Mildura Rural City Council

AGENDA

Ordinary Meeting of Council

5:30pm Thursday 23 February 2023

VENUE:
Committee & Council Room
76 Deakin Ave, Mildura

NEXT ORDINARY MEETING OF COUNCIL
5:30pm Thursday 23 March 2023

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

“I 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.

INDEX

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY 6

2 OPENING AND WELCOME 6

3 PRESENT 6

4 APOLOGIES AND ABSENCES 6

5 DISCLOSURE OF CONFLICT OF INTEREST 7

5.1 COUNCILLOR CONDUCT PANEL DETERMINATION 7

5.2 LETTER OF APOLOGY..... 24

6 CONFIRMATION OF MINUTES 26

7 CONFIRMATION OF COUNCIL AUSPICED MEETINGS 27

8 NOTIFICATION OF ABSENCE 29

9 MAYORAL REPORT.....30

9.1 MAYORAL REPORT JANUARY 2023.....30

10 COUNCILLOR REPORTS.....31

10.1 COUNCILLOR REPORTS - JANUARY 2023 31

11 RESPONSES TO COUNCILLOR QUESTIONS 33

12 QUESTIONS FROM COUNCILLORS 33

13 NOTICES OF MOTION.....33

14 PETITIONS, JOINT LETTERS AND DEPUTATION.....34

14.1 PETITION - CULVERTS/REGULATORS UNDERNEATH RUDDS ROAD 34

15 MANAGEMENT REPORTS.....35

15.1 COUNCILLORS QUARTERLY EXPENSE REPORT 1 OCTOBER - 31 DECEMBER 2022.....36

15.2 MILDURA SOCIAL AND AFFORDABLE HOUSING TASKFORCE 39

15.3 ADOPTION OF WATER MANAGEMENT POLICY.....48

15.4 ADOPTION OF USE OF COUNCIL LOGO POLICY CP044.....56

15.5 ROAD NAMING - RED CLIFFS LANEWAYS.....111

15.6 GEOGRAPHIC PLACE NAMING - MICHAEL FREEMAN RESERVE 115

15.7 AUDIT AND RISK COMMITTEE CHAIRPERSON'S BIANNUAL REPORT TO COUNCIL - 1 JULY TO 31 DECEMBER 2022.....123

15.8 RESPONSE TO PETITION - CULVERTS/REGULATORS UNDERNEATH RUDDS ROAD 142

16 URGENT BUSINESS 147

17 COMMUNITY QUESTIONS....147

18 CONFIDENTIAL BUSINESS....147

18.1 INDEPENDENT AUDIT AND RISK COMMITTEE MEMBERSHIP - FEBRUARY 2023....147

Section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

19 CLOSURE....147

MARTIN HAWSON

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

5.1 COUNCILLOR CONDUCT PANEL DETERMINATION

File Number: **03/05/12**
Officer: **Acting General Manager Corporate**

Attachments
1 Councillor Conduct Panel Determination and Statement of Reasons for Decision

COUNCILLOR CONDUCT PANEL (CCP)

In the matter of an Application by the Chief Municipal Inspector concerning

Councillor Jason Modica of Mildura Rural City Council

DECISION

HEARING PURSUANT TO PART 6 OF THE *LOCAL GOVERNMENT ACT 2020*

Applicant:	The Chief Municipal Inspector
Respondent:	Councillor Jason Modica
Date of hearing:	18 November 2022
Hearing location:	On-line via Microsoft Teams
Date of decision:	14 February 2023

FINDINGS & DETERMINATIONS

By way of findings and determinations, the Panel orders as follows. The Respondent:

1. engaged in serious misconduct;
2. is reprimanded;
3. is directed to make an apology to the Council;
4. is suspended from office (effective from the date of this decision) for two (2) months; and
5. is ineligible to chair a delegated committee of the Council until the end of the financial year (30 June 2023, inclusive).

Diana Price
Chairperson

Jan Boynton
Panel Member

APPEARANCES

For the Applicant:	Ulrike Friedrich
For the Respondent:	Tinashe Makamure

STATEMENT OF REASONS FOR DECISION

The Application

1. By application dated 5 August 2022, the Chief Municipal Inspector (**CMI**), sought a finding of serious misconduct against Councillor Jason Modica pursuant to ss 154(2) and 154(4) of the *Local Government Act 2020* (the **Act**).

2. The grounds of the application are that Cr Modica, of Mildura Rural City Council (the **Council**), failed to declare a conflict of interest on three occasions relating to a planning application for [redacted] and that this failure constitutes serious misconduct.

Jurisdiction of the Panel in relation to the Application

3. An application for a finding of serious misconduct based on an allegation that a councillor failed to disclose a conflict of interest may only be made by the CMI, per s 154(4) of the Act. Section 154(1) provides that the Panel has jurisdiction to hear such an application.

4. Section 163(1) of the Act provides that the Panel must not make a determination against such a councillor until it has conducted a hearing. Following such a hearing, the Panel has the powers outlined in s 167. This includes to make a finding of serious misconduct, a finding of misconduct, a finding that remedial action is required, or it may dismiss the application.

5. If the Panel makes a finding that a councillor engaged in serious misconduct it may impose any one or more of a number of determinations. Section 167(3) provides:

> If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor Conduct Panel may do any one or more of the following—
>
> (a) reprimand the Councillor;
>
> (b) direct the Councillor to make an apology in a form or manner determined by the Councillor Conduct Panel;
>
> (c) suspend the Councillor from office for a period specified by the Councillor Conduct Panel not exceeding 12 months;
>
> (d) direct that the Councillor is ineligible to chair a delegated committee of the Council for a period specified by the Councillor Conduct Panel not exceeding the remainder of the Council's term.

Declaration of conflicts of interest under the Act

6. This application relates to conflicts of interest. In s 3 of the Act, serious misconduct is defined to include the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with this Act.

7. Part 6 of the Act relates to council integrity and Division 2 concerns conflicts of interest. Section 126 contains various definitions, including that a relevant person has a conflict of interest if he or she has a general conflict of interest within the meaning of s 127 or a material conflict of interest within the meaning of s 128. 'Relevant person' is defined to include a councillor.

8. A general conflict of interest is defined in s 127 as:

   (1) Subject to section 129, a relevant person has a ***general conflict of interest*** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

   (2) For the purposes of subsection (1)—

   private interests means any direct or indirect interest of a relevant person 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 relevant person has to members of the public in their role as a relevant person.

9. A material conflict of interest is defined in s 128, which relevantly provides:

   (1) Subject to section 129, a relevant person has a ***material conflict of interest*** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

   (2) The benefit may arise or the loss incurred—

   (a) directly or indirectly; or

   (b) in a pecuniary or non-pecuniary form.

   (3) For the purposes of this section, any of the following is an ***affected person***—

   (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.

…

10. Section 129 contains a number of exemptions. For example, a conflict of interest does not arise if the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter.

11. Sections 130 and 131 relate to the requirement to disclose conflicts of interests. In respect of a matter being considered at a council meeting or a meeting of a delegated committee, s 130(2) requires that a relevant person who has a conflict of interest in the matter must disclose the conflict in the manner required by the Council's Governance Rules and exclude themselves from the decision making process in relation to the matter, including any discussion, vote or action.

12. Section 131 applies to a conflict of interest in respect of a matter at a meeting conducted under the auspices of the Council that is not a meeting specified in the preceding section. A councillor who has a conflict of interest in respect of such a matter must disclose the conflict of interest in the manner required by the Council's Governance Rules and comply with the procedures outlined in those rules.

13. It is an offence for a relevant person to fail to disclose a material conflict of interest, see s 130(3). Likewise, it is an offence if a person fails to disclose a general conflict of interest if the person has previously been found guilty of a conflict of interest offence or subject to a finding of serious misconduct for a conflict of interest breach, see s 130(4).

14. Where a councillor fails to comply with ss 130 and 131, application may be made to the Panel alleging serious misconduct, see ss 130(5) and 131(3).

The Allegation

15. The application by the CMI outlines the circumstances of the alleged serious misconduct of Cr Modica. It states:

> It is alleged that Cr Modica failed to declare a conflict of interest on 20 September 2021, 22 September 2021 and 10 February 2022 in relation to a planning application [redacted] for the use of land for rural industry at [redacted].
>
> The alleged conflict arises from the fact that Cr Modica's sister… resides opposite the property for which the application was made, and is operating a business without permit similar to the one that was the subject of the planning application.

16. The application is accompanied by Attachment A, being a summary of the circumstances and the evidence relied upon by the CMI. It states that it is alleged that Cr Modica had a material conflict of interest and/or general conflict of interest. An index of evidence was provided in Annexure B, as well as the accompanying attachments.

The evidence presented at the hearing

17. A hearing took place on 18 November 2022, in which both the CMI and Councillor Modica were ably represented. The parties presented a joint position to the Panel, containing agreed facts and proposed findings of serious misconduct. However, the parties diverged on what would be appropriate determinations under s 167(3) of the Act. A statement signed Cr Modica was also presented to the Panel.

18. In other professional disciplinary schemes, the principles concerning the proper approach where the parties have an agreed position is well-established. These authorities recognise that an agreement between the parties is a highly relevant matter.[1] However, it is ultimately for the tribunal to be satisfied that the findings and orders to be made are appropriate. Any agreement between the parties cannot supplant that duty of the tribunal.[2]

19. The Panel has adopted this approach in the present matter. The agreed facts and proposed findings of serious misconduct are highly relevant matters, but it remains the duty of the Panel to satisfy itself of those matters.

Findings of fact

20. Having considered all the material before it, the Panel makes the following findings of fact.

---

1 *Medical Board of Australia v McGrath* [2014] VCAT 641 at [19]-[21].
2 *Commonwealth of Australia v Director, Fair Work Building Inspectorate* [2015] HCA 46.

21. Cr Modica was first elected to the Council in October 2016. He was re-elected in October 2020 and signed the affirmation of office on 19 November 2020. Cr Modica was elected to the position of Mayor for a one-year term on the same day.

22. Section 18(1) of the Act provides for the role of the mayor which, among others, includes promoting behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct.

23. On 24 February 2021, the Council adopted a revised Councillor Code of Conduct (the **Code**) under the Act. The values promoted in the Code include honesty and integrity. By signing the Code, councillors undertook to abide by the standards of conduct set out within it.

24. On 23 March 2021, the Council received a planning application. The application was for "use of the land for rural industry (stockyard panelling business)" at [redacted]. The planning applicant sought permission for use of the land for the storage, assembly and distribution of stockyard and other pastoral equipment. From the discussions held during the council meeting, it appears that the applicant was already using the land for this purpose and was seeking retrospective approval.

25. The sister of Cr Modica lived across the road from [redacted] and was operating a business without permit similar to the one at [redacted]. She would gain a benefit or suffer a loss depending on the outcome of the planning application.

26. The application was discussed at the Planning Forum on 20 September 2021. The application was presented for decision at the Council meeting on 22 September 2021. Cr Modica was present at both meetings.

27. The officer report presented to councillors recommended refusing the grant of a permit, due to the intended land use being inconsistent with planning policy frameworks and the zoning of the land as farming land. While the use was sought for 'rural industry', the officer determined that the intended use did not fall within the definition of 'rural industry' and was instead an industrial activity that should be undertaken in an industrial zone.

28. The officer recommendation to reject the application was not supported by Council. Cr Milne raised an alternative motion to approve the application. After further discussion, councillors decided to "lay on the table" the alternative motion to debate again at the next meeting.

29. The agreed procedure was later found to be incompatible with the Mildura Rural City Council's *Governance Rules 2020* (the **Governance Rules**). It was then referred to the Planning Delegated Committee which was established on 27 October 2021 and of which all councillors became members.

30. The planning application was amended in October 2021 and presented to the Planning Delegated Committee on 10 February 2022 as "[u]se of the land for a warehouse (stockyard panelling business) – [redacted]". Council officers again recommended refusal of the application as the proposed use continued to be inconsistent with the planning framework on the use of land in the Farming Zone.

31. Cr Milne moved an alternative motion to grant the permit subject to a number of conditions. This alternative motion was successful on a majority vote of council. Cr Modica both spoke against the alternative motion and voted against it.

32. The planning application was therefore discussed on three occasions, being the planning forum on 20 September 2021, Council meeting on 22 September 2021 and the Planning Delegated Committee on 10 February 2022. At each of these meetings Cr Modica did not disclose that his sister lived across the road from [redacted] and was operating a business without permit similar to the one at [redacted]. Further, he did not exclude himself from the decision making process.

33. In an interview under caution on 22 March 2022, Cr Modica was asked questions about the matter and the Council meeting on 22 September 2021. Cr Modica made the following statements in relation to this matter:

    a. He has a good relationship with his younger sister;
    b. She owns and resides at the property across the street from [redacted].
    c. She is a yoga teacher. Her husband is an engineer.
    d. He read the report prior to the meeting [on 22 September 2021] but did not realise the property at [redacted] was across the road from his sister, as [redacted] is a long road in rural Mildura.
    e. He was not aware of any metal fabrication business being run by his sister and her family.
    f. He walked out of the meeting and "the light struck" him that he probably should not have been in the meeting. He did not think it relevant initially that his sister lived across the road.
    g. It was a mistake and an oversight that he did not remove himself from the meeting.

34. On the morning of 23 March 2022, Cr Modica contacted the investigator and requested another meeting. A second interview took place that afternoon and Cr Modica was cautioned again. In this interview, he stated the following:

    a. "I have not been honest, and I have given a false statement yesterday."
    b. "I couldn't sleep and I had to … I was obliged as an elected official to be honest with my constituents and my colleagues and the Inspectorate."
    c. He knew of his sister's and her husband's business last year, they had discussed the situation "around the time of the motion coming through and the briefing at the start, that's when we sort of discussed it, that's the point when I really should have stepped out, that's when we sort of got a fuller understanding of what was happening out there".
    d. He probably realised at the planning forum [on 20 September 2021] that he was doing "the wrong thing". "I thought about my family, my family connections first rather than seeking either advice from my governance officer or going to the source material [the governance rules on declaring conflicts of interest]."
    e. He did not declare a conflict as he felt the need to protect them, although they did not ask for it. "I didn't want them to get caught once I'd found out."
    f. His sister's situation was "exactly the same" as the one across the road – they had built a shed years ago (with permit) but were running a business out of it without a permit. His brother-in-law is an engineer, and he makes things such as fish ladders and cultivators for agricultural use. His work broadly related to agriculture but was not allowed [in the area where they live and work].
    g. "Seriously, I absolutely compartmentalised it out of my head when I sat in those meetings, knowing full well after our discussions [with his sister and brother-in-law] what they were doing there…"
    h. "I didn't [protect his family by not declaring a conflict of interest] … I was pretending to be in control, and I had no control at all. … The only influence I had was to agree to the rules we talked about yesterday, that I HAD read, and I HAD been cognisant of, but I chose to ignore it in that situation, which means I haven't performed my duties to the level I should have at all…"
    i. Despite the concern for his sister, he voted in support of the officer recommendation to refuse the permit at [redacted] because the business activities were against the planning scheme, and he firmly believed the planning scheme should be upheld. "Once my sister and I had understood what they had done, we had that discussion too [that he doesn't believe the activities should be undertaken against the planning scheme] …but the council could well approve what they're doing against the requirements of our planning department."

Cr Modica had a material and general conflict of interest

35. Based on the evidence presented at the hearing, the Panel finds that Cr Modica had a material conflict of interest in respect to the planning application as defined in s 128 of the Act as:
    a. Between 20 September 2021 and 10 February 2022, Cr Modica was a relevant person within the meaning of s 126(1) of the Act.
    b. Cr Modica's sister is an affected person under s 128(3)(b) of the Act, as s 126(1) specifies that the term 'family member' includes siblings.
    c. The planning application is a matter within the meaning of s 126(1) of the Act, as it was discussed at a meeting auspiced by Council, a Council meeting and a meeting of a delegated committee.
    d. The matter required a decision to be made by Council (namely to refuse or grant a planning permit).
    e. The affected person (his sister) would gain a benefit or suffer a loss depending on the outcome of the matter.
    f. None of the exemptions available under s 129 of the Act as well as under reg 7 of the *Local Government (Governance and Integrity) Regulations 2020* are applicable to the circumstances.

36. It is noted that both parties agreed that Cr Modica's sister would gain a benefit or suffer a loss depending on the outcome of the planning application, though for different reasons. For example, if the planning application were refused she would benefit in the sense that a business competitor is then deprived of a permit to lawfully conduct that business. Or she would suffer a loss, in the sense that she too would be unlikely to receive a similar planning permit for a similar purpose. The reverse would apply if the application were approved. Considering the facts of this case, Cr Modica's sister would gain a benefit *and* suffer a loss depending on the outcome of the planning application.

37. In addition, Cr Modica had a general conflict of interest in the planning application pursuant to s 127 of the Act, as an impartial, fair-minded person would consider that his private interests could result in him acting in a manner that is contrary to his public duty.

38. Cr Modica admits that he had both a material and general conflict of interest in respect of the planning application.

Cr Modica failed to disclose his conflict of interest and exclude himself from the decision making process

39. The Planning Forum on 20 September 2021 was a meeting conducted under the auspices of Council. Therefore, s 131(2) of the Act required Cr Modica, as

a person who had a conflict of interest, to declare that conflict and follow the procedures set out in the Governance Rules. The Governance Rules stated at para 101:

a. As soon as the matter arises, a Councillor with a conflict of interest must indicate the existence of the conflict of interest and the matter in which the conflict of interest arises; and
b. The Councillor will leave the discussion.

40. The Governance Rules further stipulate that any conflict of interest declared must be recorded in the meeting record or minutes.

41. The record of the meeting shows that no conflict of interest was declared by Cr Modica, nor is a declaration recorded in the Conflict of Interest Register. On 22 March 2022 Cr Modica confirmed during the interview that he did not declare a conflict of interest but should have.

42. Cr Modica therefore breached s 131 of the Act by failing to declare his conflict of interest at the Planning Forum meeting on 20 September 2021.

