



Mildura Rural City Council

AGENDA

Ordinary Meeting of Council

5:30pm Wednesday 24 April 2024

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

NEXT ORDINARY MEETING OF COUNCIL

5:30pm Thursday 23 May 2024

Copies of Mildura Rural City Council's Agendas & Minutes
can be obtained online at www.mildura.vic.gov.au

Prayer

Almighty God,

We who are gathered together in Council,
pledge ourselves to work in harmony for
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,
help us to be fair in our judgement and
wise in our actions,
so that prosperity and happiness
shall be the lot of our people.

Amen.

Acknowledgement of Country

“Mildura Rural City Council would like to acknowledge the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors”.

Note to Councillors

Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

A Councillor has a *material conflict of interest* if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred –

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

An *Affected Person* includes:

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

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Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

DARYL MORGAN

ACTING CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

2 OPENING AND WELCOME

3 PRESENT

4 APOLOGIES AND ABSENCES

5 DISCLOSURE OF CONFLICT OF INTEREST

6 CONFIRMATION OF MINUTES

Ordinary Meeting of Council held on 28 March 2024

That Council confirm the minutes of the Ordinary Meeting of Council of 28 March 2024 as a correct record

Confidential Meeting of Council held on 28 March 2024

That Council confirm the minutes of the Confidential Meeting of Council of 28 March 2024 as a correct record

Planning Delegated Committee Meeting held on 11 April 2024

That Council confirm the minutes of the Planning Delegated Committee Meeting of 11 April 2024 as a correct record

7 CONFIRMATION OF COUNCIL AUSPICED MEETINGS

In accordance with Part 21 of Council's Governance Rules, records of Council Auspiced Meetings must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

A Council Auspiced Meeting is defined in the Governance Rules as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

The record is therefore presented for Council's noting.

Recommendation

That Council note the following records of Council Auspiced Meetings:

- **Rail Freight Alliance Councillor Briefing – 27 March 2024**
- **Special Audit and Risk Committee Meeting – 5/2023-2024**
- **Planning Forum – 8 April 2024**
- **2024/2025 Capital Works Councillor Briefing – 9 April 2024**
- **Council Forum – 11 April 2024**

RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Rail Freight Alliance Councillor Briefing – 27 March 2024	Cr Liam Wood Cr Mark Eckel Cr Ian Arney Cr Glenn Milne	Martin Hawson, Chief Executive Officer Peter Alexander, General Manager Strategy & Growth Mark Jenkins, General Manager Healthy Communities	1. Rail Freight Alliance Policy Statement	Nil
Special Audit and Risk Committee Meeting – 5/2023-2024	Cr Mark Eckel	Martin Hawson, Chief Executive Officer Kate Henschke, General Manager Corporate Performance Mark McMillan, Manager Financial Services Larni Baird, Manager Governance Sharon Yantses, Executive Assistant General Manager Corporate Performance	1. PRESENT 2. APOLOGIES 3. DECLARATION OF CONFLICTS OF INTEREST 4. CONFIRMATION OF MINUTES 5. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS 6. EXTERNAL AUDIT [1]Mildura Rural City Council Audit Strategy Memorandum 2023-2024 [2]Mildura Cemeteries Trust Audit Strategy Memorandum 2023-2024 7. OFFICER REPORTS [1]Quarterly Financial Management Report – December 2023 8. AUDIT AND RISK COMMITTEE ADMINISTRATION [1]Audit and Risk Committee Membership 10. INTERNAL AUDIT SERVICES CONTRACT – PRESENTATIONS FROM SHORTLISTED TENDERERS [1]Internal Audit Services 2024-2027 – Evaluation	Nil

