

Attachments

Council Meeting

Monday 12 February 2024

10.2 Whitehorse Partnership Grant Review

Attachment 1	Attachment 1 - Draft Community Grants Policy ...	3
Attachment 2	Attachment 2 - Proposed Social and Wellbeing Grant criteria	17
Attachment 3	Attachment 3 - Outcomes of Community Engagement.....	18

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

Attachment 1	S11A Instrument of Appointment and Authorisation - Planning and Environment Act - February 2024	21
--------------	---	----

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

Attachment 1	S18 Instrument of Sub-Delegation under the Environment Protection Act 2017	24
Attachment 2	S11B Instrument of Appointment and Authorisation under the Environment Protection Act 2017	28

10.2 Whitehorse Partnership Grant Review

Attachment 1 Attachment 1 - Draft Community Grants Policy

Attachment 2 Attachment 2 - Proposed Social and Wellbeing Grant criteria

Attachment 3 Attachment 3 - Outcomes of Community Engagement

10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

Community Grants Policy

PURPOSE

The Whitehorse Community Grants Policy provides a framework for the provision of community grants to the Whitehorse community, based on the principles of community development, good governance and best practice in grant making.

Council provides ongoing annual funding to support the community to respond to community needs, provide programs and services that make a positive contribution to the health and wellbeing of the Whitehorse community and deliver strategic outcomes for Council. The City of Whitehorse is committed to providing this funding efficiently, equitably and ethically.

1. OBJECTIVES

The Community Grants Program has four objectives:

- 1.1 Provide a transparent and rigorous process to the Community Grants Program, to support good governance and the appropriate distribution of public funds.
- 1.2 Strengthen the Whitehorse community through support of a diverse range of activities, services, and programs that are responsive to community needs.
- 1.3 Create a resilient community that embraces the history and diversity of Whitehorse, promotes learning, growing and thriving, as well as being safe, healthy and inclusive.
- 1.4 Build the capacity of local organisations and strengthen partnerships within the Whitehorse community to support planned growth, collaboration and sustainability.

2. SCOPE

The Policy applies to grants provided to the community that are considered and approved by Council for specific agreed purposes. It applies to all Council Departments and Councillors involved in the promotion, assessment and management of grant programs where Council is providing a funding contribution directly to an organisation, auspice organisation or individual.

10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy**3. DEFINITIONS**

For the purposes of Whitehorse Community Grants Program, the following definitions apply:

- Acquittal: Information provided by a grant recipient that ensures funds have been administered responsibly and in line with conditions of the grant program.
- Auspice: An auspice is an organisation that manages grant funding on behalf of an applicant who does not meet the criteria of incorporated or not-for-profit. For example, a small community group with limited resources may use a larger not-for-profit organisation as their auspice.
- Grant: A sum of money given to organisations or community groups with an expectation that the money will be used for an agreed and specified purpose.
- Incorporated Association: Incorporated associations are typically clubs or community groups, operating as not-for-profit, whose members have made the decision to give their organisation a formal legal structure. Incorporated associations are registered under the Associations Incorporation Reform Act 2012.
- Not-for-Profit Organisation: The Australian Charities and Not-for-Profit Commission defines 'not-for-profits' as organisations that do not operate for the profit, personal gain or other benefit of particular people.
- Seniors' Group: For the purpose of the Whitehorse Community Grant program, Seniors Groups are local not-for-profit / incorporated associations whose sole focus is to offer participation opportunities for older members of the Whitehorse Community. These activities must contribute to the health and wellbeing of members.