43. The meeting on 22 September 2021 was a Council meeting while the meeting on 10 February 2022 was a meeting of a delegated committee. Therefore, s 130(2) of the Act required Cr Modica to disclose the conflict in the manner required by the Governance Rules and exclude himself from decision making process, including any discussion or vote on the matter.

44. The Governance Rules stated at para 100:

a. A councillor with a conflict of interest in an agenda item must make a verbal declaration in respect of each matter;
b. The councillor must exclude themselves from the decision-making process;
c. The councillor must complete and sign a Conflict-of-Interest Declaration Form.

45. The meeting minutes show that Cr Modica was present at both meetings and did not declare a conflict of interest. No declaration by Cr Modica has been recorded in the Conflict of Interest Register.

46. In the second interview conducted on 23 March 2022, Cr Modica acknowledged that he was aware of the Governance Rules and did not declare a conflict to protect his sister.

47. Cr Modica therefore breached s 130 of the Act by failing to declare his conflict of interest at the meetings on 22 September 2021 and 10 February 2022.

Determinations

48. The Panel finds pursuant to s 167(1)(a) of the Act that Cr Modica failed to disclose a conflict of interest on three occasions, which constitutes serious misconduct.

49. Having made this finding, s 167(3) provides that the Panel may impose any one or more of a number of determinations, being to reprimand Cr Modica, direct him to make an apology, suspend him from office for a specified period not exceeding 12 months and/or to direct that he is ineligible to chair a delegated committee of the Council for a specified period specified not exceeding the remainder of the Council's term.

50. The parties jointly submitted that a number of mitigatory factors are present, being:

    a. Contrary to the benefit that would be gained by his sister by granting the application, Cr Modica spoke and voted against the motion;
    b. Notwithstanding the first interview, as of the second interview, Cr Modica has made candid and helpful admissions as to his conduct;
    c. Cr Modica has shown significant remorse for his conduct;
    d. Cr Modica has admitted to his conduct before the Panel; and
    e. It is the first time that Cr Modica has been before the Panel.

51. The parties, however, did not agree on what would be appropriate determinations.

52. In making their respective submissions, both representatives referred the Panel to other decisions of the Panel and the Victorian Civil and Administrative Tribunal. However, these decisions were of limited assistance as they did not consider conduct sufficiently similar to that engaged in by Cr Modica.

Submissions on behalf of the CMI

53. Ms Friedrich as representative of the CMI submitted that Cr Modica should be:

    a. Reprimanded;
    b. Directed to make an apology to the Council;
    c. Suspended from office for an unspecified period of time; and
    d. Be made ineligible to chair a delegated committee for the remainder of the Council term (being October 2024).

54. In favour of such a disposition, Ms Friedrich submitted:

    a. At the time of the serious misconduct Cr Modica was mayor, and ought to be held to a high standard of conduct;
    b. His failure to disclose his conflict of interest was a serious breach of his responsibilities as a councillor and mayor;
    c. The penalty for failing to declare conflicts of interest was increased in the Act, as compared to the *Local Government Act 1989*, reflecting the seriousness with which parliament regards such conduct;
    d. His conduct could bring the Council into disrepute and undermine public trust in council decision making and the ability of councillors to make unbiased decisions;
    e. General deterrence is an important consideration, so as to deter other relevant persons from failing to disclose conflicts of interest;
    f. It is difficult to detect failures to declare conflicts of interest;
    g. Cr Modica was untruthful in his response during his first interview;
    h. His decision to vote against the planning application is not necessarily mitigatory, as hampering the business operated at [redacted] might benefit his sister;
    i. In addition to the matter before the Panel, Cr Modica failed to declare a general conflict of interest on other occasions during 2021 (for which the Inspectorate issued a reminder of obligations on 30 August 2022);
    j. It is not necessary to direct Cr Modica to participate in further training, as he knew he had a conflict of interest but chose not to declare it in the circumstances, and as additional training has subsequently been provided to him and other councillors.

Submissions on behalf of Cr Modica

55. Mr Makamure, as representative for Cr Modica, prepared written submissions, and addressed the Panel orally as to determinations. Mr Makamure submitted that Cr Modica should be:

    a. Reprimanded;
    b. Directed to make an apology to the Council; and
    c. Required to undergo training regarding serious misconduct and the operation of the Act.

56. In favour of such a disposition, he made submissions including:

    a. Cr Modica's actions were out of character and do not reflect his years of faithful and previously unblemished service to the Mildura community;
    b. despite his initial dishonesty, Cr Modica contacted the Inspectorate at his own initiative and without delay (being the following day) to confess to his dishonesty;

c. during that interview, Cr Modica demonstrated significant remorse and insight into his conduct even breaking down into tears at one point;
d. he has accepted responsibility for his conduct, for example he immediately admitted to the allegations before the Panel (through his representatives) at the earliest possible point during this process being at the directions hearing of 4 October 2022;
e. Cr Modica has continued to show significant remorse and insight into his conduct, taking responsibility and demonstrating a willingness to accept the consequences including a willingness to undergo training;
f. at the time that these matters occurred, Cr Modica was under significant pressure being a first-time mayor dealing with complexities brought about by the Covid-19 pandemic in addition to the ordinary pressures associated with being mayor;
g. he was motivated to participate in the decision making regarding the planning application not for nefarious reasons, but because planning is an issue which is of particular significance to him;
h. his passion for representation led to poor decision making;
i. although approving the planning application would have been of greater benefit to Cr Modica's sister and her husband, Cr Modica voted against its approval;
j. he had an underdeveloped understanding of the Act and the Code as they relate to conflicts of interest;
k. He has learnt a hard lesson, such that it is unlikely that he would knowingly engage in similar conduct in the future;
l. while he has been cautioned previously, which is relevant to specific deterrence, this is Cr Modica's first time before a Panel;
m. any period of suspension:
    i. should be reserved for the most 'severe' forms of misconduct;
    ii. would send the wrong message to councillors, being that if you admit making a mistake you will be severely punished;
    iii. would deter other councillors from declaring conflicts of interest;
    iv. would defeat the will of the electors who voted for Cr Modica;
n. general deterrence can be achieved by the proposed determinations, with the possible addition of an order that he not sit on a delegated committee for the remainder of the Council term.

Analysis

57. The Panel accepts the joint submissions of the parties that it is appropriate to reprimand Cr Modica. A reprimand is a professional censure, signalling that the conduct is condemned. The Panel further directs that he issue an apology to the Council, which is appropriate in all the circumstances. The apology in writing must acknowledge his serious misconduct in not declaring the conflict of

interest and acknowledge the impact on Council's reputation and standing in the eyes of the community.

58. The Panel further determines that Cr Modica should be suspended from office for a period of two (2) months, and further directs that he be ineligible to chair a delegated committee of the Council until the end of the financial year (30 June 2023, inclusive).

59. Failing to declare a conflict of interest is an inherently serious matter, which is often difficult to detect. It is the antithesis of good governance. It is a serious departure from the standards of conduct expected of a councillor and erodes public confidence in the ability of elected representatives to make unbiased decisions for the municipality's benefit. It undermines the system of local government and impacts transparency, accountability and the reputation of the whole council. The criticality of declaring any conflict of interest is reflected in its inclusion in the definition of 'serious misconduct' within the Act, and the increase in possible penalty from 6 to 12 months suspension as compared to *Local Government Act 1989*.

60. In determining the appropriate determinations, the Panel has had regard to the objects and purposes of the Act. The objectives of the Act include ensuring that councils are representative bodies that are accountable, transparent, collaborative, efficient and engaged with their communities. Such transparency demands the disclosure of conflicts of interest.

61. Section 8 of the Act provides that it is the role of a council to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. This requires the council to perform its role in accordance with s 9, and councillors to perform their roles in accordance with s 28. Section 28(1) provides that the role of every counsellor includes to represent the interest of the municipal community in the decision making of council. Further, in performing this role, councillors must act lawfully and in accordance with the oath or affirmation of office, act in accordance with the standards of conduct and comply with council procedures required for good governance. In addition, the role of mayor includes to promote behaviour among councillors that meets the standards of conduct set out in the Code.

62. In this instance Cr Modica failed to declare his conflict of interest on three separate occasions, over a period of four and a half months. His reasons for doing so were mixed, in part to 'protect' his sister and also to support council staff who found that the planning application was inconsistent with zoning and planning frameworks. At the time he was mayor, a position which required him to promote behaviour among councillors to meet the required standards of conduct. He had both a material and general conflict of interest. His failure to

declare his conflict of interest was a serious departure from the standards of conduct expected of a mayor and councillor. Furthermore, he was initially untruthful when speaking to investigators.

63. On 30 August 2022 Cr Modica was issued with a reminder of obligations for failing to declare a general conflict of interest on other occasions. This is not a prior finding of misconduct for the purposes of the Act, nor does the Panel treat it as such. It is relevant however to indicate that the three failures to declare conflicts of interest in the present matter were not isolated occurrences.

64. The Panel does not accept the submission made on behalf of Cr Modica that any period of suspension would deter other councillors from declaring conflicts of interest. This cannot be so. Cr Modica does not face censure because he had a conflict of interest, but because he failed to declare it. Nor does the Panel accept that to suspend Cr Modica would thwart the democratic choice of the electorate. The electorate would expect that all elected officials conduct themselves in accordance with the Act, regulations, Code and Governance Rules.

65. Nor does the Panel accept the submission that suspension should be reserved for only the most 'severe' forms of serious misconduct, such as instances of bullying, harassment or the disclosure of confidential information. There is no legislative basis for creating an arbitrary hierarchy of sub-types of 'serious misconduct': each and every one is 'serious misconduct'. What is required, on a case by case basis, is to analyse the facts and circumstances to determine the gravity of the conduct and what is required by way of determinations.

66. The Panel accepts that Cr Modica is otherwise of good character and is genuinely remorseful. In his second interview he was forthcoming with investigators and admitted his conduct. He has since undergone further training relating to the declaration of conflicts of interest. He indicated his acceptance of the allegation at the first directions hearing before the Panel and at the substantive hearing accepted that his conduct constituted serious misconduct. In his statement to the Panel, he expressed much shame and regret. These matters are to his credit and lessen what would otherwise be required to achieve specific deterrence. They also speak to his ongoing ability to continue to serve as a councillor, following a period of suspension.

67. In all the circumstances the Panel determines that given the nature and seriousness of the conduct and the harm that would be suffered if other councillors were not deterred from engaging in similar conduct, a period of suspension is required.

68. In determining the duration of the suspension of two months, the Panel has considered a number of factors, including nature and seriousness of the conduct. Regard has also been had to the maximum possible period of suspension, being 12 months. Further, that pursuant to s 37 of the Act during such period of suspension Cr Modica would cease to be a councillor, not be entitled to receive allowances, and that if the suspension were greater than two months he would be required to return all council equipment and materials. Cr Modica's otherwise good character, genuine remorse and acceptance of responsibility are also relevant considerations.

69. The Panel has also determined to direct that Cr Modica be ineligible to chair a delegated committee of the Council until the end of the financial year (30 June 2023, inclusive). This determination, working together with two months' suspension, best achieves the objects and purposes of the Act. In particular, it will signal the standard of conduct expected of those who assume leadership positions over and above the role of councillor.

70. The Panel does not require Cr Modica to undergo further training or education regarding conflicts of interest. We are satisfied that Cr Modica properly understands his obligations and has benefitted from training subsequent to the conduct considered in this application.

5.2 LETTER OF APOLOGY

File Number: **03/05/12**
Officer: **Acting General Manager Corporate**

Attachments
1 Letter of Apology - Jason Modica - 14 February 2023

To the Council and the local community,

I acknowledge the recent determination handed down in response to the Local Government Inspectorate's findings that I neglected to appropriately declare a conflict of interest.

As a Councillor elected to represent the community, it is my responsibility to uphold ethical and professional standards, which includes being transparent about any potential conflicts of interest. I failed to do so in this situation. I recognise this was not acceptable behaviour, understand my actions may have caused discomfort and concern, and for this I apologise.

My actions were not malicious, and I am committed to taking steps to ensure this does not happen again. I have and will continue to uphold the integrity I have pursued during my time as a Councillor and a member of this community.

I have seen the current Council become more collaborative, mature and productive over the course of this term, I apologise for any disruption my actions have caused to the Council, my family and the broader community.

I hope my apology can be accepted so we can continue to work together in a positive and productive manner.

Jason Modica

14 February 2023.

6 CONFIRMATION OF MINUTES

Ordinary Meeting of Council held on 25 January 2023
That Council confirm the minutes of the Ordinary Meeting of Council of 25 January 2023 as a correct record

Confidential Meeting of Council held on 25 January 2023
That Council confirm the minutes of the Confidential Meeting of Council of 25 January 2023 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:

- **Council Forum – 19 January 2023**

RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Council Forum – 19 January 2023	Cr Liam Wood Cr Helen Healy Cr Ian Arney Cr Troy Bailey Cr Stefano de Pieri Cr Mark Eckel Cr Jason Modica Cr Jodi Reynolds	Martin Hawson, Chief Executive Officer Daryl Morgan, Acting General Manager Development Mark Jenkins, Acting General Manager Community Mark McMillan, Acting General Manager Corporate Larni Baird, Manager Governance & Performance Ben Piscioneri, Media Officer	1. Mildura Social and Affordable Housing Taskforce 2. Mildura Arts and Culture Advisory Committee - Updated Terms of Reference 3. Confidential Item 4. Draft Water Management Policy CP024 5. Delay in Nowingi Park Playground Project 6. Confidential Item 7. 2023-2024 Budget Update 8. Revenue and Rating Plan 2023-2025 9. Monthly Management Report	Nil

8 NOTIFICATION OF ABSENCE

9 MAYORAL REPORT

9.1 MAYORAL REPORT JANUARY 2023

File Number: 02/01/06

1. Summary

The following is an update on the activities and functions attended by the Mayor Liam Wood during the month of January 2023.

2. Recommendation

That Council note the contents of this report.

3. Comments

- North West Municipalities Association Meeting
- Photo with Christmas Lights Winners
- Meeting with Business Council of Australia
- Civic Pride Discussion Meeting
- Meeting with Mildura Base Public Hospital
- Council Forum
- Councillor Workshop
- Events Discussion
- Mayor & CEO Catch-up
- Meeting with Cr Eckel
- Meeting with Cr de Pieri
- Australia Day Awards & Australian Citizenship Event Preparation Meeting
- Events Recovery Plan Catch Up
- Mayor & CEO Media/Comms Update
- Mayoral Video
- Meeting with Hands Up Mallee
- Ordinary Council Meeting
- Australia Day Breakfast Event including Australian Day Award Announcements & Australian Citizenship Ceremony
- Kris Kotur & Councillors Culture Review Findings Workshops
- River1467 Weekly Interviews
- Mattman Weekly Interviews

10 COUNCILLOR REPORTS

10.1 COUNCILLOR REPORTS - JANUARY 2023

File Number: **02/01/06**

1. Summary

The following is a report on the activities and functions attended by Councillors during the month of January 2023.

2. Recommendation

That Council note the contents of this report.

3. Comments

Cr Ian Arney
- Irymple Australia Day Breakfast Celebrations
- Colignan Australia Day Brunch
- Great Millewa Chop Off
- Refer to table

Cr Troy Bailey
- Underbool Australia Day Event
- Refer to table

Cr Stefano de Pieri
- Merbein Australia Day Breakfast
- Refer to table

Cr Mark Eckel
- Refer to table

Cr Helen Healy
- Arts Mildura Board Meeting
- Constituent's 100th Birthday Event – Official Duties
- Food Next Door Co-op Meeting
- North West Municipality Association Meeting
- Community Music Victoria Meeting
- Mayor & MRCC CEO Meeting
- Constituent Meeting – Social Housing Issue
- Mildura Arts Centre Twilight Event – Official Duties
- Carnegie Centre Volunteers Meeting
- Ouyen's 2023 Australia Day Event & Awards Presentations – Official Duties
- Mildura Rural City Council Municipality Australia Day Awards Announcement & Presentation – Official Duties (Ouyen & Mildura)
- Survival Day Event
- Refer to table

Cr Glenn Milne

- Triple M Interviews
- Red Cliffs Australia Day Celebrations
- Murrayville Australia Day Celebrations
- Irymple Bocce Club Australia Day Celebration
- Constituent Meeting – Business Permit Discussion
- Refer to table

Cr Jason Modica

- Sunraysia Sustainability Network Monthly Meeting
- Walpeup Wayside Stop Australia Day Breakfast
- Refer to table

Cr Jodi Reynolds

- Refer to 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
Council Forum	✓	✓	✓	✓	✓		✓	✓
Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓
Chris Kotur & Councillors Culture Review Findings Workshop Day 1		✓	✓	✓	✓		✓	✓
Chris Kotur & Councillors Culture Review Findings Workshop Day 2		✓	✓	✓	✓		✓	✓

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 DEPUTATION

14.1 PETITION - CULVERTS/REGULATORS UNDERNEATH RUDDS ROAD

File Number: **11/01/04**
Officer: **Acting General Manager Corporate**

1. Summary

A petition has been received requesting that culverts be developed under Rudds Road to connect Bullock Swamp North to Bullock Swamp South.

The petition contains 27 signatures.

A copy of the petition has been distributed directly to Councillors as privacy issues prevent inclusion within the Agenda.

2. Recommendation

That Council note the petition and that this matter be considered within the February Ordinary Council Meeting.

15 MANAGEMENT REPORTS

15.1 COUNCILLORS QUARTERLY EXPENSE REPORT 1 OCTOBER - 31 DECEMBER 2022

File Number: **02/01/06**
Officer: **Chief Executive Officer**

1. Summary

In keeping with Council's Council Expenses Policy CP012, Councillor expenses are reported quarterly to an Ordinary Meeting of Council. Accordingly, this report presents Councillors Quarterly Expenses for the period 1 October 2022 – 31 December 2022.

2. Recommendation

That Council note the contents of this report, which details Councillors Quarterly Expenses for the period 1 October 2022 – 31 December 2022.

