and multicultural responses to the collection areas and a similar statement was included in early drafts of this policy. The draft policy was presented to the Whitehorse Reconciliation Advisory Committee who provided feedback that Aboriginal & Torres Strait Islander art should be separated from the statement on multicultural art as the term 'multicultural' is associated with cultures that originate overseas.

Moving the statement on Aboriginal & Torres Strait Islander art to a First Peoples collection area reflects the place of Aboriginal & Torres Strait Islander art both in Australia's pre-colonial history and as a defining Australian contemporary art movement and cultural export. It also recognises the existing holdings of works by Aboriginal and Torres Strait Islander artists that Council has acquired over many years. This collection area was recently further bolstered by the George Keith Lesselyoung



## 10.2 (cont)

Bequest which included 42 works by notable Aboriginal & Torres Strait Islander artists.

**5. Australian Impressionism**

This collection area continues unchanged from the previous policy and builds on the valuable Australian Impressionist works in the collection, particularly those from artists who were present at the Box Hill Artists' Camp or who painted the surrounding district.

**Other Policy Updates**

Over the past 15 years Whitehorse has actively sought acquisitions by women artists to address the gender gap in the representation of historical art by women, particularly from the nineteenth century Impressionist era and the 'second generation' Impressionists of the early twentieth century. A statement on this direction has been included in this policy.

Other updates include reinforcement of national and international guidelines and codes of ethics that govern public collections in Australia.

**Community Engagement**

Community engagement was undertaken to seek feedback on the draft Art & Civic Collections Policy and to gauge broader community awareness and perceptions of the Whitehorse Art Collection, which were found to be very positive.

Question	Response
Are you aware that Council has an Art Collection?	93.06% Yes
Have you visited Whitehorse Artspace (Gallery) or seen public art in the municipality?	87.5% Yes
Do you think it's important for Council to develop and exhibit a free Public Art Collection?	90.27% Strongly Agree or Agree
If you have experienced the Whitehorse Art Collection, does it make you feel proud of the local area?	79.17% Yes
Is it important for the Whitehorse Art Collection to reflect the Whitehorse community?	75% Yes
How well do you think Council performs in making the Art Collection accessible to the community?	Average of 4.16 out of 5

## 10.2 (cont)

As noted previously many of the suggestions received during community engagement regarded marketing and promotion of the Whitehorse Art Collection and these have led to the recommendation of renaming the Whitehorse Artspace to the Whitehorse Art Gallery to enhance clarity.

Many community members also provided suggestions for opportunities to increase access to the Collection. Officers will continue to explore new opportunities to increase public access to the Collection through public display and outreach programs. The policy has been refined to provide further guidance to officers in this area.

Community members also expressed their appreciation for public/outdoor art in Whitehorse. As resources do not allow for the acquisition or commissioning of significant new public art, a statement has been added to the policy encouraging Council to pursue partnerships with other organisations to commission and deliver new public art projects.

### Overarching Governance Principles and Supporting Report Details

<b>Strategic Alignment</b>	<b>Strategic Direction 1: Community</b> Objective 1.1 An involved and connected community <ul style="list-style-type: none"> <li>• Provide festivals, events and programs</li> <li>• Foster social connections and a sense of belonging</li> </ul> Objective 1.2: A community that fosters social inclusion, cohesion and respect <ul style="list-style-type: none"> <li>• Provide welcoming and inclusive spaces for our community</li> <li>• Deliver initiatives to promote respect and promote the value of community diversity</li> </ul> <b>Strategic Direction 3: Economy</b> Objective 3.1: A thriving local economy <ul style="list-style-type: none"> <li>• Plan for a strong tourist and visitor economy</li> </ul>
<b>Financial and Resource Implications</b>	\$77,000 is allocated for the acquisition, renewal and conservation of public art and the Whitehorse Art Collection in the Art Acquisition & Conservation Program as part of the 2025/26 Capital Works Program.
<b>Legislative and Risk Implications</b>	There are no legal or risk implications arising from the recommendation contained in this report.