4. POLICY

- 4.1 Whitehorse City Council is committed to funding community services and activities that support community outcomes aligned with the strategic directions of the Whitehorse Council Plan and the 2040 Community Vision of an inclusive, healthy, creative and empowered community.
- Innovation, Transformation and Creativity



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- A Thriving Local Economy, Business, Employment, Education and Skill Development
 - Diverse and Inclusive Community
 - Our Built Environment, Movement and Public Places
 - Sustainable Climate Change and Environmental Care
 - An Empowered and Collaborative Community
 - Health and Wellbeing
 - Governance and Leadership
- 4.2 Council will ensure that grant processes are delivered in a fair and transparent manner within the City of Whitehorse community.
- 4.3 Council will provide grants that have demonstrated links to the Whitehorse 2040 Community Vision, meet application eligibility criteria and assessment processes, and agree to funding conditions.
- 4.4 The level of financial resourcing 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.

Grants Administration

- 4.5 Grant opportunities will be widely promoted across the municipality using a variety of promotional avenues to enable everyone who is eligible to apply for a grant is provided with the same opportunity to do so.
- 4.6 The Whitehorse Community Grants Program will have a clear set of guidelines that will outline to the community the purpose, process and conditions of the grant program, such as:
- Objectives of the program
 - Application process
 - Eligibility and assessment criteria
 - Acquittal/reporting
 - Timelines
 - Funding conditions



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- 4.7 Council will use an online grants administration system, SmartyGrants, to ensure a consistent, efficient and user-friendly customer experience. Customer support regarding use of this system will be provided at grant information sessions or upon request.
- 4.8 All cross-Council grant programs are administered through SmartyGrants, but there are some that are separate to the substantive Community Grants Program.

Privacy

- 4.9 Personal information about individuals collected during the grant process will be treated in accordance with Council's Privacy Policy.

Assessment Process

- 4.10 The assessment process for the annual community grants is as follows:
- The Community Grants Officer will review all applications to determine their eligibility.
 - Applications that meet all essential criteria will be referred to the relevant Council officer for assessment against the below criteria.
 - An officer panel is established to discuss all applications and provide a final recommendation against each application.
 - The Recommendations Report is presented to the July Ordinary Council Meeting for adoption.
 - All applicants are notified of outcomes.
- 4.11 Council will promote successful grant applicants on Council's corporate website, including a description of the initiative. In addition, an annual event will take place to highlight grant outcomes to Council and other grant recipients.
- 4.12 To ensure transparent decision-making, applications for the annual community grants will be assessed, and scored, based on the following weighted criteria:



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

Criteria	Weighting
<p>Alignment to one or more strategic directions outlined in the Whitehorse Council Plan.</p> <ul style="list-style-type: none"> – Application clearly articulates how their proposed project or equipment purchase is aligned to the Council Plan strategic directions. 	30%
<p>Clear project plan and budget</p> <ul style="list-style-type: none"> – Application clearly outlines the project plan and timeline. – Application clearly demonstrates how the requested funding from Council will be allocated. – Application demonstrates in-kind and financial support from other sources. 	25%
<p>Evidence of community need or emerging priority</p> <ul style="list-style-type: none"> – Application is supported by provision of data, case studies, local knowledge etc., which demonstrates the community need for the proposed project/activity. 	20%
<p>Project is clearly short term/one-off or sustainable into the future</p> <ul style="list-style-type: none"> – Application demonstrates that the success of the project/activity/purchase will not rely on ongoing funding from Council. 	15%
<p>Experience/capacity to deliver</p> <ul style="list-style-type: none"> – Application demonstrates that the organisation has relevant experience and genuine capacity to deliver the project/activity. – For equipment grants – the equipment being applied for is relevant to the organisation, the use of the equipment is appropriate for the organisation and the organisation has the capacity to store/maintain it. 	10%



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- 4.13 All applicants will be informed of the outcome of their application in writing and will have the opportunity to discuss the outcome, or seek feedback on their application with Council officers if required. All outcomes are documented in SmartyGrants.

Late Applications

- 4.14 Applications must be submitted by the due date and time that is outlined in the guidelines for the relevant period. Late applications will not be accepted.