3. Background

This report has been prepared in accordance with the Council Expenses Policy CP012.

4. Consultation Proposed/Undertaken

Councillors have been provided with a summary report on their expenses on a monthly basis.

5. Discussion

Summarised in the document attached are figures for allowances and expenses for the Mayor and Councillors for the period 1 October 2022 – 31 December 2022.

6. Time Frame

The report presents Councillors Quarterly Expenses for the period 1 October 2022 – 31 December 2022.

7. Strategic Plan Links

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

Leadership

Outcome to be achieved:

- A financially sustainable organisation

8. Asset Management Policy/Plan Alignment

There are no Asset Management implications associated with this report.

9. Implications

Policy
The report aligns with the Council Expenses Policy CP012.

Legal/Statutory
There are no legal/statutory requirements associated with this report.

Financial
Financial costs are in accordance with Council's 2022/2023 Operational Budget.

Environmental
There are no environmental impacts associated with this report.

Social
There are no social impacts associated with this report.

Economic
There are no economic impacts 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⇩ Councillors Quarterly Expenses 1 October 2022 - 31 December 2022

Councillor Expenses for the period 1 October – 31 December 2022

Councillor	1. Allowance	2. Travel & Accommodation	3. Car Mileage	4. Information & Communication	5. Conferences & Training	6. Catering / Meals	7. Misc
Cr Ian Arney	7,552.44			43.50			
Cr Troy Bailey	7,552.44			43.50			
Cr Stefano De Pieri	7,552.44			43.50			
Cr Mark Eckel	7,552.44	285.08	339.84	230.77		40.27	
Cr Helen Healy	10,467.12	565.73		248.04			
Cr Glenn Milne	7,552.44		667.44	179.86			
Cr Jason Modica	9,216.89		916.56	248.04	50.00	40.91	
Cr Jodi Reynolds	7,552.44			43.50			116.08
Cr Liam Wood	24,117.51	317.09		147.00		31.33	

Definition of Expenses

1. Mildura Rural City Council is a Category Two Council and must set allowances within range in line with the Local Government Act 2020. An adjustment is made annually and gazetted by the Minister. Allowances must also include amount in lieu of superannuation. This also includes an allowance increase from December 2022.
2. Travel Costs include cost of flights, taxis, public transport fees, and accommodation etc associated with undertaking duties of a Councillor
3. Car Mileage recognises the private vehicles costs associated with Councillors travelling and fulfilling Council duties. Rates are set at State Public Service levels.
4. Communication expenses include costs associated with provision of equipment, phone reimbursements and monthly telecommunications charges are set to a maximum $75 per month.
5. These include registration fees, educational / training costs and meeting expenses
6. Catering costs associated with undertaking responsibilities of Councillor including meal reimbursements,
7. Includes carer expenses, printing, and other expenditure / reimbursements associated with responsibilities in performing Councillor role

15.2 MILDURA SOCIAL AND AFFORDABLE HOUSING TASKFORCE

File Number: **19/01/08**
Officer: **Acting General Manager Community**

1. Summary

The purpose of this report is to seek Council approval for Mildura Social and Affordable Housing Taskforce Terms of Reference.

2. Recommendation

That Council approves the Mildura Social and Affordable Housing Taskforce Terms of Reference.

3. Background

At its Ordinary Meeting held 26 May 2022, Mildura Rural City Council declared a Housing Crisis and resolved the following motion:

I move that Mildura Rural City Council declares a Housing Crisis in respect to housing availability and affordability and social housing and recommend that Council:

a) write to the Federal Government;

i. to assist, particularly regional communities, to find a balanced approach to short- and long-term rentals;

ii. lobby regarding taxation reform and housing affordability;

b) make a commitment to the Everybody's Home Campaign;

c) seek collaborative partnerships with our fellow neighbouring Councils to address this issue; and

d) request that a report be presented to Council with the required actions necessary to mitigate the worst impacts of this housing crisis.

In order to progress this item it is proposed that a Mildura Social and Affordable Housing Taskforce be established.

4. Consultation Proposed/Undertaken

In December 2022 a letter was sent to the following key organisations to gauge their interest to participate in the Mildura Social and Affordable Housing Taskforce (the taskforce):

- Mallee Accommodation & Support Program (MASP)
- Haven; Home, Safe (HHS)
- Mallee District Aboriginal Services (MDAS)
- Aboriginal Housing Victoria (AHV)
- Mallee Family Care (MFC)
- Sunraysia Mallee Ethnic Communities Council (SMECC)
- Department of Families, Fairness, and Housing (DFFH)
- Homes Victoria (HV).

The majority of these organisations have responded and confirmed their interest to participate on the taskforce. A draft Terms of Reference document was distributed together with the above mentioned letter to provide further context for the proposed taskforce, including background information and the proposed vision, goal and purpose of the taskforce.

5. Discussion

The vision, goal and purpose of the proposed Mildura Social and Affordable Housing Task Force is as follows:

Vision
The Mildura Rural City Council municipality includes diverse, high quality, sustainable and affordable housing that is responsive to the needs of a growing and diverse community.

Goal
Increase access to appropriate and affordable housing.

Purpose
The Mildura Social and Affordable Housing Taskforce (the Taskforce) will advise Member Organisations (Members) on matters relating to the funding, delivery, and management of affordable housing within Mildura and surrounding communities, along with providing a forum for collaboration and a platform for advocacy on behalf of the region. The Taskforce operates under a shared belief that safe, affordable, and appropriate housing is a basic human right, that all community members should have access to.

The final version of the Mildura Social and Affordable Housing Taskforce Terms of Reference is attached to this report.

6. Time Frame

If approved by Council, the Mildura Social and Affordable Housing Task Force will become operational in April / May 2023.

7. Strategic Plan Links

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

Place

Outcome to be achieved:

- Access to affordable housing, including social housing, that is appropriate for the housing needs of very low, low and moderate income households.

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
There are no legal or statutory implications associated with this report.

Financial
There are no financial implications associated with this report.

Environmental
There are no environmental implications associated with this report.

Social
The Taskforce will advise on matters relating to the funding, delivery, and management of affordable housing within Mildura and surrounding communities, along with providing a forum for collaboration and a platform for advocacy on behalf of the region.

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⇩ Draft Mildura Social and Affordable Housing Taskforce - Terms of Reference

2022

Mildura Social and Affordable Housing Taskforce

Terms of Reference

Mildura Rural City Council

Mildura Social and Affordable Housing Taskforce

Background

At its Ordinary Meeting held 26 May 2022, Mildura Rural City Council declared a Housing Crisis and resolved the following motion:

> *I move that Mildura Rural City Council declares a Housing Crisis in respect to housing availability and affordability and social housing and recommend that Council:*
>
> *a) write to the Federal Government;*
>
> *i. to assist, particularly regional communities, to find a balanced approach to short- and long-term rentals;*
>
> *ii. lobby regarding taxation reform and housing affordability;*
>
> *b) make a commitment to the Everybody's Home Campaign;*
>
> *c) seek collaborative partnerships with our fellow neighbouring Councils to address this issue; and*
>
> *d) request that a report be presented to Council with the required actions necessary to mitigate the worst impacts of this housing crisis.*

Vision

The Mildura Rural City Council municipality includes diverse, high quality, sustainable and affordable housing that is responsive to the needs of a growing community.

Goal

Increase access to appropriate and affordable housing.

Purpose

The Mildura Social and Affordable Housing Taskforce (the Taskforce) will advise Member Organisations (Members) on matters relating to the funding, delivery, and management of social and affordable housing within Mildura and surrounding communities, along with providing a forum for collaboration and a platform for advocacy on behalf of the region. The Taskforce operates under a shared belief that safe, affordable, and appropriate housing is a basic human right, that all community members should have access to.

Terms of Reference

1. Preamble

1.1 The group shall be known as the Mildura Social and Affordable Housing Taskforce (hereinafter referred to as the Mildura Social and Affordable Housing Taskforce (MSAHT)).

1.2 The MSAHT is an advisory steering group for social and affordable housing. Significant decisions will be referred to Council as per legislative requirements.

2. MSAHT Partnership Objectives

The MSAHT will:

2.1 identify and support the development of social and affordable housing opportunities across the municipality;

2.2 seek to identify clear aspirations for the provision of social and affordable housing through development of clear targets and strategies for the taskforce;

2.3 develop and strengthen partnerships across the social and affordable housing sector and investigate opportunities for collaboration to address key strategic priorities;

2.4 identify mechanisms for improving communication and sharing of information regarding available housing between individual providers;

2.5 provide advice on the current and potential ways Council could participate in increasing the amount of social and affordable housing stock in the municipality;

2.6 share insight and professional advice regarding the planning and implementation of actions within existing strategies and plans;

2.7 collectively advocate to State and Federal Government to deliver social and affordable housing in the municipality;

2.8 contribute, as required, to ensure 'housing data' is current and identify an effective system for the establishment of a centralised database for supported housing available within the municipality;

2.9 further document the Mildura housing market including identifying localised benchmarks for affordability;

2.10 identify and advocate for relevant guidelines or controls that are necessary to protect tenants or guide development, particularly within the private housing market; and

2.11 investigate mechanisms that would be most suitable for achieving identified targets or controls, having regard to the local housing market, service providers and development industry.

3. MSAHT Principles

The MSAHT commit to the following principles:

3.1 Human rights

Housing rights are human rights as outlined in the *Charter of Human Rights and Responsibilities Act 2006*. Upholding human rights requires adopting a non-judgemental approach to people or groups of people.

3.2 Evidence informed

Actions undertaken to make Mildura Rural City Council a more affordable region need to be informed by current data and evidence available locally, nationally and internationally.

3.3 Partnerships

Recognising the important leadership role Council plays in making housing more available, affordable and diverse. Shared responsibility recognises that Council takes a collaborative strategic approach, which involves partnerships with others.

3.4 Social inclusion

All people, including people experiencing homelessness, have a right to be treated as any other member of the public. Social and affordable housing will consider all community needs.

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4.1 Role of the Mildura Social and Affordable Housing Taskforce

The Taskforce is appointed in an advisory capacity to Council and other Member Organisations. It has no executive authority and will operate in accordance with these Terms of Reference:

4.1.1 To provide advice to Members on matters and issues relating to social and affordable housing within the municipality.

4.1.2 To make recommendations to Members to promote and support delivery of social and affordable housing.

4.1.3 To assist Members to undertake relevant research, identify sites suitable for social and affordable housing, facilitate targeted responses to identified vulnerable cohorts, and conduct any other strategic level work required by Members.

4.1.4 To assist Members in sourcing external funding opportunities to further social and affordable housing.

4.1.5 To promote a collaborative and communicative approach between Members along with other agencies, individuals, and companies, to identify possibilities for innovation, and maximise efficient use of resources.

4.1.6 To advocate on behalf of the region to State and Federal Governments including policy makers and relevant funding bodies on matters and issues relating to social and affordable housing

4.1.7 To provide advice and recommendations to Members (predominantly Council) on policy matters relating to social and affordable housing, including but not limited to, the Mildura Rural City Council planning scheme.

4.1.8 To promote understanding and awareness of matters and issues relating to social and affordable Housing within the municipality.

4.2 Additional functions

To further its role, the Taskforce may provide:

4.2.1 a collaborative network;

4.2.2 recommendations to Members regarding meetings, forums, seminars or other activities as may be deemed of value by the Taskforce to meet or assist in meeting its objectives;

4.2.3 collaboration with Members to organise such meetings, forums, seminars or other activities as may be deemed of value by the Taskforce, within the designated scope of the Taskforce; and

4.2.4 advocacy on social and affordable housing matters within the municipality.

The MSAHT does not act as an internal referral body to assess/comment upon planning permit applications. This stipulation does not limit or prevent individual members of the Taskforce from making submissions, objections or appeals to current applications or proposals being assessed by Council.

5. Taskforce Membership

The membership of the Taskforce shall comprise the following Members:

5.1 two (2) voting members comprising one Councillor and one Senior Officer from Mildura Rural City Council (MRCC);

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5.2 one (1) voting member from each of the following Member Organisations (more than one member from each organisation is welcome to attend the Taskforce meetings, however only one member has a vote, voting member must be CEO or relevant Executive level employee):

- Mallee Accommodation & Support Program (MASP)
- Haven; Home, Safe (HHS)
- Mallee District Aboriginal Services (MDAS)
- Aboriginal Housing Victoria (AHV)
- Mallee Family Care (MFC)
- Sunraysia Mallee Ethnic Communities Council (SMECC)
- Department of Families, Fairness, and Housing (DFFH)
- Homes Victoria (HV)

5.3 up to three (3) additional MRCC staff, including a responsible Council officer to oversee the Taskforce's function (non-voting Taskforce members).

Additional Members may be added to the Taskforce by vote of minimum 75% of the Taskforce Members.

6. The Chair

6.1 The Chair will be elected from within the voting members of the Taskforce and may serve up to a maximum of five concurrent one-year terms.

6.2 The Chair will:

- consult with a designated Council Officer with regard to the preparation and distribution of meeting agendas and minutes;
- ensure meetings run in a timely manner, and in accordance with the agenda;
- facilitate proactive and efficient discussion and decision-making processes throughout meetings; and
- act as point of reference for the MSAHT by receiving email, telephone or face to face inquiries and requests for information, in consultation with Council's Team Leader – Social and Community Planning.

7. Meetings

7.1 Frequency of meetings

- Meeting dates, times and locations will be decided based on the availability of Taskforce Members.
- The first two meetings of the Taskforce will be scheduled bi-monthly for a maximum duration of two hours (or less as required).
- Meetings will then be held quarterly for a maximum duration of two hours (or less as required).
- Additional meetings may be convened as agreed by the Taskforce.
- All meetings shall be held at an agreed location, ideally to be rotated between Member organisations.

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7.2 Attendance and decisions

- All Members are expected to attend each meeting or otherwise nominate another representative in their absence.
- A quorum will consist of half the total members plus one.
- All members will have full voting rights with a quorum established.
- Decisions will be made by consensus. If a consensus cannot be reached, then a decision by agreement will be negotiated; and finally, if decision by agreement is unsuccessful then a majority vote will be taken. In these circumstances, each Member will have a single vote.

7.3 Meeting administration

- MRCC will provide secretariat services to facilitate the operation of the Taskforce.
- A schedule of meetings will be developed and agreed to by the Taskforce.
- The agenda and relevant papers will be prepared with input from the Members and circulated at least 48 hours in advance
- Minutes will be prepared and distributed within one week of the meeting.

8. Review of MSAHT

8.1 A review of the MSAHT will take place six months from the date of the first Taskforce meeting, at which time the Terms of Reference will also be reviewed. Thereafter a review will occur annually.

8.2 The review will consider partnership purpose and membership, achievements and challenges, and any updates to the Terms of Reference.

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15.3 ADOPTION OF WATER MANAGEMENT POLICY

File Number: **18/02/01**
Officer: **Acting General Manager Community**

1. Summary

The purpose of this report is to present the Water Management Policy CP024 and seek Council's resolution to adopt the new policy.

2. Recommendation

That Council adopt the new Water Management Policy CP024 as presented.

3. Background

To provide a strategic framework for the management and security of Council's water resources.

4. Consultation Proposed/Undertaken

Internal consultation was undertaken with the Executive Leadership Team, Strategic Management Team, Team Leaders, Supervisors and Coordinators as part of the policy development process.

The draft policy was presented to Council Forum on the 17 January 2023.

5. Discussion

Our Community Vision 2021-2040 includes a vision statement for the environment of 'We will sustain and enhance our natural environment and resources for current and future generations'. The responsible use of water resources and ensuring security of supply is critical to the long-term sustainability of the local community.

Council currently irrigates parks, gardens, sports fields and open space utilising water supplies through both Grampians Wimmera Mallee Water (GWMW) and Lower Murray Water (LMW). GWMW supplies the southern sector of the municipality and is primarily potable water while LMW supplies the northern sector of the municipality, supplying both potable water and raw water.

The policy includes principles that address water security, water conservation, water sensitive urban design, sustainable landscapes and climate adaptation. Key items under these principles include:

- The purchase of additional water shares to safeguard council during periods of drought and support growth.
- The use of raw water for irrigation (rather than potable).
- The use of water sensitive urban design techniques.
- The development of water efficient landscapes.
- Acknowledging factors of climate change that impact water management decisions.

6. Time Frame

The Policy will be implemented once adopted by Council and will be reviewed every three years.

7. Strategic Plan Links

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

Environment

Outcomes to be achieved:

- Protected and enhanced natural environment; and
- Access to a secure and high-quality water supply.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy
The policy aligns with the following Council Policies:

- Environmental Sustainability and Climate Change Policy – CP041
- Water and Energy Use Policy – OP186
- Water Allocation Policy – CP023
- Urban Tree Policy – CP021
- Urban Nature Strip Policy – CP068

Legal/Statutory
There are no legal/statutory implications associated with this report.

Financial
The allocation of funding for additional water share would be considered as part of the annual capital works budget process.

Environmental
The responsible use of water resources and ensuring security of supply is critical to the long-term sustainability of the local community.

Social
The provision of green spaces encourages civic pride and increases both passive and active recreational opportunities, contributing to overall community health and wellbeing.

Economic
The provision of high-quality public spaces, gardens and amenity is an important attraction to the Mildura region, contributing to tourism and visitor experience.

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⇩ DRAFT Water Management Policy CP024

Mildura Rural City Council

Water Management Policy

Policy – CP024

Prepared	Reviewed	Approved	Date	Council Minute No.
Energy & Water Innovation Officer	Environmental Sustainability Coordinator	Council	January 2023	
Trim File: 18/02/01		**To be reviewed: January 2025**		
Document Owner: Manager Community Futures		**Review Frequency: 3 yearly**		

1. The purpose of this policy is

To provide a strategic framework for the management and security of Council's water resources.

2. Policy Statement

Our Community Vision 2021-2040 includes a vision statement for the environment of 'We will sustain and enhance our natural environment and resources for current and future generations'. The responsible use of water resources and ensuring security of supply is critical to the long-term sustainability of the local community.