			<p>of Shortlisted Tenderers</p> <p>11. URGENT BUSINESS</p> <p>12. NEXT MEETING</p> <p>13. CLOSE</p> <p>Note: This meeting was preceded by a confidential session without Management’s presence, which provided the opportunity for the Audit and Risk Committee to review and discuss with the external auditors the audit strategy memorandums for Mildura Rural City Council and the Mildura Cemeteries Trust.</p>	
<p>Planning Forum – 8 April 2024</p>	<p>Cr Liam Wood Cr Mark Eckel Cr Ian Arney Cr Stefano de Pieri Cr Helen Healy Cr Jason Modica Cr Glenn Milne</p>	<p>Peter Alexander General Manager Strategy & Growth Damien Sutton, Manager Strategic Planning Peter Shadwick, Principal Statutory Planner Zebb McGlashan, Senior Town Planner</p>	<p>1. Extension to a residential aged care facility, reduction in carparking requirements, removal of an easement and associated works at 25 Princes Street Mildura.</p> <p>2. Eight lot subdivision at 220 Sixteenth Street Mildura.</p>	<p>Nil</p>
<p>2024/2025 Capital Works Councillor Briefing – 9 April 2024</p>	<p>Cr Liam Wood Cr Mark Eckel Cr Ian Arney Cr Helen Healy Cr Jason Modica Cr Glenn Milne Cr Jodi Reynolds</p>	<p>Martin Hawson, Chief Executive Officer Peter Alexander, General Manager Strategy & Growth Mark Jenkins, General Manager Healthy Communities Daryl Morgan, General Manager Infrastructure & Assets Kate Henschke, General Manager Corporate Performance Mark McMillan, Manager Financial Services Chelsea Pettinau, Manager Project Development Antonette Zema, Manager Arts, Culture & Venues Thomas Stevenson, Manager Parks & Recreation Sue Kelly, Manager Libraries & Knowledge Hubs Sage Sagenschnitter, Manager Community Partnerships Ryan Ellis, Manager Information Systems Mandy Congress, Capital Works Program Officer</p>	<p>1. Capital Works 2024/2025 Program as presented by all MRCC departments</p>	<p>Nil</p>

<p>Council Forum – 11 April 2024</p>	<p>Cr Liam Wood Cr Mark Eckel Cr Stefano de Pieri Cr Helen Healy Cr Jason Modica Cr Glenn Milne Cr Jodi Reynolds</p>	<p>Martin Hawson, Chief Executive Officer Peter Alexander, General Manager Strategy & Growth Mark Jenkins, General Manager Healthy Communities Daryl Morgan, General Manager Infrastructure & Assets Kate Henschke, General Manager Corporate Performance Larni Baird, Manager Governance Ben Piscioneri, Acting Manager Communications</p>	<ol style="list-style-type: none"> 1. Workshop: Considerations of the Mildura City Heart Special Rate 2. Workshop: Advocay Framework Presentation 3. Portfolio Matters 4. Local Government Performance Reporting Framework Healf-Year Report 2023-2024 5. Annual Plan 2023-2024 Progress Report 6. Deakin Avenue Redevelopment Seventh to Eighth Street Project Update 7. Mildura Wentworth Music Festival 	<p>Cr Liam Wood Cr Stefano de Pieri Cr Jason Modica</p>
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8 NOTIFICATION OF ABSENCE

9 MAYORAL REPORT

9.1 MAYORAL REPORT MARCH 2024

File Number: 02/01/06

1. Summary

The following is a report on the activities and events attended by the Mayor, Cr Liam Wood during the month of March 2024.

2. Recommendation

That Council note the contents of this report.