Conflict of Interest

- 4.15 Council Officers assessing and recommending grant applications are required to declare any conflict of interest, in line with Council's Conflict of Interest Policy. Councillors must also declare any conflict of interest and be excused from the decision-making process.
- 4.16 Anyone that declares a conflict of interest will be exempt from discussing the application and will not be able to influence or decide on any matter relating to the specific applicant.

Conditions of Funding

- 4.17 The following standard conditions apply to all funding categories within the Whitehorse Community Grants Program:
- Council's financial contribution is limited to the funding amount awarded in the written offer, with all other costs associated with the application being the responsibility of the grant recipient.
 - Funding must only be used for the purposes outlined by Council in the written offer and funding agreement.
 - Changes to the funding scope can only be made if requested in writing and approved by Council before implementation.
 - When an organisation accepts a grant and/or signs a funding agreement it means they accept the conditions within this policy and the guidelines relevant to the specific grant category.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- The organisation receiving a grant agrees to complete the acquittal form by the date specified in the annual guidelines for the relevant funding period.
- Unexpended funds must be returned to Council, unless a written approval for variation to agreed funding is obtained prior to the acquittal due date.
- All organisations receiving community grant funding must recognise Council in their promotional material for the services, programs or initiatives being delivered.
- The organisation receiving the grant cannot use Council's logo in promotional material unless they have approval in writing by the City of Whitehorse.
- Any other funding conditions will be outlined in the annual Whitehorse Community Grants program guidelines, letters of offer and funding agreements.

Acquittals

- 4.18 Grant extensions will only be approved under exceptional circumstances by the Manager of Community Engagement & Development and will be documented in SmartyGrants. Late applications will not be accepted.
- 4.19 Successful applicants must provide a financial acquittal of funds, including receipts relating to the grant, and complete a brief evaluation by the date specified in the annual guidelines for the relevant funding period. Incomplete or non-submitted acquittals will result in an organisation being ineligible for the following funding round.
- 4.20 Council reserves the right to seek reimbursement of grant funding from a funded organisation if the required evaluation or acquittal is not provided in a timely manner, or if Council is not satisfied that funds were used for the intended purpose as outlined in the original application.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy**5. GRANT CATEGORIES**

Council reserves the right to amend the grant title, funding amounts and purpose of the grants to reflect Council priorities and available funds.

Grant Category	Description	Funding Level
Creativity Grant	<p>This grant focuses on the delivery of arts and culture initiatives including festivals, activations and events.</p> <p>This includes the following subcategories:</p> <ul style="list-style-type: none"> • Artists in School Program: This grant provides funding to schools to assist with the employment of a professional artist or curator to work within the school on a specific artistic project. • Activation Booster Grant: This grant provides an opportunity for community groups to host and deliver community engagement events in one of Whitehorse's 6 dedicated 'Activation Pods'. 	<p>Up to \$3,000</p> <p>Funding amounts for subcategories are dependent on application and available budget.</p>
Diversity and Inclusion Grant	This grant seeks to foster social inclusion and increase the participation of diverse communities across Whitehorse.	Up to \$3,000
Environmental Sustainability Grant	This grant will support organisations to improve their sustainability practices and or promote sustainability in the community.	Up to \$3,000
Health and Wellbeing Grant	This grant focuses on improving the overall health and wellbeing of the community through a range of initiatives. For example healthy eating programs, active participation, mental health initiatives, supporting volunteers and vulnerable groups etc.	Up to \$3,000