Key considerations in the management and security of Council's water resources are the social and economic implications. These include the provision of green spaces to support both passive and active recreational opportunities and contribute to overall community health and wellbeing; and the provision of high quality public spaces, gardens and amenity to encourage civic pride and attract visitors to the Mildura region.

Council is committed to demonstrating environmental best practice when delivering services to the community, including the management of water resources.

3. Principles

Water security

Water security is critical in ensuring Council can deliver quality urban landscapes that are resilient, sustainable and meet community expectations.

Potable town water supplies are subject to urban water restrictions during drought periods. This can have a significant impact on both public and domestic gardens and open space during drought periods and extended water restrictions.

Raw water allocations sourced through Lower Murray Water (LMW) are subject to water allocations. During periods of drought, Council parks, gardens and open space irrigated by raw water are subject to reduced irrigation scheduling based on available water allocations. All Council sport fields and many larger grassed areas including the Mildura Riverfront are irrigated with raw water within the LMW water district.

To safeguard for drought periods and support growth Council will purchase additional permanent water share (raw water) to maintain carryover water and increase allocation capacity during dry years. Council will aim to increase its allocation by 20% over 10 years by purchasing 300 megalitres of water. This budget allocation will be considered annually as part of the Capital Works Program and dependent on available budget.

Council will pursue options with LMW and Grampians Wimmera Mallee Water to switch sites irrigated with potable water to raw water as well as opportunities for delivering raw water to irrigated areas in new developments. This will aid in reducing water costs, demand on potable water supply and exposure to water restrictions during dry periods.

Water conservation

Council is a significant water user within the community, with responsibility for irrigating parks, sporting fields, public gardens and public open spaces, as well as using water for other Council operations.

In addition, as the local planning authority, Council is in a unique position to be able to influence public attitude and behaviour regarding water use and to set standards for water conservation in new developments.

Council will incorporate best practice and innovative water conservation measures on council managed land to reduce water usage. These measures include but are not limited to:

- Use of raw water on green spaces where possible.
- Water capture and re-use systems.
- Water efficient appliances and equipment.
- Central irrigation control systems.
- Soil moisture monitoring technology for green spaces.
- Other smart technologies to minimise water consumption.

Water sensitive urban design

The natural water cycle is impacted by buildings and sealed surfaces. As a result, natural water flows are altered and stormwater is created. This stormwater carries pollution into our waterways and can cause local flooding during heavy rainfall events.

Water sensitive urban design (WSUD) is the design of buildings, subdivisions and works to minimise the impact of development on the surrounding environment and waterways. WSUD involves treating and reducing stormwater flows, increasing soil moisture, urban greening and providing an alternative water source.

The local environment is semi-arid with low levels of rainfall, extreme temperatures and high evaporation rates. WSUD needs to be considered in the context of this environment requiring unique design solutions that suit the local climate.

Council will incorporate best practice WSUD into planning and landscape design to re-use stormwater on land maintained by Council in urban environments, stopping it from reaching our waterways by mimicking the natural water cycle as closely as possible. WSUD treatment options include but are not limited to:

- Swales.
- Wetlands.
- Rain gardens.
- Sediment ponds.
- Rainwater tanks.

Sustainable landscapes

Water consumption is an important consideration in the development of a sustainable landscape. Council is committed to ensuring landscape water consumption is minimised by:

- Selecting plants species appropriate to the local climate and environment, that is, those that are resilient, require little water and are drought tolerant, with a preference for indigenous plant species.
- Minimising the amount of grassed areas by incorporating mulched low water use gardens where possible. For example, neighborhood parks will be designed with a minimum of 60% mulched area / low water use garden area and maximum of 40% turf (60/40 concept).
- Using mulch to reduce evaporation and increase water availability.
- Using tree wells for street tree plantings, where possible, to direct water to the root system and minimise water run off.
- Ensuring the most water efficient irrigation practices are being implemented.

Climate adaptation

Climate change is impacting our communities through warmer temperatures, reduced but more intense rainfall, and more severe droughts, dust storms, heat waves and bush fires. Climate change is also putting increasing pressure on our assets and services.

In February 2020, Mildura Rural City Council declared a state of climate change emergency requiring urgent action by all levels of government.

Council will consider climate impacts such as increasing temperatures, less but more intense rainfall and declining water quality when making water management decisions. Education of staff, developers and the community will remain critical when adapting to climate change.

4. Implementation

Manager Community Futures

5. Definitions

Climate Change	Long-term shift in local, regional and global climate patterns.
Climate change adaptation	Efforts to prepare for the actual or expected changes in the climate in order to minimise harm, act on opportunities or cope with the consequences of climate change.
Efficiency	Use of the least amount of a resource possible to achieve the required outcome.
Indigenous plant species	Plant species that grow naturally in the local area.
Resource consumption	The consumption of raw materials to sustain our lives.
Sustainable landscape	A landscape that meets the needs of the present and future generations.
Water sensitive urban design	An approach to planning and designing urban areas to make use of stormwater and reduce the harm it causes to our rivers and creeks.

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Water Act 1989;*
- *Planning and Environment Act 1987;*
- *Climate Change Act 2017.*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Towards Zero Emissions Strategy 2021-2050;
- Native Vegetation Plan 2020-2024;
- Environmental Education Plan 2020-2024;
- Public Open Space Strategy;
- Urban Tree Strategy 2021-2026;
- Urban Forest Strategy (in development);
- Recreation Strategy 2021-2031;
- Environmental Sustainability and Climate Change Policy – CP041;
- Water and Energy Use Policy – OP186;
- Water Allocation Policy – CP023;

- Urban Tree Policy – CP021;
- Urban Nature Strip Policy – CP068;
- CBD Plan 2020-2035;
- Water and Energy Use Guidelines for Buildings and Facilities;
- Sustainable Water Use at Mildura Rural City Council;
- Constructed Wetland Management Guidelines.

6.3 Risk Assessment Reference

Risk Category	✓	**Risk Category**	✓
Asset Management	✓	Financial Sustainability	✓
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement	✓	Organisational Risk Management	✓
Corporate Governance		Project Management	
Environmental Sustainability	✓	Public Image and Reputation	✓

15.4 ADOPTION OF USE OF COUNCIL LOGO POLICY CP044

File Number: **18/02/01**
Officer: **Acting General Manager Corporate**

1. Summary

The purpose of this report is to present the Use of Council Logo Policy CP044 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Use of Council Logo Policy CP044 as presented.

3. Background

The purpose of this policy is to protect the integrity of Mildura Rural City Council's brand and ensure the correct use and application of the Council logo at all times, within the organisation and by third parties.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's senior management team.

5. Discussion

Council polices are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed and no changes are required.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every 3 years.

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
This report updates the current Use of Council Logo Policy.

Legal/Statutory
This policy complies with all requirements under 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⇩ Draft Use of Council Logo Policy - CP044 - December 2022
2⇩ MRCC Brand Guidelines

Mildura Rural City Council

Use of Council Logo Policy

Policy – CP044

Prepared	Reviewed	Approved	Date	Council Minute No.
Executive Communications Officer	ELT	Council	December 2022	XX
Trim File: 18/02/01		**To be reviewed: December 2025**		
Document Owner: Manager Governance & Performance		**Review Frequency: 3 years**		

1. The purpose of this policy is

To protect the integrity of Mildura Rural City Council's brand mark and ensure the correct use and application of the Council logo at all times, within the organisation and by third parties.

2. Policy Statement

Mildura Rural City Council's logo is the organisation's brand mark. Accurate, consistent and high-quality reproduction of the logo will help ensure Council is clearly recognised and its reputation protected.

The Council logo must be used consistently and correctly when applied to any medium both within Council and by approved external groups and organisations. This includes, but is not limited to, use of Council's logo on internal and external publications, documents, advertisements, stationery, signage, vehicles, buildings, online and uniforms.

3. Principles

- Application of the Council logo must be in line with Mildura Rural City Council's brand guidelines. .
- Council's logo incorporates both a graphic diamond emblem as well as the text Mildura Rural City Council. The two should never be separated without prior approval from Council's Marketing & Communications unit. The current version is available from Council's website.
- Adaptation or variations of the Council logo are not permitted without prior approval from Council's Manager Governance & Performance.

3.1 Use of Council logo by internal groups

- The correct Council logo must be used by all branches, units, teams and service areas within Mildura Rural City Council.
- Individual units, branches, teams and service areas within Mildura Rural City Council must not adapt the Council logo without prior approval from Council's Marketing & Communications unit.
- The Marketing & Communications unit may exercise its right to remove or request changes to application of Council's logo that do not comply with the brand guidelines. All collateral materials must be forwarded to the Marketing & Communications unit for approval prior to printing or publishing.
- Staff supplying Council's logo to third parties, printers, suppliers or graphic designers must ensure the correct version is supplied. The current version is available from Council's website.
- Development of new or altered logos, brand marks or designs to identify individual units, branches, teams or service areas within Mildura Rural City Council is not permitted without prior approval from the Executive Leadership Team. Approval will only be granted where there is a business case outlining why the new logo, brand or image is required and any potential costs associated with the new branding.

3.2 Use of Council logo by external groups

- Third parties may use the Council logo, in line with the logo usage guidelines and pending prior approval from Council's Marketing & Communications unit.
- Use of the Council logo alongside other logos must only be done so in line with the Council brand guidelines.
- No fees will be charged to use Council's logo however eligible third parties will be responsible for any costs associated with artwork, design and production.
- The use of Council's logo must not in any way bring discredit or disrepute upon the organisation.
- Council may exercise its right to withdraw any approval at any time if the approved user is deemed to be not complying with the conditions as set out in this policy or any approval.

4. Who is responsible for implementing this policy?

Overall policy responsibility: Manager Governance & Performance
Logo application approval: Marketing & Communications unit

5. Definitions

Logo	Visual device for identifying an organisation

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Trade Marks Act 1995 (Commonwealth)*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Mildura Rural City Council brand guidelines
- Process Flowchart – Approvals for use of the Council Logo
- Process Flowchart – Approvals for development of new Logos
- CP029 Intellectual Property Policy

6.3 Risk Assessment Reference

Risk Category		**Risk Category**	
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory		Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance		Project Management	
Environmental Sustainability		Public Image and Reputation	✓

2022

Brand Guidelines

Version 1

Mildura Rural City Council

Creating a consistent visual identity

This document contains guidelines for Mildura Rural City Council's visual identity and brand. The guidelines have been developed to ensure branding is applied consistently and to its maximum potential across all collateral and marketing materials. These guidelines include detailed information on the Council logo, colour palette, graphic devices, typography and photography.

Approvals
All applications of the Mildura Rural City Council brand and logo must be approved by the Marketing & Communications unit.

More information
Design & Digital Officer
Marketing & Communications unit

Contents

1.0 Logo
1.1 Horizontal logo 1
1.2 Clear space and minimum size 2
1.3 Vertical logo 3
1.4 Clear space and minimum size 4
1.5 Incorrect logo use 5
1.6 Logo Usage and Approvals process 6
1.7 Co-branding and sponsorship 7
1.8 Standard sizes 8
1.9 Logo file naming and use 9
1.10 Social media icons 10

2.0 Colour palette
2.1 Primary colours 12
2.2 Secondary colours 13
2.3 Colour combinations 14

3.0 Kaleidoscope pattern
3.1 Kaleidoscope pattern 16
3.2 Kaleidoscope pattern grid 17
3.3 Incorrect kaleidoscope pattern use 18

4.0 Typography
4.1 Primary typeface 20
4.2 Headline typeface 21
4.3 Secondary typeface 22
4.4 Typography rules 23

5.0 Photography
5.1 Hero imagery 25
5.2 Support imagery 26

6.0 Applications
6.1 Stationery 28
Letterhead 29
With compliments slip 30
Business cards 30
Envelopes 32
6.2 Printed collateral 33
Document covers 33
Information sheets 34
6.3 Marketing collateral 35
DL flyer - single sided 36
DL flyer - double sided 37
DL brochure 38
A5 flyer 39
A4 flyer 40
6.4 Newspaper advertisements 40
Council matters full page advertisement 41
Employment advertisements – multiple positions 42
Employment advertisements – single position 43
6.5 Email signature 45
6.6 Powerpoint presentation
6.7 Flags and banners

7.0 Standalone marketing campaigns
7.1 Unique program and event branding

T.O Logo

1.0 Logo

1.1 Horizontal logo

The Mildura Rural City Council Logo consists of two elements, the diamond graphic (designed to represent the river, vines, paddocks and sun of our region) as well as the text Mildura Rural City Council. The two should never be separated without prior approval from Council's Marketing & Communications unit.

The horizontal logo is the preferred version and should be used primarily. The colour version set against a white background is the preferred application, and should be used whenever possible. The colour version should only ever be used on a white background and never appear on any other background colour.

The logo is also available in monotone. To maintain maximum visibility you should always consider the background you are placing the logo on and ensure the correct version is used. The monotone version can also be reversed and placed over all primary and secondary colours.

Black

White

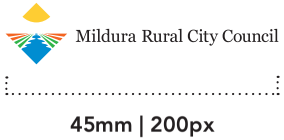
1.0 Logo

1.2 Horizontal logo clear space and minimum size

The horizontal logo must always be surrounded by a minimum clear space area, free of any other elements. It also has a minimum size ruling to ensure maximum visibility.

Minimum size
The minimum size width of the horizontal logo is 45mm (printed applications) or 200 pixels (digital applications).

Clear space
The clear space area is measured from the logo. Half the height of the logo equals (x). This rule applies to all sizes and instances of reproduction.



1.0 Logo

1.3 Vertical logo

The vertical logo is an alternative which can be used for applications when the horizontal version is inappropriate to use. The colour version set against a white background is the preferred application, and should be used whenever possible.

The vertical logo is also available in monotone. To maintain maximum visibility you should always consider the background you are placing the logo on and ensure the correct version is used. The monotone version can also be reversed and placed over all primary and secondary colours.

Mildura Rural City Council

Mildura Rural City Council

Black

White

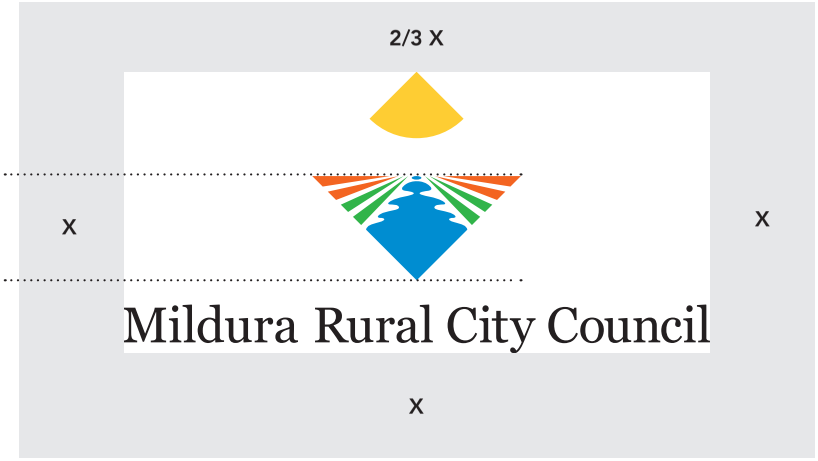
1.0 Logo

1.4 Vertical logo clear space and minimum size

The vertical logo must always be surrounded by a minimum clear space area, free of any other elements. It also has a minimum size ruling to ensure maximum visibility.

Minimum size
The minimum size width of the vertical logo is 32mm (printed applications) or 150 pixels (digital applications).

Clear space
The clear space area is measured from the vertical logo. Half the height of the vertical logo equals (x). This rule applies to all sizes and instances of reproduction.



1.0 Logo

1.5 Incorrect logo use

This page shows examples of incorrect use of the logo, which damages the brand's credibility. The colour version should only ever be used against a white background. The monotone version can be reversed and placed over all primary and secondary colours.

Do not rotate

Do not stretch

Do not compress

Do not rearrange elements

Do not separate elements

Do not recolour

Do not add effects

Do not skew

Do not place on an image. Only place the monochrome version on primary and secondary colours.

1.0 Logo

1.6 Logo Usage and Approvals process

The Mildura Rural City Council logo is the organisation's brand mark.

Accurate, consistent and high-quality reproduction of the logo will help ensure Council is clearly recognised and its reputation protected.

The Council logo must be used consistently and correctly when applied to any medium both within Council and by approved external groups and organisations. This includes, but is not limited to, use of Council's logo on internal and external publications, documents, advertisements, stationery, signage, vehicles, buildings, online and uniforms.

Please note that any artwork, advertising or collateral materials that include Council's logo must be sent to our Marketing & Communications unit for review and approval, prior to production.

For further information, please contact the Marketing & Communications Unit on 5018 8100 or mrcc@mildura.vic.gov.au

Please refer to the **Use of Council Logo Policy CP044.**

1.0 Logo

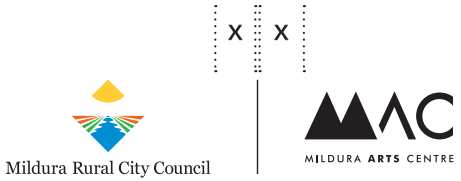
1.7 Co-branding and sponsorship

Co-branding logo lockups are used when Council is supporting or in partnership with another organisation. When using the logo you should always consider colour, size and position as described in the previous sections.

The full colour horizontal logo is the preferred application. However when required, the vertical, monotone versions can be used.

The clear space (x) between logos is half the logo size with a vertical black line separating the Council logo from the other logos.

All co-branded and sponsorship material must be approved by the Marketing & Communications unit.



1.0 Logo

1.8 Standard sizes

The logo should be applied at specific sizes according to the size of the medium it appears within. Shown here are standard sizes of printed applications with specific sizing rules for the logo. There may be occasions where the logo needs to be applied differently. In such cases, please ensure minimum size and clear space rules are followed.

All measurements refer to the height of the logo.