## 10.2 (cont)

<b>Equity, Inclusion, and Human Rights Considerations</b>	It is considered that the subject matter does not raise any human rights issues.
<b>Community Engagement</b>	<p>In total 232 recorded responses were received from the community.</p> <p>The policy went out for community engagement from the 10 March – 7 April 2025. Engagement activities included consultations with the Visual Arts Advisory Committee and Whitehorse Reconciliation Advisory Committee, two ‘Chat to the Curator’ pop-up sessions, an engagement activity at the 2025 Culture Fest, and online and hardcopy Your Say Whitehorse surveys.</p>
<b>Innovation and Continuous Improvement</b>	There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.
<b>Collaboration</b>	The Art & Civic Collections Policy was developed through iterative engagement with the Visual Arts Advisory Committee at meetings held in May 2024, April 2025 & March 2025.
<b>Conflict of Interest</b>	Council officers involved in the preparation of this report have no conflict of interest in this matter.

**ATTACHMENT**

- 1 Art & Civic Collection Policy 2025-2032

### 10.3 S5 Instrument of Delegation from Council to the Chief Executive Officer and S6 Instrument of Delegation from Council to Members of Council Staff

#### Department

Governance and Integrity

Executive Manager Corporate Services

Attachment

#### SUMMARY

Instruments of Delegation represent the formal delegation of powers by Council under Section 11 of the *Local Government Act 2020* (the Act). The delegation of powers is essential to enable day-to-day decisions to be made and ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils and should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

Council subscribes to Maddocks Lawyers' Delegations and Authorisations Service, which provides tailored delegation schedules aligned with current legislation. Following legislative changes in January and August 2025, Maddocks issued updated Delegation schedules. In response, Council officers have reviewed the relevant Instruments of Delegation and updated them to reflect the legislative amendments.

The Instrument of Delegation to the CEO, known as Schedule 5 (S5), is at Attachment 1. The July update Inserted wording to reflect that the S5 Instrument may be executed with the signature of the CEO and Mayor, or by application of the Council seal; and Substituted reference to 'fire services property levy' to 'emergency services and volunteers funding levy' following the commencement of the *Fire Services Property Amendment (Emergency Services and Volunteers Fund) Act 2025*.

The Instrument of Delegation from Council to Members of Council Staff is commonly referred to as Schedule 6 (S6). The revised S6 Instrument of Delegation (Attachment 2) is presented to Council for consideration. This Schedule outlines the legislative powers that Council can delegate directly to Council staff and which cannot be sub-delegated by the Chief Executive Officer (CEO) under the Act.

This review is part of Council's broader Instrument of Delegation review which promotes good governance, accountability, and transparency in line with the Act. The Act requires Council to review all delegations within 12 months of a general election.

## 10.3 (cont)

**RECOMMENDATION**

That Council:

1. In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020* (the Act), resolves that:
  - a. There be delegated to the Chief Executive Officer the powers, duties and functions set out in the S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
  - b. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the S6 Instrument of Delegation from Council 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.
2. Resolves that the S5 Instrument of Delegation (S5) and the S6 Instrument of Delegation (S6) comes into force immediately upon this resolution being made. The S5 is to be signed by the Mayor and the Chief Executive Officer and the S6 is to be signed by the Chief Executive Officer.
3. Notes that upon the instruments coming into force, all previous delegations to the Chief Executive Officer and members of Council staff are revoked.
4. Notes the duties and functions set out in the instruments 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.

**KEY MATTERS**

Delegations are necessary to facilitate the effective functioning of Council by enabling the Chief Executive Officer and officers to make day-to-day decisions about routine administrative and operational matters.

The Instruments of Delegation represent the formal delegation of powers by Council and enables the business of Council to be carried out efficiently, effectively and in line with Council approved policies.

Delegations are assigned to positions within Council rather than to natural people. When executing power under delegation, all staff are also limited and bound by Council policies and procedures.

The S5 Instrument of Delegation authorises the Chief Executive Officer to act on behalf of Council under section 11(1) of the *Local Government Act 2020*. This delegation is subject to a range of conditions and limitations. Specifically, the delegate must not make a decision or take any action that involves, but not limited to:

## 10.3 (cont)

- Awarding a contract or incurring expenditure exceeding \$1,000,000 (excluding GST);
- Appointing an Acting Chief Executive Officer for a period longer than 28 days;
- Electing the Mayor or Deputy Mayor;
- Granting a reasonable request for leave under section 35 of the Act;
- Making any decision relating to the employment, dismissal, or removal of the Chief Executive Officer;
- Approving or amending the Council Plan.

The S6 Instrument of Delegation from Council to Members of Council Staff allows Council to delegate powers to staff that are provided for in specific legislation which includes a delegation power but does not include a power of sub-delegation. This means such powers cannot be delegated by the Chief Executive Officer and must be directly delegated by Council.