3. Comments

- River 1467 Radio Interviews
- Mayor and CEO Catch-ups
- Mayor and CEO Media Catch-ups
- Mattman Radio Interviews
- Meet and Greet with the View Club Members (Voice Interest and Education of Women)
- Meeting with Chair of Care Villas Australia
- Motorsport Alliance Meeting
- Wellbeing for Breakfast Event for Mildura South Primary School
- Mildura Living Magazine's Autumn Launch Event
- Motorsport Launch Sub-Committee Meeting
- Tour of Trentham Waters Resort
- Murray River Group of Council's Meeting – Kerang
- International Women's Day Event
- Red Cliffs Kindergarten Sod Turning
- Governance, Finance, Corporate Performance, Risk and Audit Portfolio Meeting
- Meeting with LaTrobe University Vice-Chancellor
- Northern Mallee Leaders Program Discussion Meeting
- McKillop Family Services Office Opening
- Merbein P10 College School Visit and Talk
- March Council Forum
- Australian Citizenship Ceremony
- Federation of Wine and Food Societies of Australia Event
- Hands Up Mallee Partner Event ChangeFest 2024 – Including Opening Ceremony and Guest Panellist
- Opening of 2024 Mildura Corroboree
- Festival of Colours (Holi-Mela) Sunraysia Indian Association
- Mildura Rural City Council and Wentworth Shire Council Joint Council Meeting
- Meet and Greet with Rail Freight Alliance CEO
- Mildura Regional Motorsport Strategy Launch
- March Ordinary Council Meeting
- Mildura Ski 100 Launch
- Good Friday Easter Powers Show and Shine 2024 – Radio Interview

- Timmis Speedway Easter Sprintcar Nationals
- Councillors Budget Briefing
- Interview - Nature Strip Showdown
- Civic Pride Working Group
- Meeting with Victorian Branch Chair, Order of Australia Association
- Mayoral Video Shoot
- Special Audit and Risk Committee Meeting

10 COUNCILLOR REPORTS

10.1 COUNCILLORS REPORTS MARCH 2024

File Number: 02/01/06

1. Summary

The following is a report on the activities and functions attended by Councillors during the month of March 2024.

2. Recommendation

That Council note the contents of this report.

3. Comments

Cr Ian Arney

- Refer to the below table

Cr Stefano De Pieri

- Refer to the below table

Cr Troy Bailey

- Refer to the below table

Cr Mark Eckel

- Interview with 97.9FM Council Report
- Interview with 1467AM Council Report
- Meeting with General Manager Strategy & Growth
- Interview ABC Radio
- Mallee Family Violence Bi-Monthly Meeting
- Constituent Meeting - Drainage
- Northern Mallee Leaders Program – Candidate Meeting
- Powerhouse Meeting with Manager
- Mildura Day Preparation Meeting
- Chaffey Trail Executive Meeting
- Mildura Lawn Tennis Championship
- Australian Citizenship Ceremony
- Mildura Tennis International Championship Semi-Final
- Meeting with Chief Executive Officer, Mildura Rural City Council
- Powerhouse Meeting - Event Planning
- Special Risk & Audit Meeting
- Internal Audit Interviews
- Lower Murray Water Turbine Meeting
- Good Friday 'Show-n-Shine' Event
- Refer to the below table

Cr Helen Healy

- Care Villas “Under the Vines” Fund Raiser Event
- Exhibition Opening - Workspace 3496 and Gallery
- Gender Equity Action Sunraysia Bi-Monthly Meeting
- Mildura West Primary School Badge Presentation Ceremony
- Official Duties - Corroboree Dance Competition
- Social Housing Consultation Meeting
- Rio Vista Park Campfire Session
- Official Duties - Collective Movements First Nations Collectives, Collaborations and Creative Practices from Across Victoria Exhibition.
- Refer to the below table

Cr Glenn Milne

- Clean up Australia Day Red Cliffs
- Multiple Interviews with Triple M Radio
- Meeting with Wentworth Shire Council Mayor Cr Daniel Linklater and Constituent
- Meeting with Nationals Member for Mildura Jade Benham
- Meeting with Secretary and Treasurer of The Nationals Mildura Dr Anne Webster
- Calder Highway Improvement Committee Meeting
- Corroboree Dance Competition
- Motorcross Event
- Official Duties for Mildura 100 Ski Race
- Refer to the below table

Cr Jason Modica

- Refer to the below table

Cr Jodi Reynolds

- Refer to the below table

This table represents attendances by two or more Councillors at the following functions, as advised by Councillor acceptances for such functions:

Function Attended								
	Arney	Bailey	De Pieri	Eckel	Healy	Milne	Modica	Reynolds
Councillors’ Budget Briefing		✓		✓	✓	✓	✓	✓
Council Forum	✓	✓		✓		✓	✓	✓
Ordinary Council Meeting	✓	✓	✓	✓		✓	✓	
Rail Freight Alliance Councillor Briefing	✓			✓		✓		
Mildura Living Magazine Autumn Launch				✓		✓		
MRCC and Wentworth Shire Council Joint Meeting	✓	✓	✓	✓	✓	✓	✓	✓

ChangeFest 2024				✓	✓			
Mildura Regional Motorsports Strategy Launch				✓	✓	✓		
International Women’s Day Breakfast				✓	✓			
International Women’s Day Powerhouse Event				✓	✓			
Harmony Day Celebration				✓	✓	✓		
Festival of Colours (Holi-Mela) Sunraysia Indian Association				✓	✓	✓		
Careers Expo				✓	✓			
Mildura 100 Ski Race Launch				✓		✓		
Nationals Timmis Speedway				✓		✓		
Sprint Cars Nationals				✓		✓		

Attachments

There are no attachments for this report.

11 RESPONSES TO COUNCILLOR QUESTIONS

Nil

12 QUESTIONS FROM COUNCILLORS

13 NOTICES OF MOTION

Nil

14 PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil

15 MANAGEMENT REPORTS

15.1 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

File Number: 18/02/05
Officer: General Manager Corporate Performance

1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

2. Recommendation

That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Ashley Morello, Cadet Town Planner.

3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with section 313 of the Local Government Act 2020.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [S11A Instrument of Appointment and Authorisation - Ashley Morello - Cadet Town Planner - April 2024](#)

***S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)***



Mildura Rural City Council

Mildura Rural City Council

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

for

**ASHLEY MORELLO
CADET TOWN PLANNER
MARCH 2024**

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Ashley Morello

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 28 March 2024.

THE COMMON SEAL of the **MILDURA RURAL CITY**)

COUNCIL was affixed hereto by authority of the)

Council in the presence of:)

)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

DATE:

S11A – Instrument of Appointment and Authorisation
Planning and Environment Act 1987

15.2 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

File Number: 18/02/05
Officer: General Manager Corporate Performance

1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

2. Recommendation

That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Abdullahi Jama, Senior Town Planner.

3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with section 313 of the Local Government Act 2020.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [S11A Instrument of Appointment and Authorisation - Abdullahi Jama - Senior Town Planner - March 2024](#)

***S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)***



Mildura Rural City Council

Mildura Rural City Council

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

for

**ABDULLAHI JAMA
SENIOR TOWN PLANNER
MARCH 2024**

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Abdullahi Jama

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 28 March 2024.

THE COMMON SEAL of the **MILDURA RURAL CITY**)
COUNCIL was affixed hereto by authority of the)
Council in the presence of:)
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

DATE:

S11A – Instrument of Appointment and Authorisation
Planning and Environment Act 1987

15.3 MILDURA CITY HEART SPECIAL RATE FEEDBACK PANEL

File Number: 09/04/15
Officer: General Manager Corporate Performance

1. Summary

This report was deferred from the March Ordinary Meeting of Council due to an inability to reach a quorum. The result of this deferral was to bring it to the April Ordinary Meeting of Council.

Council is currently reviewing the Mildura City Heart Special Rate, first introduced in 2015 for the marketing and promotion of the City Heart Business Precinct.

The Special Rate is now in the final year of its second round, and in order to maintain the current benefits, Council needs to consider a new Mildura City Heart Special Rate Scheme commencing 1 July 2024. An important part of this process is considering the objections and feedback from City Heart stakeholders.

This report aims to establish a sub-committee to review these responses, before the results, including the feedback, are then presented in a separate report later this year.

2. Recommendation

That Council appoint a sub-committee of Council to consider any submissions received consisting of Cr Troy Bailey, Cr Jodi Reynolds and Cr Mark Eckel.