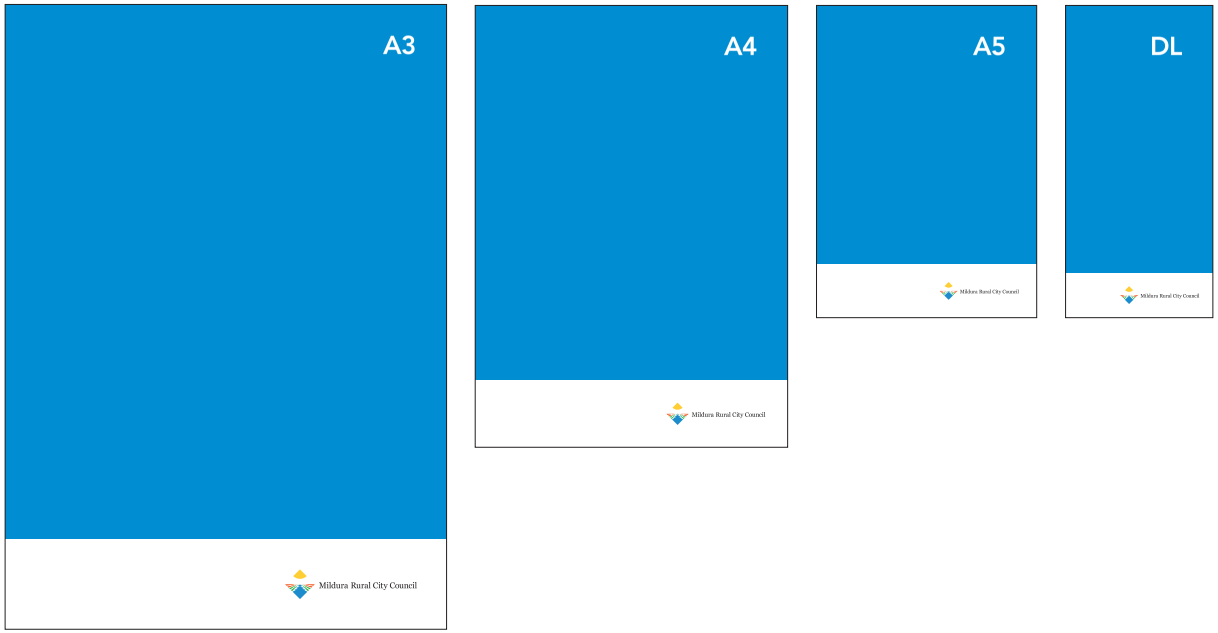
Printed material:

A3 – 297 x 420mm: 20mm logo (60mm white footer)

A4 – 210 x 297mm: 15mm logo (45mm white footer)

A5 – 148 x 210: 12mm logo (36mm white footer)

DL – 99 x 210mm: 12mm logo (30mm white footer)



1.0 Logo

1.9 Logo file naming and use

The MRCC logo is available in .ai and .eps (vector formats) and .jpg, .png formats in PMS, CMYK, RGB. There is a logo file to suit almost all software applications and levels of operator technical competency.

Each file has a name that consists of an identifier, configuration, contrast, colour and file format. This naming convention removes the need to open the files to understand their content.

Which logo should I use?
Always ensure you choose the correct file format for your requirements. Shown opposite are the various file types and uses.

Identifier	Configuration	Contrast	Colour	File Format
Mildura Rural City Council	Horizontal	Positive	PMS	
	Vertical	Negative	CMYK	
			RGB	

MRCC_H_POS_CMYK.ai

Print

.ai: CMYK and PMS colour format files intended for use as artwork for professional print purposes

.eps: CMYK and PMS colour format files intended for use as artwork for professional print purposes

.jpg: CMYK colour format files intended for use as artwork for professional print purposes

Screen

.ai: RGB colour format files intended for use as artwork for professional digital applications

.eps: RGB colour format files intended for use as artwork for professional digital applications

.jpg: RGB colour format files intended for use online and office applications such as Microsoft Word and PowerPoint

.png: RGB colour format files intended for use online and in office applications such as Microsoft Word and PowerPoint

1.0 Logo

1.10 Social media icons

These are the approved social media icons to be used in print and online marketing. Each social media icon must be used in the correct container. Do not alter the shape or colour of any of the files. Ensure you use the correct file type required for your media.

Any **online media** will need to have the icons hyperlinked to the relevent page as per table 1 using the relevent link below.

facebook.com/MilduraCouncil
youtube.com/c/MilduraCouncil
twitter.com/milduracouncil
au.linkedin.com/company/milduracouncil

Any **print media** will need a call to action and the handle listed as per table 2.

If you require use of these logos, please contact the Marking and Communications unit.

Table 1

Online Media Full colour logo	Online Media One colour logo

Table 2

Print Media Full colour logo	Print Media One colour logo
Like us on Facebook /MilduraCouncil	Like us on Facebook /MilduraCouncil
Suscribe to our YouTube channel Mildura Council	Suscribe to our YouTube channel Mildura Council
Follow us on Twitter @MilduraCouncil	Follow us on Twitter @MilduraCouncil

2.0 Colour palette

2.0 Colour palette

2.1 Primary colours

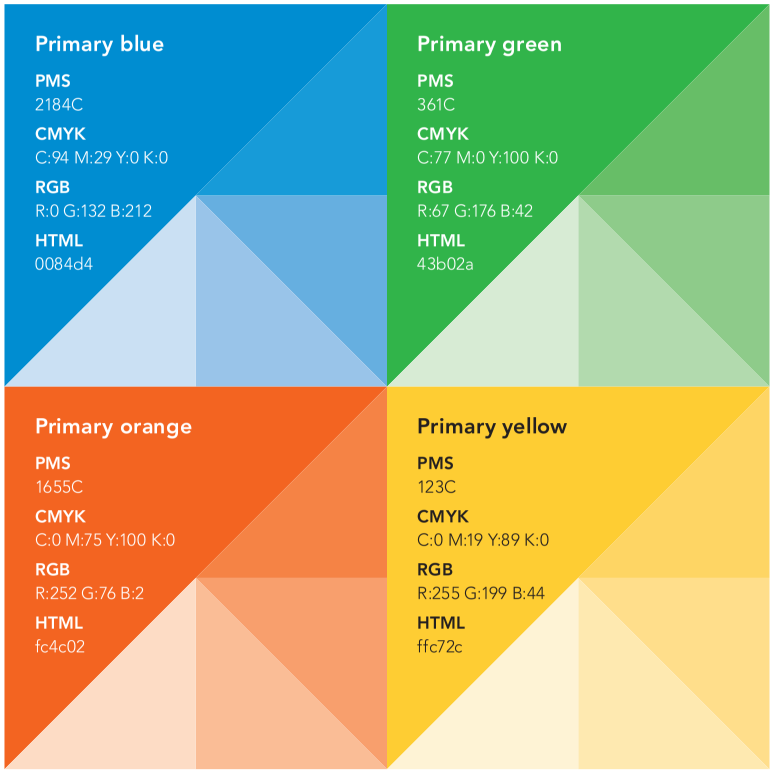
Mildura Rural City Council's primary colour palette consists of four distinct colours - blue, green, orange and yellow - which all appear in the logo.

Primary colours and their tints can be applied across all corporate brand communications. They can be used on their own or as part of one of the approved colour combinations outlined in section 2.3.

Exact specifications for these should be used at all times. CMYK values should be used for printed communications and RGB for digital communications. PMS colours are also available when required.

Contrast
Text should be printed with the highest possible contrast. Use contracting colours to increase readability. Darker coloured text on a white background is best practice. However some people who have low vision find it easier to read white letters on a darker background.

Text colours
Colours should only be used for large text such as headlines and headings. The colour of the text should be significantly darker or lighter than the background.



2.0 Colour palette

2.2 Secondary colours

A secondary colour palette has been created to compliment and extend the primary colour palette.

Secondary colours and their tints can be applied to all brand communications. They can be used on their own or as part of one of the approved colour combinations outlined in section 2.3.

Exact specifications for these should be used at all times. CMYK values should be used for printed communications and RGB for digital communications. PMS colours are also available when required.

Secondary dark blue
PMS
2187C
CMYK
C:100 M:47 Y:0 K:48
RGB
R:0 G:70 B:119
HTML
004677

Secondary mid blue
PMS
647C
CMYK
C:96 M:54 Y:5 K:27
RGB
R:35 G:97 B:146
HTML
236192

Secondary light blue
PMS
318C
CMYK
C:45 M:0 Y:18 K:0
RGB
R:136 G:219 B:223
HTML
88dbdf

Secondary teal
PMS
2219C
CMYK
C:68 M:10 Y:30 K:3
RGB
R:92 G:163 B:179
HTML
5ca3b3

Secondary mid green
PMS
2244C
CMYK
C:86 M:14 Y:63 K:20
RGB
R:27 G:128 B:109
HTML
1b806d

Secondary dark green
PMS
7727C
CMYK
C:100 M:0 Y:94 K:46
RGB
R:0 G:111 B:68
HTML
006f44

Secondary light green
PMS
2464C
CMYK
C:53 M:0 Y:67 K:0
RGB
R:120 G:189 B:112
HTML
78bd70

Secondary yellow
PMS
130C
CMYK
C:0 M:32 Y:100 K:0
RGB
R:242 G:169 B:0
HTML
f2a900

Secondary caramel
PMS
153C
CMYK
C:5 M:64 Y:100 K:17
RGB
R:190 G:106 B:20
HTML
be6a14

Secondary light orange
PMS
1575C
CMYK
C:0 M:51 Y:77 K:0
RGB
R:255 G:127 B:50
HTML
f7934d

Secondary orange
PMS
2026C
CMYK
C:0 M:68 Y:76 K:0
RGB
R:244 G:99 B:58
HTML
f4633a

Secondary pink
PMS
177C
CMYK
C:0 M:54 Y:38 K:0
RGB
R:255 G:128 B:139
HTML
ff808b

Secondary deep pink
PMS
1787C
CMYK
C:0 M:82 Y:53 K:0
RGB
R:244 G:54 B:76
HTML
f4364c

Secondary red
PMS
192C
CMYK
C:0 M:94 Y:64 K:0
RGB
R:228 G:0 B:70
HTML
e40046

Secondary purple
PMS
688C
CMYK
C:20 M:70 Y:3 K:15
RGB
R:167 G:99 B:137
HTML
a76389

Secondary deep purple
PMS
682C
CMYK
C:24 M:86 Y:4 K:28
RGB
R:153 G:72 B:120
HTML
994878

2.0 Colour palette

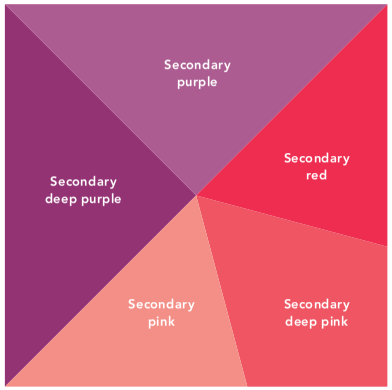
2.3 Colour combinations

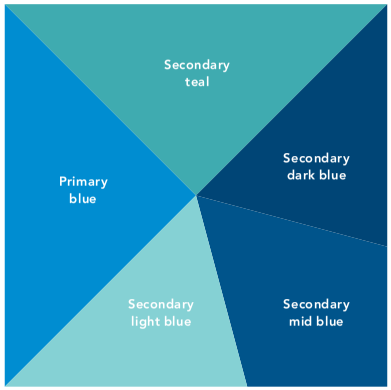
Five colour combinations can be created by combining the primary and secondary colours.

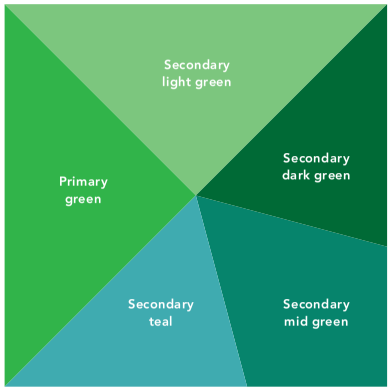
These are the only five combinations that should be used. They have been carefully selected to complement the primary colour and provide brand extension options.

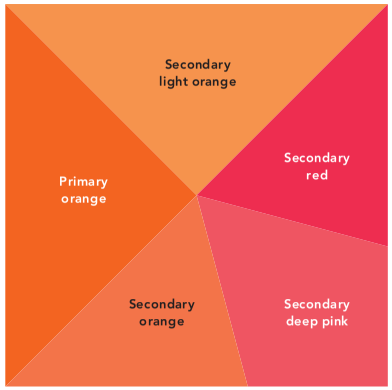
Colour combinations should be selected to evoke the subject matter, event or emotion of the particular purpose and should complement hero photography.

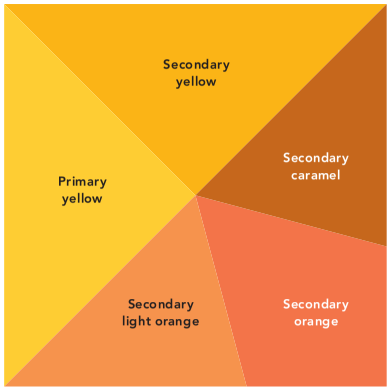
The recommended proportions of colour should be used where possible. This will ensure branding is consistent, legible, balanced and not overwhelmed.











3.0 Kaleidoscope pattern

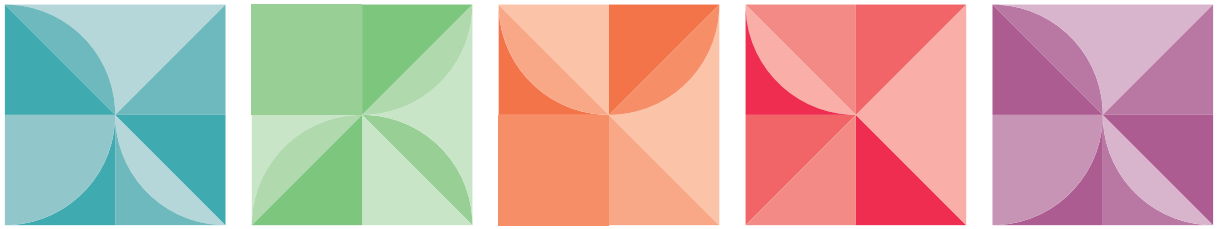
3.0 Kaleidoscope pattern

3.1 Kaleidoscope pattern

The kaleidoscope pattern is an additional graphic device that can be used to create visual interest and depth. It has been designed to complement the logo and support Council's brand identity.

The kaleidoscope pattern can be used in the primary or secondary colours and their tints. It can also be used in the five approved colour combinations outlined in section 2.3. These are the only combinations the kaleidoscope pattern should be represented in.

Primary colours



Secondary colours

Colour combinations

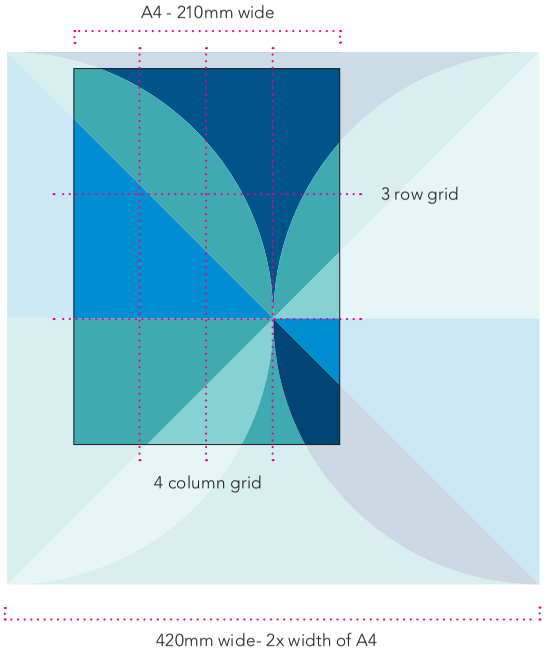
3.0 Kaleidoscope pattern

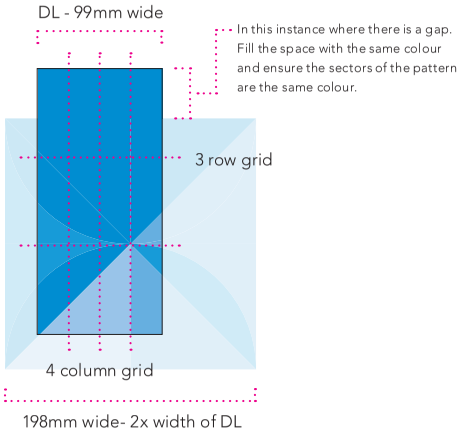
3.2 Kaleidoscope pattern grid guide

A carefully considered grid guide has been created to ensure the kaleidoscope pattern is applied effectively. The grid guide aims to safeguard the integrity of the kaleidoscope pattern regardless of its size, composition or cropping.

The grid guide is created by splitting the document in to three even rows and four even columns. As a general rule, the kaleidoscope pattern should be double the size of whatever document it is being applied to. E.g. a portrait A4 document is 210mm wide so the kaleidoscope pattern is made 420mm wide. The centre of the kaleidoscope pattern is then aligned to intersecting lines on the grid guide. On occasions when this approach is less effective the size of the grid guide or kaleidoscope pattern may need adjusting. More rows or columns may be added to fit and create the desired composition.

Examples of various standard document sizes are shown here with the grid guide overlay.





3.0 Kaleidoscope pattern

3.3 Incorrect kaleidoscope pattern use

This page shows examples of incorrect use of the kaleidoscope pattern.

Just like the logo, incorrect use will damage the brand's credibility. The kaleidoscope pattern should only ever be used in the primary and secondary colours. Only the specified five colour combinations may be used.

Do not create other combinations of colours

Do not use too much of one colour

Do not add other colours outside the brand

Do not compress pattern

Do not create complicated patterns

Do not create other shapes

4.0 Typography

4.0 Typography

4.1 Primary typeface

Avenir LT Std is the primary typeface and should be used across all Council publications, marketing and branded materials intended for an external or public audience. Avenir is available in multiple versions including italics if required.