Relevant legislation covered by the S6 Instrument includes, but is not limited to:

- *Cemeteries and Crematoria Regulations 2025*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Road Management (General) Regulations 2016*
- *Road Management (Works and Infrastructure) Regulations 2015*

Where the powers under legislation are not required to be delegated, the column 'delegate' is populated with 'not delegated'. Legislation not applicable to the operations of Whitehorse City Council the column 'delegate' is populated with 'not applicable'.

**DISCUSSION, OPTIONS AND ANALYSIS**

The Council last reviewed and adopted the S5 on 25 March 2024 and the S6 on 9 September 2024. The January update provided by Maddocks, via their authorisation and delegation service required the following amendments to the S6:

- Inserted section 12(2)(b) of the *Road Management Act 2004* to provide for Council to provide consent to the Head, Transport for Victoria to discontinue a road or part of a road.
- Removed the limitation for the powers in sections 19FA(1) and 19FA(3)(a)-(c) of the *Food Act 1984* being delegated "only in relation to temporary food premises or mobile food premises";

## 10.3 (cont)

The July update provided by Maddocks, via their authorisation and delegation service required the following amendments to the S6:

- Inserted additional powers implied from the *Planning and Environment Act 1987*, which are not derived from any specific provisions.
- Amended typographical changes in the *Cemeteries and Crematoria Act 2003*;
- Replaced the *Cemeteries and Crematoria Regulations 2015* with the *Cemeteries and Crematoria Regulations 2025* which came into operation on 15 June 2025.

Note the *Cemeteries and Crematoria Act 2003*; and *Cemeteries and Crematoria Regulations 2025* are not applicable to Whitehorse City Council.

It is recommended that Council resolves to authorise the Mayor to execute the S5 Instrument of Delegation to the Chief Executive Officer, and the Chief Executive Officer to execute the S6 Instrument of Delegation from Council to Members of Council Staff.

Failure to review and update these instruments would impact the organisation's ability to meet statutory obligations.

**Overarching Governance Principles and Supporting Report Details**

<b>Strategic Alignment</b>	<p><b>Governance</b>, Strong governance will be achieved through transparent, accountable management and the efficient and financially sustainable delivery of valuable core services.</p> <p>Good Governance and Integrity, which is focused on compliance with Council policies, legislative requirements and regulations</p>
<b>Financial and Resource Implications</b>	<p>There are no financial or resource implications arising from the recommendation contained in this report.</p>
<b>Legislative and Risk Implications</b>	<p>Council is not a natural person and therefore, on a practical level, must undertake its responsibilities through others, usually through Council officers. Delegation of a Council power enables a member of Council staff to act on behalf of Council and allows for the effective day-to-day functioning of Council.</p> <p>Reviewing Council's Delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.</p>

## 10.3 (cont)

	<p>Updating and managing instruments of delegation ensures compliance with Section 11 of the <i>Local Government Act 2020</i>.</p> <p>Councils are required to maintain a register of all instruments of delegation that are in force in accordance with s11 of the <i>Local Government Act 2020</i>.</p>
<b>Equity, Inclusion, and Human Rights Considerations</b>	<p>In developing this report to Council, the subject matter has been considered in accordance with the requirements of the <i>Charter of Human Rights and Responsibilities Act 2006</i>.</p> <p>It is considered that the subject matter does not raise any human rights issues.</p>
<b>Community Engagement</b>	<p>No community engagement was required for this report.</p>
<b>Innovation and Continuous Improvement</b>	<p>There are no Innovation and Continuous Improvement matters arising from the recommendation contained in this report.</p>
<b>Collaboration</b>	<p>Director, Managers and relevant officers from all departments were consulted and contributed to the internal delegation review. The attached instruments are the results of this review.</p>
<b>Conflict of Interest</b>	<p>The <i>Local Government Act 2020</i> 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.</p> <p>Council officers involved in the preparation of this report have no conflict of interest in this matter.</p>

**ATTACHMENT**

- 1 DRAFT - S5 Instrument of Delegation - Council to Chief Executive Officer
- 2 DRAFT - S6 Instrument of Delegation - Members of Staff