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

Grant Category	Description	Funding Level
	<p>This includes the following subcategory:</p> <ul style="list-style-type: none"> • Whitehorse Education Assistance Grant: This grant supports families experiencing financial hardship and their young people (aged 10 – 25) to remain engaged in education and training. 	Up to \$400
Positive Ageing Participation Grant	<p>This grant focuses on programs, services and initiatives that support positive ageing in the community, including initiatives to tackle ageism, social inclusion and participation initiatives, digital inclusion and intergenerational activities.</p> <p>This includes the following subcategories:</p> <ul style="list-style-type: none"> • Whitehorse Seniors Participation Grant: This grant supports seniors' groups within the City of Whitehorse to provide participation opportunities that support the health and wellbeing of their members. • Intergenerational Grant: This grant supports activities to foster connections between generations, celebrate the valuable contribution of older people, and improve the health and wellbeing of older people in the community. 	<p>Up to \$3,000</p> <p>Up to \$1,000 based on membership numbers</p> <p>Up to \$1,000</p>
Seed Funding Grant	This grant provides organisations the opportunity to test new initiatives, programs or services. It provides an opportunity for organisations to respond to emerging community needs/ trends.	Up to \$3,000



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

Grant Category	Description	Funding Level
Small Equipment Grant	Enables the purchase of small equipment to support the operation of community organisations, enabling them to deliver services, programs and initiatives that are aligned with the Whitehorse 2040 Community Vision.	Up to \$1,000
Major Grant Category	The purpose of these grants is to support larger scale programs, services, projects, initiatives or activities that will significantly benefit the Whitehorse community and deliver positive health and wellbeing outcomes for Whitehorse.	Up to \$10,000
Discount Support Hall Hire	A proportional discount in relation to the hall hire charges of Council owned and operated venues. Determined within the available budget allocation.	Proportional discount on hall hire cost
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.	Generally 2–12 passes per year
Neighbourhood House Partnership Grants	Neighbourhood House Partnership Grants incorporate Council's financial support to houses.	Up to \$45,000
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

Discount Support Hall Hire

- 5.1 Discount Support Hall Hire is an ongoing grant that provides a discount in relation to the hall hire charges of Council owned and operated venues.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants PolicyApplying for Multiple Grants

- 5.2 Council will only accept one grant application per organisation in each eligible category per year.
- 5.3 Where an applicant submits more than one grant application, each application must meet the specified eligibility criteria and clearly identify a different program, service, project, activity or purchase. Applications that are deemed to be effectively the same, will only be considered in relation to the lesser grant.
- 5.4 Partnership Grant recipients are not eligible to apply for additional funding to undertake programs, services, projects and activities deemed to be covered by the Partnership Grant or as the core responsibility of the organisation.

6. ELIGIBILITY

All grants offered through the Whitehorse Community Grants Program are subject to the following essential eligibility criteria:

- 6.1 Applicant must be a Not-for-Profit Organisation or Incorporated Association, as defined in this policy, or be auspiced by an appropriate organisation that meets these criteria.
- 6.2 Applicant must be located in, or operate within the City of Whitehorse.
- 6.3 The funded project, service, program, initiative or activity must take place exclusively within the City of Whitehorse and directly benefit City of Whitehorse residents.
- 6.4 Applicant must provide evidence of current \$20 million public liability insurance coverage or proof of the same coverage by an auspice organisation. Public Liability Insurance must be maintained for the duration of the funding period.
- 6.5 Applicant must provide financial records to show financial viability and demonstrate genuine financial need. If being auspiced, the auspicings organisation is to provide their financial records.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- 6.6 Applicant must have a majority of Whitehorse residents as members or participants in funded project activities.
- 6.7 Application must be submitted by the closing date and time specified for the specific grant round and submitted via SmartyGrants.
- 6.8 Applicants must submit all supporting material when applying. Given the competitive nature of grants, no late submission of supporting documents can be accepted.
- 6.9 Applicants must have successfully completed all reporting requirements for grants received in the previous funding period and have no outstanding debts with Council.
- 6.10 The application cannot be for a project that has already commenced. Council will not fund projects retrospectively.
- 6.11 The application must demonstrate that the funding will be expended by 30 June the following year.