If Avenir LT Std is not available (in programs such as Microsoft Word or PowerPoint) Arial is the nominated alternative typeface.

Typography should be used in tones of grey, black and white. Primary and secondary colours can be used to highlight headlines and breakout copy.

The minimum sizing for body copy is 7pt.

Avenir LT Std can be downloaded at https://www.myfonts.com/fonts/linotype/avenir/

AaBbCcDdEeFf

Avenir LT Std - Light
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Light Oblique
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&()*

Avenir LT Std - Book
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Book Oblique
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&()*

Avenir LT Std - Roman
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Oblique
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&()*

Avenir LT Std - Medium
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Medium Oblique
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Heavy
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Heavy
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Black
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Avenir LT Std - Black Oblique
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

4.0 Typography

4.2 Headline typeface

Loew heavy is the headline typeface and should be used across all Council publications, marketing and branded materials intended for an external or public audience.

If Loew heavy is not available (in programs such as Microsoft Word or PowerPoint) Arial bold is the nominated alternative typeface.

Headline typeface should only be used for large headlines and short sentences. It should not be used for large amounts of copy. It can be used in tones of grey, black and white. Primary and secondary colours can also be used.

Loew heavy can be downloaded at https://www.fontspring.com/fonts/northern-block/loew

Loew - Heavy

ABCDEFGHIJKLMNOPQRSTUVWXYZ

abcdefghijklmnopqrstuvwxyz

1234567890!@#$%^&*()

4.0 Typography

4.3 Secondary typeface

Arial should be used when the primary and headline typefaces are not available.

Arial should only be used for typesetting text in internal materials such as Microsoft Word, PowerPoint, letterheads, email and electronic newsletters.

The minimum sizing for body copy is 7pt.

Arial should only be used in the weights as shown.

AaBbCcDd

Arial - Regular
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Arial - Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&()*

Arial - Bold
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

Arial - Bold Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890!@#$%^&*()

4.0 Typography

4.4 Typography Rules

Typography plays an important role in brand recognition and forms part of Council's overall visual identity. This includes the fonts used and the way typography is presented. A consistent typographical approach will ensure Council communications and branded materials are legible, balanced and meet accessibility requirements.

Never use paragraph indents. Indicate paragraphs by applying paragraph spacing.

Support type will generally be left aligned. There may be exceptions to this rule but body copy should never be justified.

✗ Do not use paragraph indents

Se pro exerionsequi om mos qu as ut fuga. Tur si ilicid minc tiu riberi beria id excepedis

Con posam facil in nobit reprovit volupt as minctaquos.

✓ Indicate paragraphs with space

Se pro exerionsequi om mos qu as ut fuga. Tur si ilicid minc tiu riberi beria id excepedis

Con posam facil in nobit reprovit volupt as minctaquos.

✗ Do not justify body copy

Se pro exerionsequi om mos qu as ut fuga. Tur si ilicid minc tiu riberi beria id excepedis con posam facil in nobit reprovit volupt as minctaquos.

✓ Left aligned body copy

Se pro exerionsequi om mos qu as ut fuga. Tur si ilicid minc tiu riberi beria id excepedis con posam facil in nobit reprovit volupt as minctaquos.

✗ Do not use first line indents with bullets

• Se pro exerionsequi omnis mos qu as ut fuga ectame corporecatus most, sequiaepero odis ad maiore eruptatis

• Tur si ilicid minctiu riberi beria id excepedis con posam olor mosantur aut vent icienda repudi odis et faceprovit et aut

✗ Do not use symbols for bullet points

* Se pro exerionsequi omnis mos qu as ut fuga ectame corporecatus most, sequiaepero odis ad maiore eruptatis

◊ Tur si ilicid minctiu riberi beria id excepedis con posam olor mosantur aut vent icienda repudi odis et faceprovit et aut

✓ Always indent and align copy to bullets

- Se pro exerionsequi omnis mos qu as ut fuga ectame corporecatus most, sequiaepero odis ad maiore eruptatis
- Tur si ilicid minctiu riberi beria id excepedis con posam olor mosantur aut vent icienda repudi odis et faceprovit et aut

✓ Only use circle bullet points

- Se pro exerionsequi omnis mos qu as ut fuga ectame corporecatus most, sequiaepero odis ad maiore eruptatis
- Tur si ilicid minctiu riberi beria id excepedis con posam olor mosantur aut vent icienda repudi odis et faceprovit et aut

5.0 Photography

5.0 Photography

5.1 Hero imagery

Mildura Rural City Council photography and moving images such as film and animation should reflect our region's diverse and unique people, places and landscapes. Hero images are visual representations of Mildura Rural City Council and its brand. They feature prominently in marketing materials and other communications collateral and should instantly connect the audience with the subject matter.

All hero imagery should feel natural, vibrant and emotive. Wherever possible, original images captured in the municipality are preferred over stock shots.

Images should be used at 72dpi resolution for digital and 300dpi resolution for print applications.

A corporate image library is maintained by the Marketing & Communications unit. Please contact them for access.

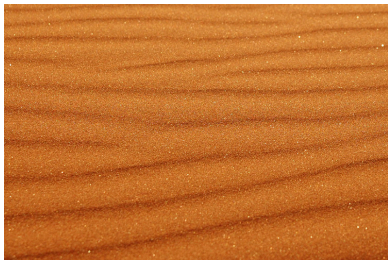
5.0 Photography

5.2 Support imagery

Support imagery adds detail and perspective to hero imagery.

Images should be used at 72dpi resolution for digital and 300dpi resolution for print.

A corporate image library is maintained by the Marketing & Communications unit. Please contact them for access.



6.0 Applications

6.0 Applications

6.1 Stationery

Presentation folder

A generic, A4 document holder that can be used across the organisation for a variety of purposes.

Artwork is available from the Marketing & Communications unit.

Presentation folder – cover

Presentation folder – Inside spread

6.0 Applications

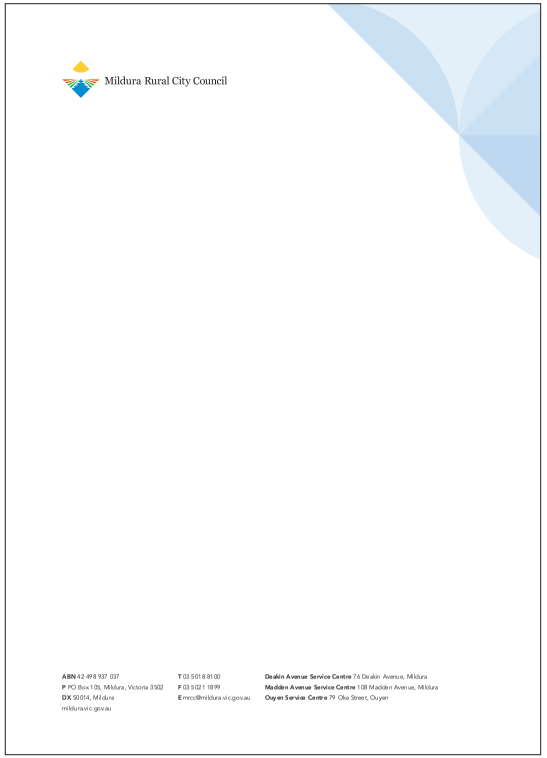
6.1 Stationery

Letterhead

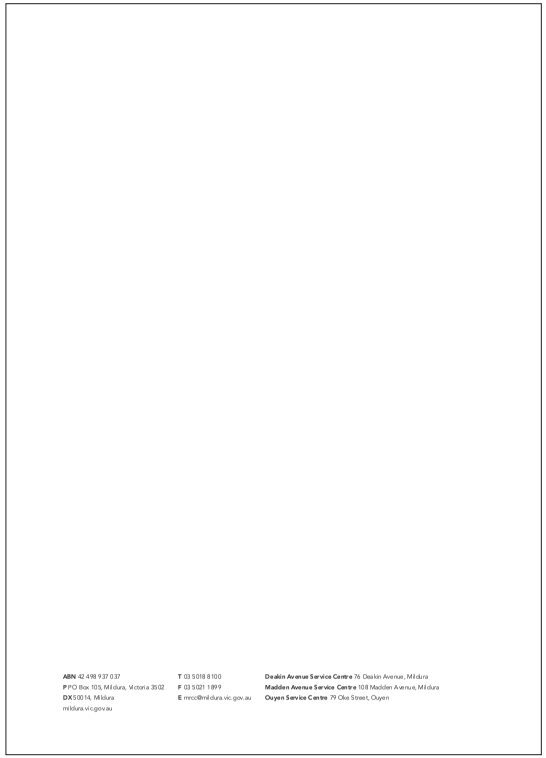
There are two letterhead versions available. A pre-printed version that can be used for word processing and a digital version that can be exported as a .pdf and emailed.

The Information Systems Branch coordinates printing and distribution of pre-printed letterheads.

Digital letterhead artwork is available on The Shed.



Letterhead



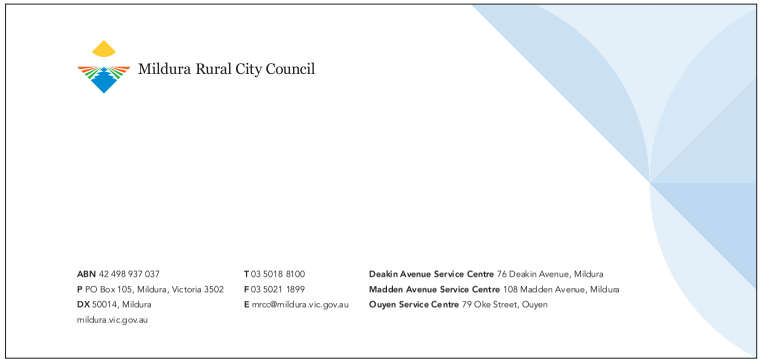
Follower

6.0 Applications

6.1 Stationery

With compliments slip

The Information Systems Branch coordinates printing and distribution of pre-printed with compliments slips. Please contact them for more information.



With compliments slip

6.0 Applications

6.1 Stationery

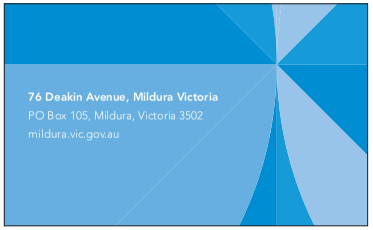
Business cards

There are two business card versions available*, one with, and one without a portrait photograph.

The Human Resources unit coordinates ordering and printing of business cards. Please contact them for more information.

Business card with portrait (front)

Business card (front)



Business Card with Portrait (Back)

Business Card (Back)

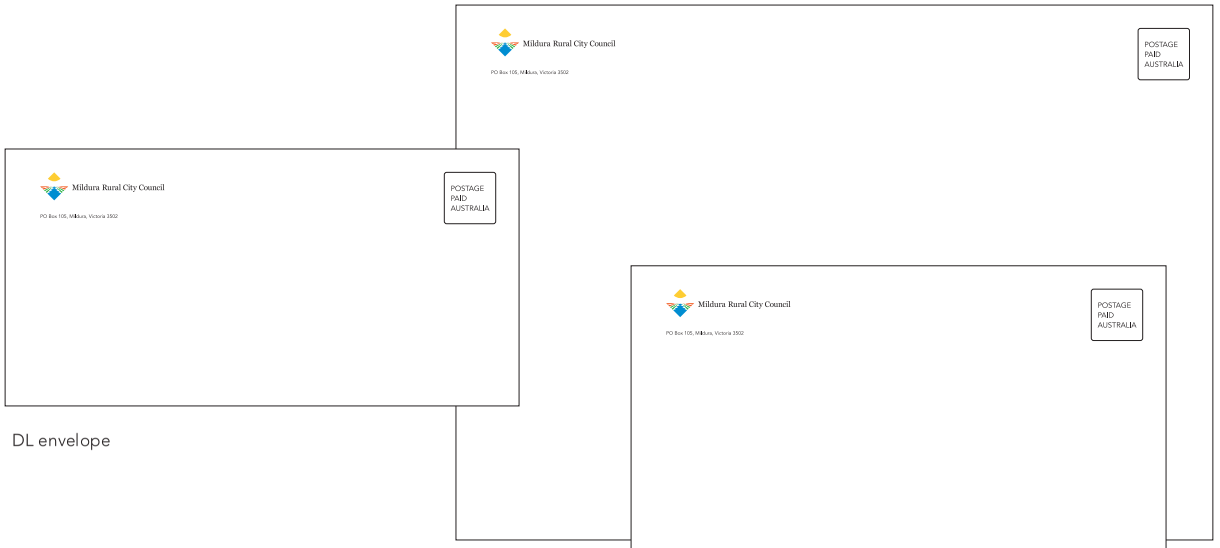
6.0 Applications

6.1 Stationery

Envelopes

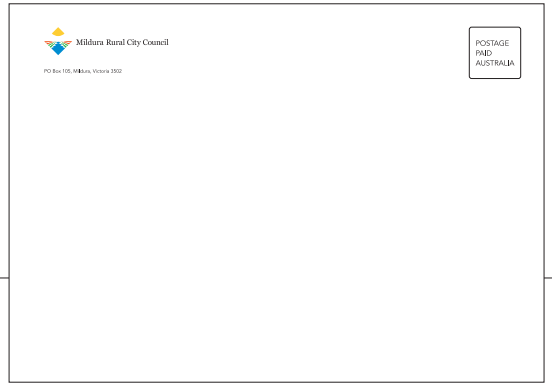
The Information Systems Branch coordinates printing and distribution of pre-printed envelopes. Please contact them for more information.

C4 envelope



DL envelope

C5 envelope



6.0 Applications

6.2 Printed collateral

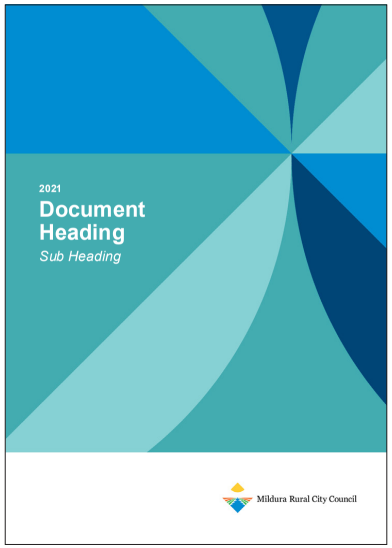
Document covers

A4 sized document covers should be used to present printed materials consistently and professionally. These covers can be used for both internal and external purposes on reports, strategies, plans and guidelines.

A range of colour options are available, which can be used with or without an image.

Editable document cover templates in primary colours are available on The Shed and can be accessed by all staff. Document covers in secondary, combination colours or featuring imagery must be created by the Marketing & Communications unit. Please contact them for more information or assistance using the templates available.

Document cover templates



Colour combination

Primary colour with Image

Primary colour

Primary colour with image

Colour combination

Colour combination with Image

6.0 Applications

6.2 Printed collateral

Information sheets

A4 information sheets can be used for both internal and external purposes.

A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

Information sheets must be created by the Marketing & Communications unit. Please contact them for more information.

Information sheet

Information sheet with image front

Information sheet front

Information sheet back

6.0 Applications

6.3 Marketing collateral

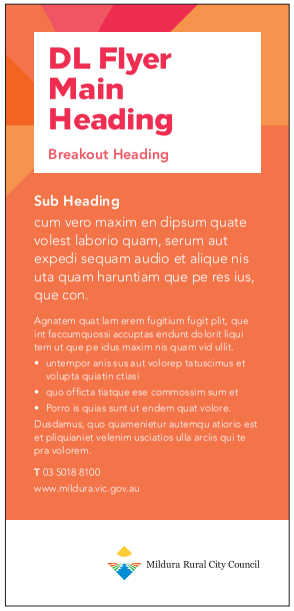
DL flyer - Single sided

Single sided DL flyers are effective for communicating and promoting services or events that require minimal space and have limited text.

A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

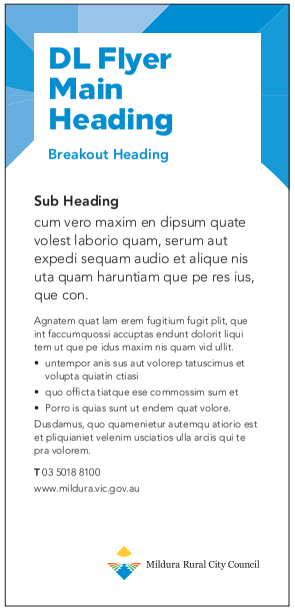
DL flyers must be created by the Marketing & Communications unit. Please contact them for more information.

DL flyer - Single sided



Colour combination without image

Primary colour with Image



Primary colour
(White background)

6.0 Applications

6.3 Marketing collateral

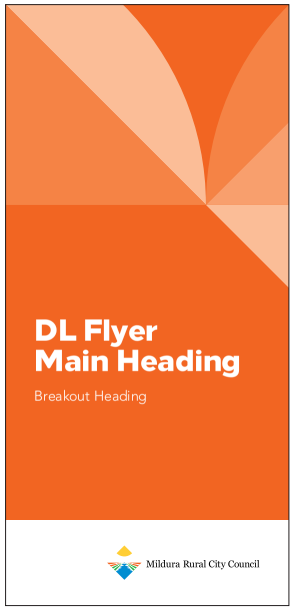
DL flyer - Double sided

Double sided DL flyers provide additional space for text and information when promoting and communicating services or events.

A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

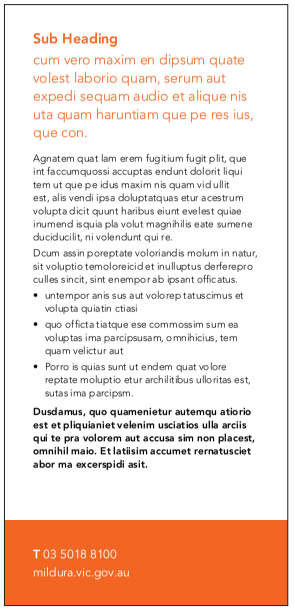
DL flyers must be created by the Marketing & Communications unit. Please contact them for more information.