## 10.4 Records of Informal Meetings of Councillors

### Department

Governance and Integrity

Executive Manager Corporate Services

### RECOMMENDATION

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

### Optional Councillor Briefing – 20 August 2025 – 5.30pm to 6.36pm

<b>Matter/s Discussed:</b>	<b>Councillors Present</b>	<b>Officers Present</b>
Presentation by North East Link Program (NELP) officers and contractors regarding: <ul style="list-style-type: none"> <li>– Tram to Springvale Road package</li> <li>– Eastern Busway park and ride</li> </ul>	Cr Cutts (Deputy Mayor) Cr Blair Barker Cr Daniel Griffiths Cr Jason Martin Cr Kieran Simpson	Jeff Green Ilias Kostopoulos Angelo DaCampo Carolynne MacNaughtan Leah McGuinness
<b>Others Present:</b> Council Consultant, James Kelly NELP officers and contractors, Sebastian Motta, Bill Sibahi, Liz Evans, Kath Kok, Pauric Duffy, Malcolm Potts		
<b>Disclosures of Conflict of Interest:</b> Nil		
<b>Councillor / Officer attendance following disclosure:</b> N/A		

## 10.4 (cont)

Optional Councillor Briefing – 25 August 2025 – 5.00pm to 6.00pm		
Matter/s Discussed:	Councillors Present	Officers Present
– Long Term Financial Plan	Cr Daniel Griffiths Cr Jason Martin Cr Jarrod Gunn Cr Hayley Weller Cr Kieran Simpson Cr Peter Allan Cr Kirsten Langford	S Cann S White A Ghastine C Clarke C Bolitho
Others Present: Nil		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

Pre Meeting Briefing – 25 August 2025 – 6.30pm to 6.43pm		
Matter/s Discussed:	Councillors Present	Officers Present
– Items on the Council Meeting Agenda 11 August 2025	Cr Andrew Davenport (Mayor) Cr Cutts (Deputy Mayor) Cr Peter Allan Cr Blair Barker Cr Jarrod Gunn Cr Daniel Griffiths Cr Kirsten Langford Cr Jason Martin Cr Kieran Simpson Cr Ben Stennett Cr Hayley Weller	S McMillan S Cann S White L Letic J Green F Nolan A Ghastine V Ferlaine E Outlaw A Wintle
Others Present: N/A		
Disclosures of Conflict of Interest: Nil		
Councillor /Officer attendance following disclosure: N/A		

## 10.4 (cont)

Optional Councillor Briefing – 27 August 2025 – 5.30pm to 6.00pm		
<b>Matter/s Discussed:</b> – A summary of the findings from the Whitehorse Transport Background Study report that the Institute for Sensible Transport developed in the first half of 2025	<b>Councillors Present</b> Cr Andrew Davenport (Mayor) Cr Blair Barker Cr Daniel Griffiths Cr Jarrod Gunn Cr Kieran Simpson	<b>Officers Present</b> I Kostopoulos  C Hui J Nikas
<b>Others Present:</b> Dr Elliot Fishman, Director, Institute for Sensible Transport		
<b>Disclosures of Conflict of Interest:</b> Nil		
<b>Councillor / Officer attendance following disclosure:</b> N/A		

Councillor Briefing – 01 September 2025 – 6.30pm to 9.40pm		
<b>Matter/s Discussed:</b> - Confidential CEO Employment Matters Committee Meeting 6.30 – 9.00pm - Draft Agenda 9.10pm	<b>Councillors Present</b> Cr Andrew Davenport (Mayor) Cr Cutts (Deputy Mayor) Cr Peter Allan Cr Blair Barker Cr Jarrod Gunn Cr Daniel Griffiths Cr Kirsten Langford Cr Jason Martin (Online) Cr Kieran Simpson Cr Hayley Weller	<b>Officers Present</b> S McMillan  V Ferlaino S White (Online) L Letic (Online) E Outlaw (Online)
<b>Others Present:</b> Christine Mileham, Independent Advisor of the Confidential CEO Employment Matters Committee		
<b>Disclosures of Conflict of Interest:</b> Nil		
<b>Councillor /Officer attendance following disclosure:</b> N/A		

**11 Councillor Delegate and Conference / Seminar Reports****11.1 Reports by Delegates and Reports on Conferences / Seminars Attendance**

**Department** Governance  
Director Corporate Services

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

**RECOMMENDATION**

That Council receives and notes the:

1. Reports from delegates, and;
2. Reports on conferences/seminars attendance.