Not funded by the Community Grants Program:

- 6.12 Applications for individual pursuits.
- 6.13 Applications from an organisation that has not satisfactorily acquitted previous grants.
- 6.14 Applications from an organisation that has an outstanding debt to Council and is not maintaining regular repayments. Funding from the Community Grants program cannot be used to repay debt to Council.
- 6.15 Operational costs and core business costs of the organisation e.g., rent or accommodation costs, ongoing fees, mobile phones, bills and insurance fees.
- 6.16 Full-time, part-time or casual salaries or wages or any component of salaries or wages for ongoing positions not specific to the project. Human resource costs that are short term and clearly identified as specific to the project, may be considered.
- 6.17 Capital expenditure (land, buildings, construction works, refurbishment, renovations, playground installation, landscaping, earthworks, etc.), excluding Council buildings on Council land.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy

- 6.18 Venue hire, rent, lease or other costs associated with accommodation.
- 6.19 Activities that take place outside of Whitehorse.
- 6.20 Uniforms, training tops and promotional clothing.
- 6.21 Funding for competitions, trophies, prizes or awards.
- 6.22 Catering costs for individuals or events.
- 6.23 Reimbursement of personal expenses.
- 6.24 Overnight camps for children and young people.
- 6.25 Political, religious or spiritual activities.
- 6.26 A program, service or activity that is primarily considered the responsibility of State or Federal Government and is part of their core business, for example, the main activity of schools, hospitals or other services.



10.2 – ATTACHMENT 1. Attachment 1 - Draft Community Grants Policy**7. RESPONSIBILITIES**

Community Engagement & Development is responsible for the Community Grants Program and the eligibility checks and assessment of relevant applications, however, other departments across Council are involved in the assessment of relevant community grant applications, including, but not limited to:

- Arts & Cultural Services
- Investment & Economic Development
- Health & Family Services
- Leisure & Recreation Services
- Parks & Natural Environment

8. RELATED POLICIES & LEGISLATION

Whitehorse 2040 Community Vision

Council Plan 2021-2025

Municipal Public Health and Wellbeing Plan 2021-2025

Associations Incorporation Reform Act 2012

Victorian Local Government Act 2020

Australian Institute of Grants Management (AIGM)

Internal Use Only**9. REVIEW**

Responsible Manager: Manager Community Engagement & Development

Date Adopted: December 2022

Date of Next Review: December 2026

This policy has been reviewed for Human Rights Charter compliance.



10.2 – ATTACHMENT 2. Attachment 2 - Proposed Social and Wellbeing Grant criteria**Appendix 2 - Proposed Social and Wellbeing Grant criteria**

Criteria	Weighting
Alignment to one or more objective outlined in the Whitehorse Council Plan <ul style="list-style-type: none"> • Application clearly articulates how their proposed project is aligned to the Council Plan objective 	30%
Clear project plan and budget. <ul style="list-style-type: none"> • Application demonstrates the need/value in the project being funded over 4 years. • Application clearly outlines the project plan and timeline. • Application clearly demonstrates how the requested funding from Council will be allocated. • Application demonstrates in-kind and financial support from other sources. 	25%
Evidence of community need or emerging vulnerability. <ul style="list-style-type: none"> • Application is supported by provision of data, case studies, local knowledge etc., which demonstrates the community need for the proposed project/activity. 	20%
Project is clearly short term/one-off or sustainable into the future. <ul style="list-style-type: none"> • Application demonstrates that the success of the project/activity/purchase will not rely on ongoing funding from Council. 	15%
Experience/capacity to deliver. <ul style="list-style-type: none"> • Application demonstrates that the organisation has relevant experience and genuine capacity to deliver the project/activity. 	10%

10.2 – ATTACHMENT 3. Attachment 3 - Outcomes of Community Engagement**Outcomes of community engagement themed.****Theme 1: Partnership Grants add significant value to the community.**

The current cost of living pressures on the community was consistently acknowledged across current grant recipients. Patterns of increasing community members seeking low cost, or no cost connection and activities were seen across all interviews.

Partnership Grants allow for many service providers to offer activities and programs at low or no cost and allows managers to implement flexible payment options at times when the community needs it.

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.