DL flyer - Double sided



Primary colour without Image - Front

Colour combination with image - Front



Primary colour (White background) - Back

6.0 Applications

6.3 Marketing collateral

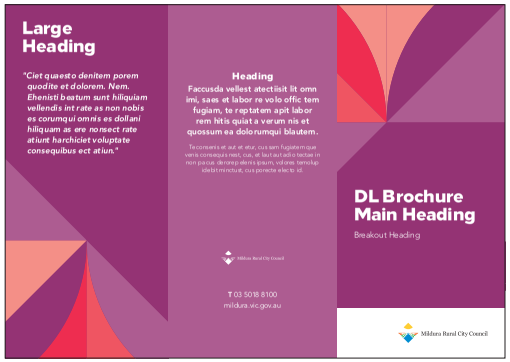
DL brochure

DL brochures are used for promoting and communicating services, programs, projects and events. The DL brochure allows for large amounts of information and a range of images.

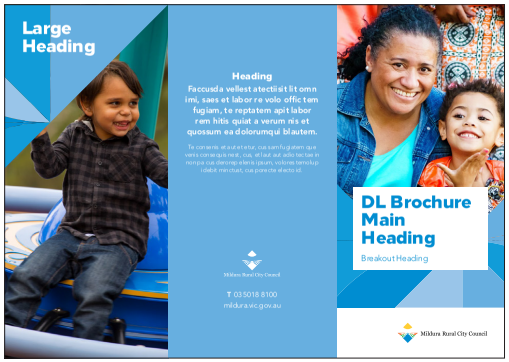
A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

DL brochures must be created by the Marketing & Communications unit. Please contact them for more information.

DL brochure

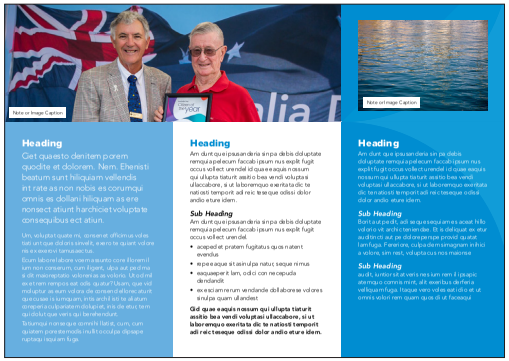


Colour combination without image – Outside spread



Primary colour with image – Outside spread

Colour combination - Inside spread



Primary colour - Inside spread

6.0 Applications

6.3 Marketing printed collateral

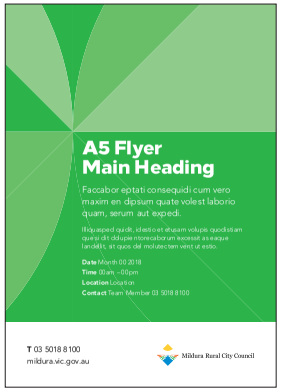
A5 flyer

A5 flyers are a convenient option for marketing collateral that requires limited text such as an event invitation.

A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

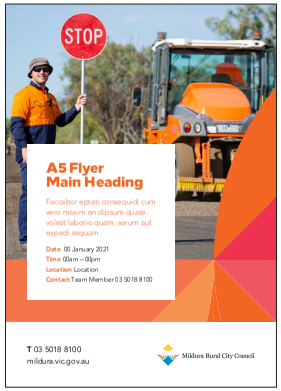
A5 flyers must be created by the Marketing & Communications unit. Please contact them for more information.

A5 flyer



Primary colour without image

Colour combination without image



Colour combination with image

6.0 Applications

6.3 Marketing printed collateral

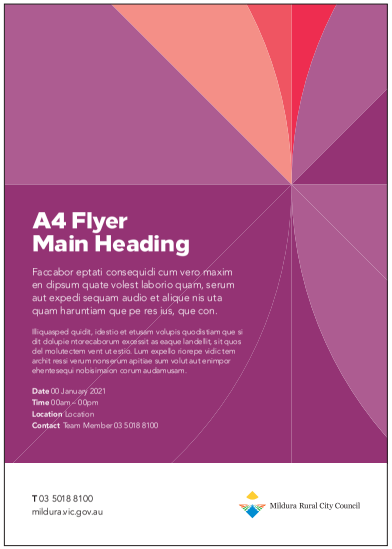
A4 flyer

A4 flyers can be used for a range of different promotional and communications purposes. They can also be used as small posters, handouts or invitations. They allow for the inclusion of more information and text than the A5 flyer.

A range of colour options are available and should be selected to complement the subject matter and imagery. Options with and without an image are available.

A4 flyers must be created by the Marketing & Communications unit. Please contact them for more information.

A4 Flyer



Colour combination without image

Primary colour with image

6.0 Applications

6.4 Newspaper advertisement

Mildura Rural City Council regularly uses a variety of newspaper listings to advertise information. Those most commonly used are the full page Council Notices advertisement.

Artwork for all newspaper advertisements must be created by the Marketing & Communications unit. Please contact them for more information.

Full page

2 column

1 column

6.0 Applications

6.5 Email signature

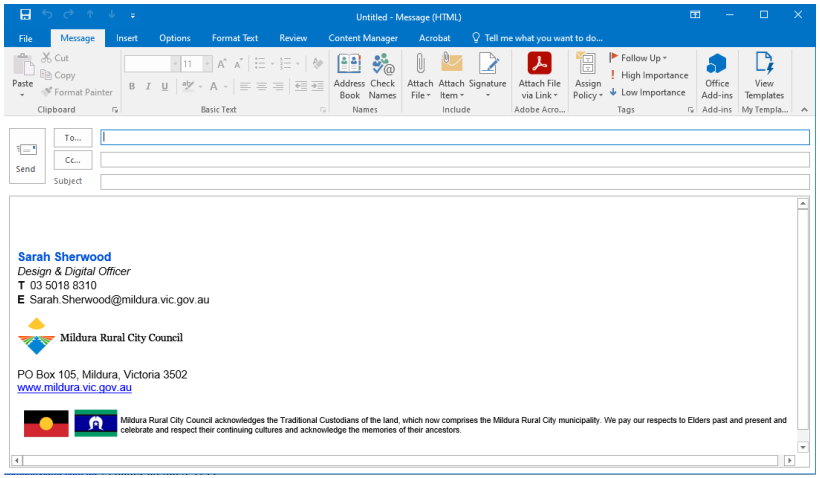
Email is often the first and only point of contact people have with Mildura Rural City Council.

The approved email signature includes both standard organisational information as well as personal contact details. It also features an approved Acknowledgment of Country.

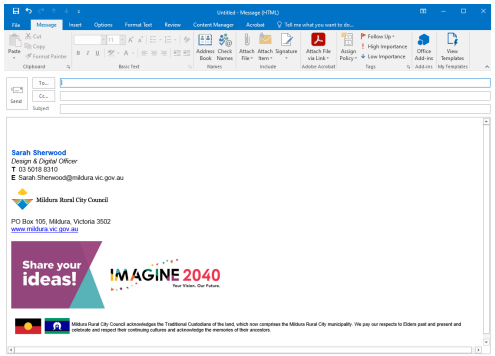
The approved email signature design is applied automatically to all email accounts and is managed by the Information Systems unit. Please contact them for more information.

The approved standard font for emails is Arial, size 10.

At times, promotional banners will be added below the email signature to promote key initiatives or messages in line with communications and marketing plans. The Marketing and Communications Unit will manage the design, approval and schedule of all banners in line with strategic communications and marketing plans.



Standard email signature



Email signature incorporating a promotional banner

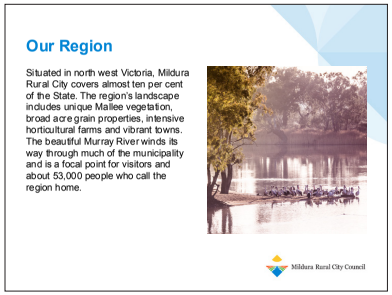
6.0 Applications

6.6 PowerPoint presentation

The standard PowerPoint template should be used for all internal and external presentations. It includes a number of page types which can be adapted depending on the content.

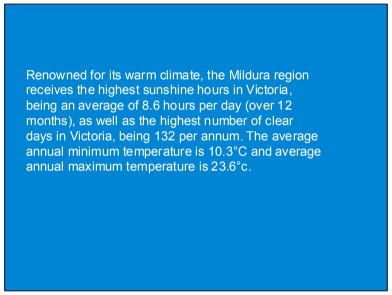
Editable PowerPoint templates are available in the four primary colour palettes and can be accessed via The Shed. For assistance or more information contact the Marketing & Communications unit.

Title page example



Text and image example

Divider page example



Breakout text example

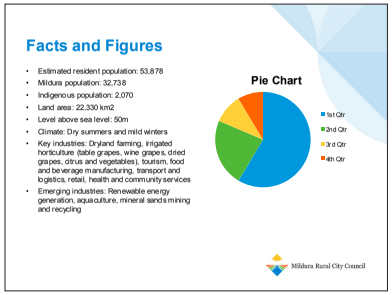
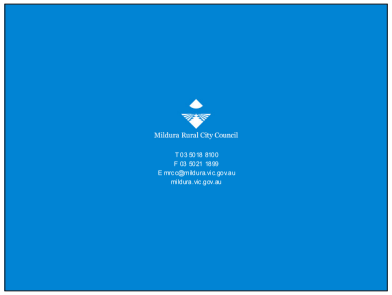


Chart example



End frame example

6.0 Applications

6.7 Flags and banners

Flags and banners are useful for promotional purposes in both indoor and outdoor settings.

Generic banners featuring the Mildura Rural City Council Logo are available to borrow through the Customer Support Unit and can be accessed by both staff and external community groups when required.

Artwork for new or additional flags and banners must be created by the Marketing & Communications unit. Please contact them for more information.

Pull up banners

Flags

7.0 Standalone marketing campaigns

7.0 Standalone marketing campaigns

7.1 Unique program and event branding

While the brand guidelines should be applied consistently across all Mildura Rural City Council communications materials and collateral, there will be occasions when this is not appropriate.

Unique branding can be developed for programs, events and initiatives requiring standalone marketing campaigns.

The Council logo and its rules must still be applied to all collateral to ensure there is a visual link to the organisation. The colour palette should always be considered and adhered to when developing standalone marketing campaigns.

Unique branding should only be developed in consultation with the Marketing & Communications unit. Please contact them for more information.

Youth Art Prize poster

Playalong advert

Imagine 2040 advert

Mildura Rural City Council

T 03 5018 8100

E mrcc@mildura.vic.gov.au

mildura.vic.gov.au

Deakin Avenue Service Centre
76 Deakin Avenue, Mildura

Madden Avenue Service Centre
108 Madden Avenue, Mildura

Ouyen Service Centre
79 Oke Street, Ouyen

15.5 ROAD NAMING - RED CLIFFS LANEWAYS

File Number: **14/02/11**
Officer: **Acting General Manager Corporate**

1. Summary

This report presents to Council a proposal to name three laneways in Red Cliffs, Milner Lane, Newberry Lane and Oxenham Lane.

2. Recommendation

That Council endorse the naming of Milner Lane, Newberry Lane and Oxenham Lane in Red Cliffs.

3. Background

Council received a request to name a laneway in Red Cliffs, Milner Lane. Through this process two other lanes were identified as also needing to be named.

The Red Cliffs Historical Society were contacted and they provided Newberry and Oxenham as suitable historical names from the Red Cliffs area.

4. Consultation Proposed/Undertaken

Families of each of the proposed names were contacted and all expressed their support and approval of this proposal.

The proposal was advertised in the public notices of the Sunraysia Daily for wider community comment as well as placed on the Have Your Say page of Council's website. Letters were sent to all owners of land adjoining the laneways.

Submissions on the proposal were open for 30 days. One submission supporting the proposal was received.

5. Discussion

Bryan Neale Milner 1931-2022
Born on the 24 January 1931 in Buln Buln, a small regional town in West Gippsland. He moved to Red Cliffs as a child where his family settled on a fruit block.

After attending school until age 16, he started an electrical apprenticeship and eventually started his own electrical contracting business.

In 1965 Bryan was given the job of lighting and maintaining a kerosene beacon on top of the Yatpool Television Tower. He would climb the 500 feet tower twice a week for approximately 3 months before finally replacing it with an electric beacon.

Bryan played an integral role in the installation of electricity to feed Murrayville in 1969-1970 and was involved with wiring many of the houses in Red Cliffs and surrounding areas.

Bryan was a founding member of the Red Cliffs Lions Club in 1968 and was one of only two founding members remaining when he passed away in February 2022. He was recognised in 2018 by Lions International for 50 years of service.

Bryan built his house in Tecoma Street, Red Cliffs where he lived for over 60 years.

Archibald Mallord Newberry 1893-1973
Elsie Newberry 1893-1970
'Arch' and Elsie arrived in Red Cliffs in 1922 when it was a tent town. Arch worked in the teams that were involved in preparing the land for settlement. He was a watchmaker by trade and had his first shop in the front of Diggerland. His interest in radio eventuated and the commencement of his business, Radio House, allowed him & Elsie to broadcast the first radio station in Sunraysia known as 3AN.

Elsie was an announcer, a 'trailblazer' at a time when only men were announcers. Arch also served in the RAAF in WW2. Arch died in 1973 aged 79 and Elsie 1970 aged 76.

Samuel Henry Oxenham 1871-1943
A WWI soldier settler who was known locally for his vegetable growing. He had a large family, nine children including twins Mary and David born in 1907, being the eldest.

Mary 'May' Elizabeth Oxenham 1907-2010
May never married and became a grower in her own right. She was known in the community for her hard work and kindness, particularly to children, and skills at needlecraft. In her retirement she lived in Red Cliffs on Indi Avenue. She passed away in 2010 aged 103.

David Henry Oxenham 1907-1972 served in WW2 along with brothers, Samuel 'Lloyd' Oxenham 1912-1984, and Reginald 'Jack' Oxenham 1915-1943. Jack died as a prisoner of war at Changi Prison.

6. Time Frame

There are no timing issues associated with adopting this proposal as all consultative advertising and statutory timelines for responses have now passed.

7. Strategic Plan Links

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

Community

Outcomes to be achieved:

- A community where people feel safe
- Social and cultural diversity is respected, supported and celebrated

Leadership

Outcome to be achieved:

- The community has a voice through inclusive engagement and participation

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy
The proposal fits the purpose of the Geographic Naming Policy CP025.

Legal/Statutory
There are no Legal/Statutory implications with this report.

Financial
The costs involved are restricted to staff time already built into operational budgets

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 impacts associated with this report.

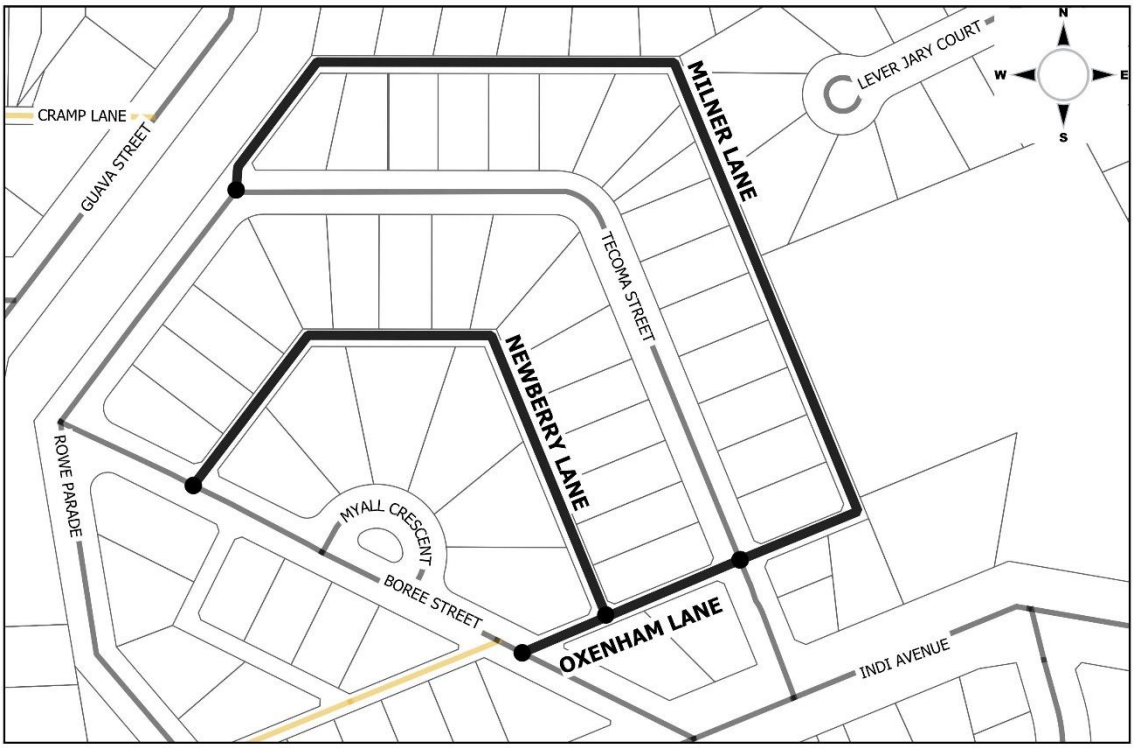
10. Risk Assessment

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⇩ Proposed Road Name Map - Milner, Newberry, Oxenham Lanes - Red Cliffs



VicMap Transport Reference

Last Updated: 12.10.2022

PFI 20213263	MILNER LANE
PFI 11584216	NEWBERRY LANE
PFI 20213264 and 20213265	OXENHAM LANE

15.6 GEOGRAPHIC PLACE NAMING - MICHAEL FREEMAN RESERVE

File Number: **14/02/11**
Officer: **Acting General Manager Corporate**

1. Summary

This report presents to Council a proposal to name the reserve within the Lake Park subdivision on the corner of Riverside Avenue and Sixteenth Street Mildura, Michael Freeman Reserve.

2. Recommendation

That Council endorse the naming of the Lake Park reserve as the Michael Freeman Reserve.