3. Background

Mildura Rural City Council has, in different forms over the past 19 years, allocated specified funds for the marketing and promotion of the City Heart / Langtree Mall business precinct. Initially derived through special rate charges to these City Heart properties, these funds between 2003 and 2015 were derived through separate differential rate charges.

The Mildura Rural City Council Rating Strategy 2014 to 2019 was adopted by Council 13 May 2014. Recommendation 5 of this strategy was as follows:

“That the Langtree Mall and City Heart Differentials are removed in favour of establishing a special rate in 2015-2016, and as part of that process the boundaries to which the special rate is applied be reviewed.”

Accordingly, since 2015, Mildura Rural City Council has maintained a special rate for the marketing and promotion of the City Heart Business Precinct and this approach has proven very successful.

The Special Rate is now in its final year and given the success of the scheme, Council is currently reviewing the Mildura City Heart Special Rate.

In December 2023 Council resolved to advertise its intention to consider the introduction of a six-year Mildura City Heart Special Rate commencing on 1 July 2024 and pursuant to Section 223 of the *Local Government Act 1989*, place the proposal on public exhibition.

4. Consultation Proposed/Undertaken

It is a statutory requirement that Council has a 28-day notice period to seek submissions from affected businesses in response to the scheme. This is pursuant to Section 163 of the Local Government Act 1989 (the Act). Council was also required to write to each tenant, ratepayer and landlord that make up the Mildura City Heart and will be affected by scheme, within three days of the public notice period beginning. This correspondence detailed the proposal, the options available and the avenues for making a submission. It also included a copy of the advertisement, details on the proposed rate and a template form to lodge a submission. The process ensures that all affected members of the community have the opportunity to provide input into the proposal before Council resolves on the matter.

All submissions must be considered by Council or a Committee established for this purpose. Any person making a submission has the right to speak in support of their submission as part of the process.

5. Discussion

Continuing the Mildura City Heart Special Rate Scheme as it stands requires Council to go through the complex process of setting a new rate to remain in accordance with the legislative requirement. It should be noted that this is not an additional rate but has the effect of continuing the mechanism of funding the marketing and promotion for City Heart businesses. To ensure appropriate consideration of the feedback of City Heart stakeholders, this report proposes a panel of Councillors to review the objections and feedback received during the consultation period.

6. Time Frame

The Mildura City Heart Special Rate Scheme is being considered from the 1 July 2024–30 June 2030. The public consultation period finished 5 February 2024.

Should the current recommendation be endorsed, the sub-committee will consider objections and feedback received prior to a potential recommendation that considers a new Mildura City Heart Special Rate Scheme commencing 1 July 2024 being listed for the April Ordinary Meeting of Council.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcomes to be achieved:

- The community has a voice through inclusive engagement and participation.
- A financial sustainable organisation.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

Council currently has a Memorandum of Understanding with Mildura City Heart Inc, which would be modified where required but remain in place if the special rate is to continue.

Legal/Statutory

A special rate is a rate raised in addition to general rates and charges under the provisions of Section 163 of the *Local Government Act 1989*.

Financial

The Mildura City Heart Special Rate would be collected by Council through the current rating system/notice. However, all funds derived through the application of the special rate would subsequently be forwarded to Mildura City Heart Inc.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report other than recognising that a vibrant central business district is vital to the municipal economy.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Formal objection to the proposal and subsequent possible successful Victorian and Civil Appeals Tribunal (VCAT) appeal, which could reduce the pool of funds available for this purpose	Clear process of implementation in accordance with legislative requirements. Clear and demonstrable benefits evident for affected ratepayers.	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

16 URGENT BUSINESS

17 COMMUNITY QUESTIONS

18 CONFIDENTIAL BUSINESS

Recommendation

That Council resolve to move into confidential business to deal with the following matters as pursuant to Section 66(2) of the *Local Government Act 2020*:

18.1 TENDER AWARD - INTERNAL AUDIT SERVICES - CONTRACT 2024/151

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

19 CLOSURE