Vulnerability is not static, and the partnership grants offer a unique opportunity to empower community organisations to respond to community need in a strategic and reactive way.

With rising cost of living and the impacts of the COVID-19 pandemic still being realised there is a high demand for support that is on the ground and responsive.

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

Grant recipients would like to see a stronger partnership between themselves and Council that transcends the exchange of funds for service. Groups have articulated their preference for one consistent responsible Officer that acts as a support and conduit for all things Council.

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

Grant recipients want to better understand community need and work with Council to strive towards improving community outcomes. The Council Plan, Municipal Public Health and Wellbeing Plan and the Whitehorse Community Vision were acknowledged as the best way to do this in partnership.

Theme 5: Greater equity amongst Neighbourhood House and Community Centre payments.

10.2 – ATTACHMENT 3. Attachment 3 - Outcomes of Community Engagement

A number of Neighbourhood Houses and Community Centres raised the inequity of funding distribution being a concern without understanding of how this was determined and unclear avenues of applying for additional funding.

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

Neighbourhood Houses spoke of the desire to have a clear framework that outlines:

- Council expectations
- acknowledges the work that the Houses do on behalf of Council
- Outlines reporting and meeting obligations, and
- Sets a strategic purpose of the future of houses.

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.

Recipients advised what sets them apart from other service provision is their understanding of the communities in which they work on the ground. They interact every day and with the current flexibility of the funding hold the opportunity to quickly adapt and respond to urgent needs.

Whilst they would prefer the funding remain secured for a 4-year period, it consistently advised that funding needs to remain open for flexibility and not all locked down to the delivery of a set program. Houses acknowledge that clearer reporting requirements were also needed.

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

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

**10.4 – ATTACHMENT 1. S11A Instrument of Appointment and Authorisation -
Planning and Environment Act - February 2024**

S11A Instrument of Appointment and Authorisation



Whitehorse City Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)



10.4 – ATTACHMENT 1. S11A Instrument of Appointment and Authorisation - Planning and Environment Act - February 2024

Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this Instrument 'officers' means -

Jeff Green	Kim Marriott	Jacqui Hansen
Daniel Allen	Sam Allen	Sarah Aloï
Helen Bainbridge	Jesse Cardamone	Edward Dumaresq
Allison Egan	Ronan Hamill	Alan Harrison
Anne Hollensen	Fiona Little	John Lovelock
Vanessa McLean	Karen Mealyea	Belinda Moody
Craig Neville	Benjamin Page	Kirsten Raynor
Vige Satkunarajah	Patrick Sutton	Christos Varvaris
John Wignall	Cameron Willcox	Werner Zaske
Lisa Zhao		

By this Instrument of Appointment and Authorisation, Whitehorse City Council:

- Under section 147(4) of the *Planning and Environment Act 1987* appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument:

- Revokes the instrument authorised by a resolution of Whitehorse City Council on 11 September 2023;
- Comes into force immediately upon its execution; and
- Remains in force until varied or revoked.

This instrument is authorised by a resolution of the **Whitehorse City Council** on 12 February 2024.

SIMON MCMILLAN

**Chief Executive Officer
Whitehorse City Council**

Date: 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**

Attachment 1 S18 Instrument of Sub-Delegation under the
Environment Protection Act 2017

Attachment 2 S11B Instrument of Appointment and Authorisation
under the Environment Protection Act 2017

10.5 – ATTACHMENT 1. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017



S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

Whitehorse City Council

Instrument of Sub-Delegation under the Environment Protection Act 2017



10.5 – ATTACHMENT 1. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by 437(2) of the Environment Protection Act 2017 ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
2. this Instrument of Sub-Delegation is authorised by a resolution of Council passed on 12 February 2024 pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;
3. the delegation:
 - comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - remains in force until varied or revoked;
 - is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - revokes the Instrument of Sub-Delegation authorised by resolution passed on 9 May 2022;
4. this Instrument of Sub-Delegation is subject to the following limitations:
 - the powers, duties and functions described in column and summarised in column 2 of the Schedule 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;
5. the delegate must not determine the issue, take the action or do the act or thing:
 - if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy or strategy adopted by Council;
 - if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Signed for Whitehorse City Council by Simon McMillan in his capacity as Chief Executive Officer pursuant to authorisation by Council at its meeting held 12 February 2024.

Date xx February 2024



10.5 – ATTACHMENT 1. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

Delegation Source

Environment Protection Act 2017

Schedule

Environment Protection Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 271	Power to issue improvement notice	Manager City Planning & Development Manager Community Safety Manager Health & Family Services Coordinator Community Laws Coordinator Environmental Health Team Leader Statutory Planning Enforcement Community Laws Officer Community Laws Officer (Proactive) Community Laws Support Officer Environmental Health Officer Planning Enforcement Officer	
s 272	Power to issue prohibition notice	Manager City Planning & Development Manager Community Safety Manager Health & Family Services Coordinator Community Laws Coordinator Environmental Health Team Leader Statutory Planning Enforcement Community Laws Officer Community Laws Officer (Proactive) Community Laws Project Officer Compliance Support Officer Environmental Health Officer Planning Enforcement Officer	



10.5 – ATTACHMENT 1. S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

S18 Instrument of Sub-Delegation under the Environment Protection Act 2017

Environment Protection Act 2017			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 279	Power to amend a notice	Manager City Planning & Development Manager Community Safety Manager Health & Family Services Coordinator Community Laws Coordinator Environmental Health Team Leader Statutory Planning Enforcement Community Laws Officer Community Laws Officer (Proactive) Community Laws Support Officer Environmental Health Officer Planning Enforcement Officer	
s358	Functions of the Authority	Not delegated	
s359(1)(b)	Power of the Authority to do all things that are necessary or convenient to be done for or in connection with the performance of the Authority's functions and duties and to enable the Authority to achieve its objectives	Not delegated	
s 359(2)	Power to give advice to persons with duties or obligations	Manager City Planning & Development Manager Community Safety Manager Health & Family Services Coordinator Community Laws Coordinator Environmental Health Team Leader Statutory Planning Enforcement Community Laws Officer Community Laws Officer (Proactive) Community Laws Support Officer Compliance Support Officer Environmental Health Officer Planning Enforcement Officer	



10.5 – ATTACHMENT 2. S11B Instrument of Appointment and Authorisation under the Environment Protection Act 2017



S11B Instrument of Appointment and Authorisation

(Environment Protection Act 2017)

Whitehorse City Council

Instrument of Appointment and Authorisation

(Environment Protection Act 2017 only)



10.5 – ATTACHMENT 2. S11B Instrument of Appointment and Authorisation under the Environment Protection Act 2017**Instrument of Appointment and Authorisation**

In this Instrument '**officers**' means -

Anthony (Tony) Johnson	Kim Marriott	Steven Morison
Sam Allen	Michelle Barrett	Lydia Beker
Gert Bothma	Shay Durbin	Sarah Edmonds
Michelle Eeles	Alan Harrison	Kim Hoang
Suzanne Jones	Litsa Kanelopoulos	Mohammed Arif Khan
Elizabeth Li	Christopher McKee	Debbie McKenzie
Fiona McNeil	Patrick Nguyen	Brigitte O'Callaghan
Louis Papageorgiou	Jesse Poole	Clare Potten
Ryan Salvesen	Jessica Seivers	Harjinder Singh Sukhija
Rebecca Whitehead	Olena Wiseman	Christopher Wiwczaruk

By this Instrument of Appointment and Authorisation, Whitehorse City Council -

under s 242(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked, or until the officer ceases employment with Whitehorse City Council.

This instrument is made by the Chief Executive Officer of Whitehorse City Council in the exercise of authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 26 June 2023.

SIMON McMILLAN
Chief Executive Officer
Whitehorse City Council

Date: xx February 2024