3. Background

Council received a request to name the reserve in honour of Michael Freeman for the contribution he has made in land surveying, subdivision design and the development industry in the Sunraysia region.

The site of the reserve is still under construction and the Office of Geographic Names has advised that naming the reserve could proceed, given the subdivision has been certified.

4. Consultation Proposed/Undertaken

The family of Michael Freeman were contacted and they expressed their support and approval of this proposal.

The proposal was advertised in the public notices of the Sunraysia Daily for wider community comment. The proposal was also placed on the Have Your Say page of Council's website.

Submissions on the proposal were open for 30 days. No submissions were received.

5. Discussion

Michael Freeman was a land surveyor in Mildura for over 40 years and was instrumental in the subdivision design in the growth areas of Mildura during that time.

Michael was a source of knowledge and expertise for government agencies and the development industry. He worked with integrity, passion and commitment and his personal life involved many charitable and sporting groups; he provided assistance and knowledge whenever required.

Michael always avoided any personal recognition, however his work on the Lake Park subdivision over many years, offers an opportunity to recognise his outstanding achievements and commitment to the development industry.

Michael passed away suddenly in December 2019.

Information provided to Council in support of this proposal includes:

- Michael has been the architect instrumental in subdivision design in the Sunraysia Region, in particular the growth area of Mildura for over 3 decades.
- Government agencies have sought Michael's knowledge and expertise for the provision of serving residential estates and formulating their own policies for subdivisions.
- Michael's expertise and knowledge in providing information to panel hearings over the years for residential rezonings was invaluable to the panel members in determining their position.
- The enormous list of clients is a credit to Michael's reputation, knowledge and experience over four decades.
- Michael was involved in many charitable and sporting groups and provided voluntary assistance and knowledge wherever required.

6. Time Frame

There are no timing issues associated with adopting this proposal as all consultative advertising and statutory timelines for responses have now passed.

7. Strategic Plan Links

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

Community

Outcomes to be achieved:

- A community where people feel safe
- Social and cultural diversity is respected, supported and celebrated

Leadership

Outcome to be achieved:

- The community has a voice through inclusive engagement and participation

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy
The proposal fits the purpose of the Geographic Naming Policy CP025.

Legal/Statutory
There are no Legal/Statutory implications with this report.

Financial
The costs involved are restricted to staff time already built into operational budgets

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 impacts associated with this report.

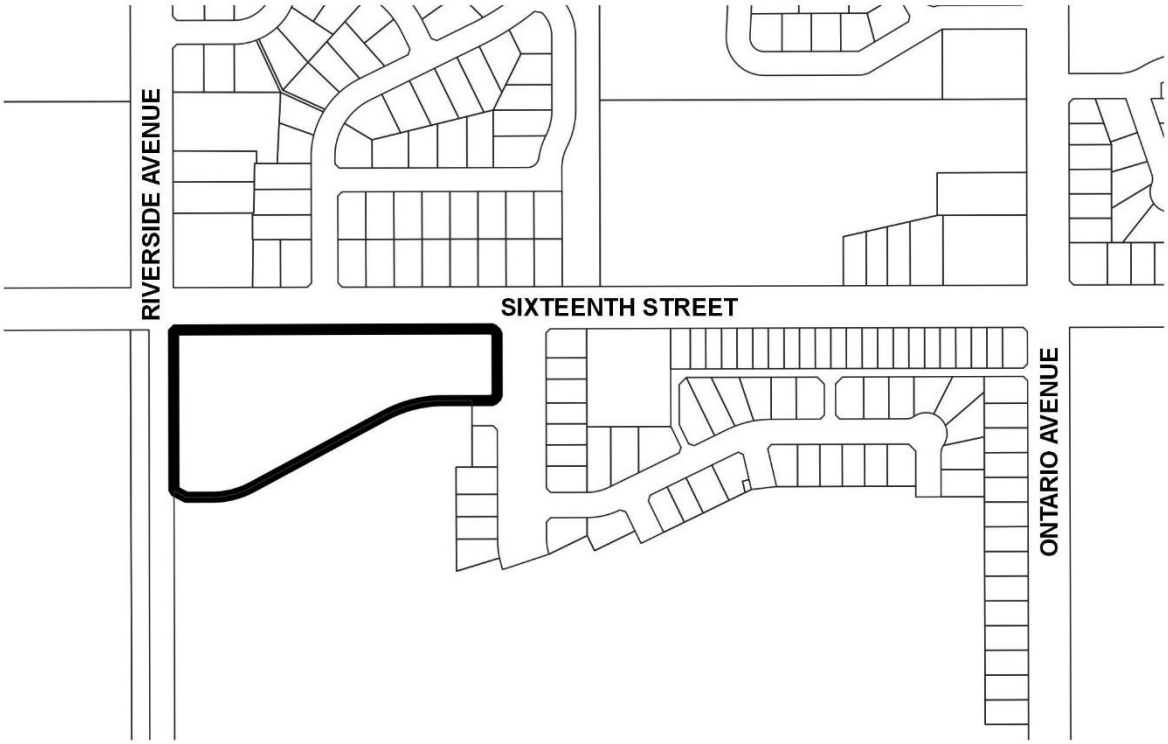
10. Risk Assessment

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⇩ Michael Freeman Reserve - Map
2⇩ Michael Freeman Testimonial - Bryan Byrnes


RIVERSIDE AVENUE
SIXTEENTH STREET
ONTARIO AVENUE

Testimonial in support of naming Council Reserve at Sixteenth Street & Riverside Avenue, Mildura as "Michael Freeman Reserve".

I have been asked to provide a testimonial in support of the late Michael Freeman and the naming of a Reserve at the corner of Sixteenth Street and Riverside Avenue, Mildura in his honour.

To introduce my own credentials in providing this testimonial, I moved to Sunraysia in 1981 to take up a position with a NSW State Government Department, involved in Land Management, before joining a local Law Firm in 1987, undertaking land conveyancing and general land related functions. Since 1998 I have been involved in land development in Mildura as a Developer and Project Manager, in which I have had equity stakes and otherwise acting on behalf of clients.

In each of my areas of employment since moving to Sunraysia, I dealt with Michael Freeman professionally, in his capacity as a Land Surveyor.

Since becoming a Developer and Project Manager, I have worked closely with Michael, as he was my chosen Surveyor for my own projects.

Michael was passionate, as well as capable, in his chosen profession as a Surveyor and he was highly regarded for the quality of his land development designs. Michael relished the opportunity to be given the task of designing the layout of a new subdivision, which would invariably be of the highest quality. Some of Michael's most impressive subdivision designs were generated in the years just prior to his passing, including "Pinnacle Estate" and "Lakeside Park", which abuts the Reserve that is proposed to be named in his honour. The layouts of these two developments are outstanding.

As a practical expression of my absolute respect for Michael, the advertising material for my own Pinnacle Estate has retained a pyramid shaped motif drawn by him, when he initially designed the development. The attached iterations of Michael's initial hand-drawn motif have been retained, on my insistence that they must contained his "MF" initials. This is something that no one would possibly notice, or understand the significance of, but it is there in appreciation of the quality and commitment Michael had given to me, over our almost 40 year association and as my acknowledgement that his contribution to this development is not forgotten.

It is respectfully suggested that Michael Freeman is absolutely worthy of having the Reserve named in his honour.

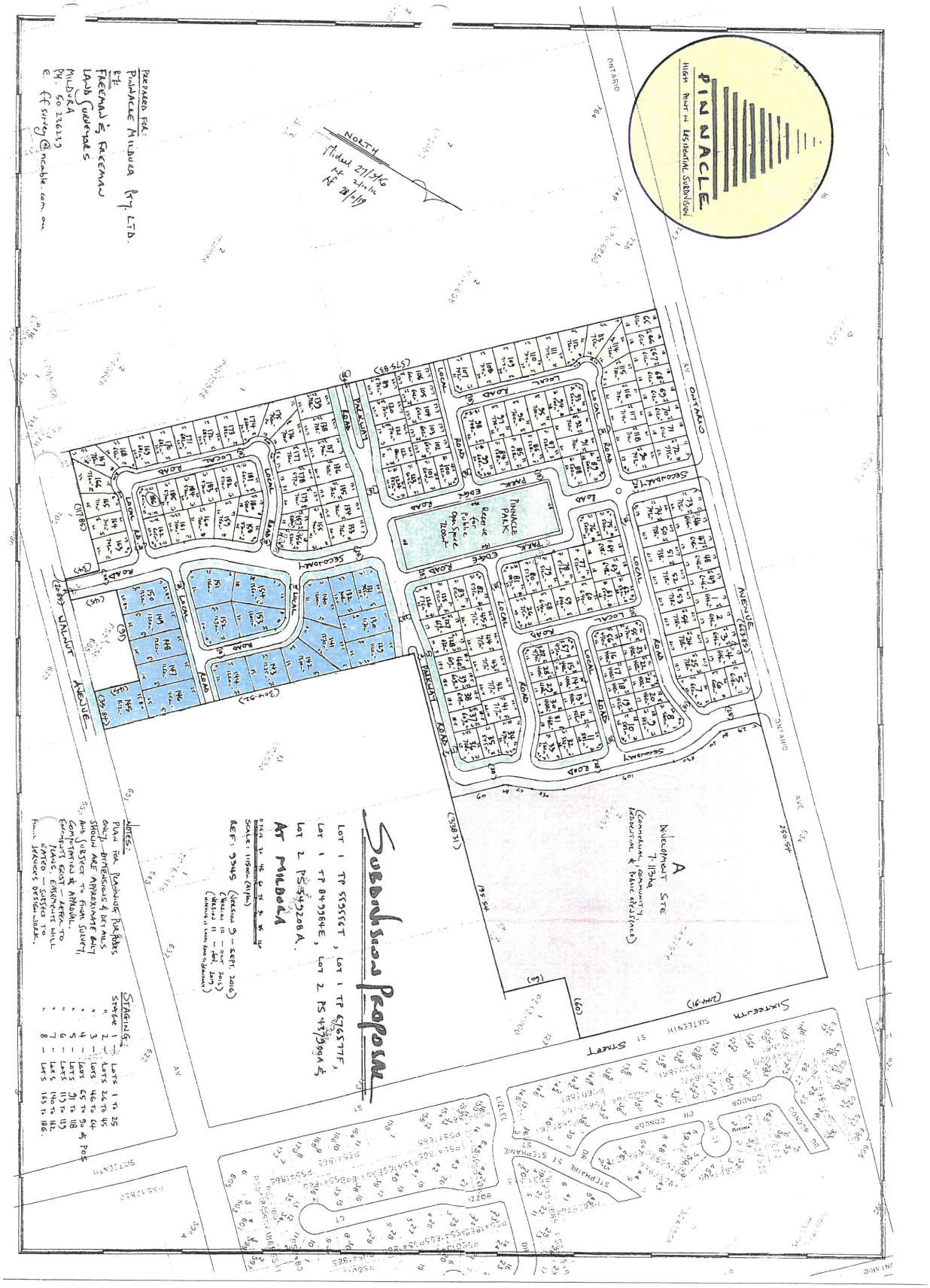
As well as doing exceptional work for the likes of my Company and many other Developers in Mildura, Michael had a great sense of commitment to all facets of development, some of which were "above and beyond the call of duty". Michael always participated in all of the Strategic Planning initiatives that were advertised by Mildura Rural City Council and was often the "lone voice" in responses to Council, to ensure that any areas of the fine detail were not overlooked. There were other professionals within the land development industry

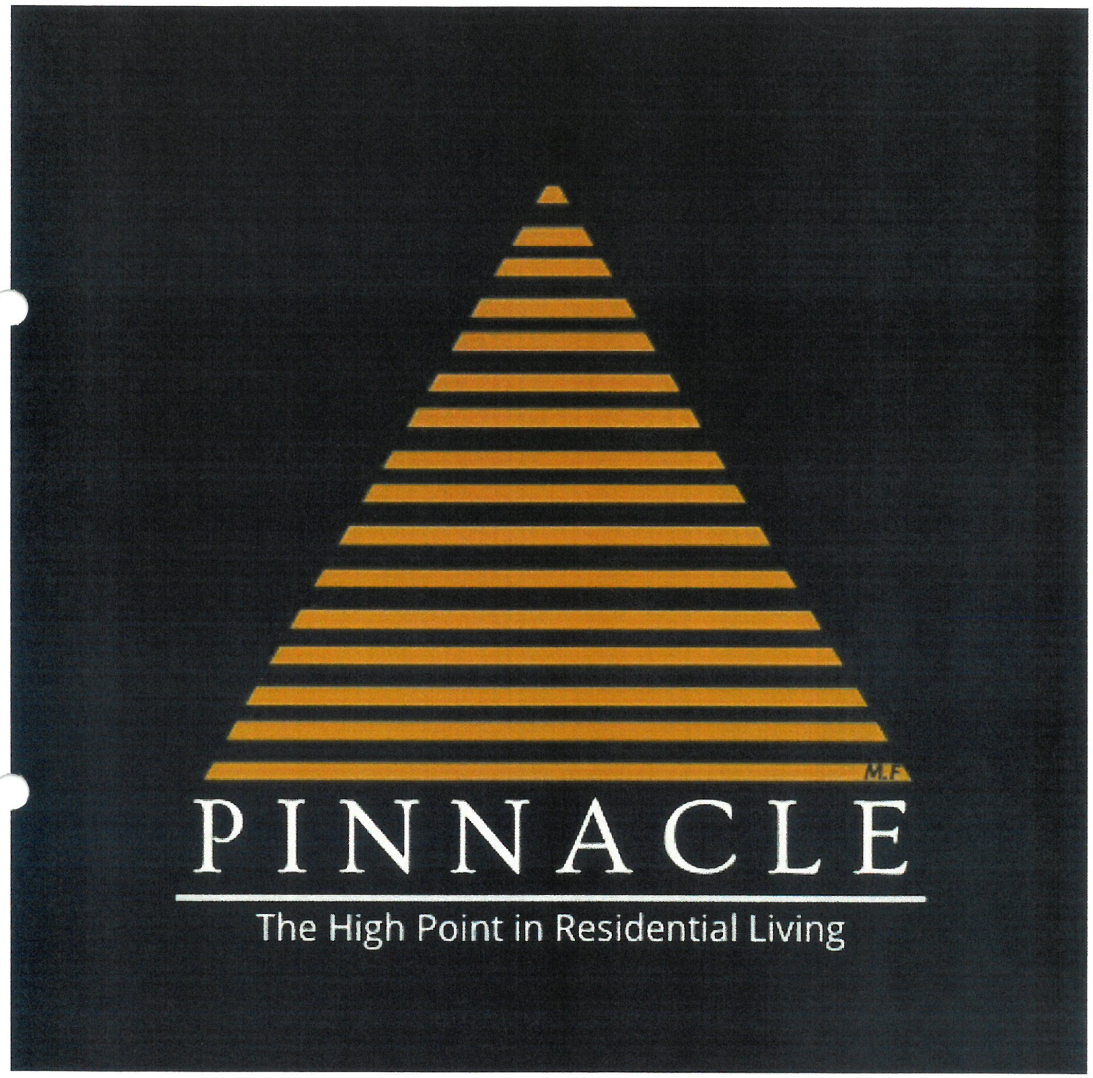
who would participate in these processes, but I would confidently suggest that no one matched his level of commitment to such causes.

Michael was a very private person and had a deep love for his family. He was also a keen supporter of the Essendon Footy Club. He was very "principled" and he often told me that he was never tempted to involve himself in any land development activities beyond Surveying, which he knew he would clearly would have been capable of, as he saw this as a "conflict of interest" with his many clients.

A regional centre like Mildura is often short of competent professionals and it was certainly a great shock and loss when Michael passed away suddenly. I can state on behalf of the development community that we sorely miss his ability, commitment, honestly, integrity and many more attributes I could add to those.

Bryan Byrnes
byrnesdev@gmail.com
0418 502498


PINNACLE
HIGH POINT IN RESIDENTIAL SUBDIVISION
NORTH
Subdivision Proposal
A
DEVELOPMENT SITE
7.113ha
(COMMERCIAL, COMMUNITY, RESIDENTIAL & PUBLIC OPEN SPACE)
PINNACLE PARK
Reserve for Public Open Space
PARKWAY ROAD
LOCAL ROAD
SECONDARY ROAD
PARK EDGE ROAD
ONTARIO AVENUE
WALNUT AVENUE
SIXTEENTH STREET
STEPHANIE ST
CONDOR DR
LIZLEE
BOZZI
PREPARED FOR:
PINNACLE MILDURA PTY. LTD.
BY:
FREEMAN & FREEMAN
LAND SURVEYORS
MILDURA
PH. 50 236239
E. ffsurvey@ncable.com.au
NOTES:
PLAN FOR PLANNING PURPOSES ONLY. DIMENSIONS & DETAILS SHOWN ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY, COMPUTATION & APPROVAL. EASEMENTS EXIST – REFER TO PLANS. EASEMENTS WILL RATED – SUBJECT TO FINAL SERVICES DESIGN WORK.
STAGING:
STAGE 1 – LOTS 1 TO 25
" 2 – LOTS 26 TO 45
" 3 – LOTS 46 TO 64
" 4 – LOTS 65 TO 90 & POS
" 5 – LOTS 91 TO 118
" 6 – LOTS 119 TO 139
" 7 – LOTS 140 TO 162
" 8 – LOTS 163 TO 186.


M.F.
PINNACLE
The High Point in Residential Living

15.7 AUDIT AND RISK COMMITTEE CHAIRPERSON'S BIANNUAL REPORT TO COUNCIL - 1 JULY TO 31 DECEMBER 2022

File Number: **02/02/08**
Officer: **Acting General Manager Corporate**

1. Summary

In accordance with the requirements of the Audit and Risk Committee Charter, the purpose of this report is to present to Council the Audit and Risk Committee Chairperson's Biannual Report for the six months ended 31 December 2022.

2. Recommendation

That Council receive the internal Audit and Risk Committee Chairperson's Biannual Report for the six-month period 1 July to 31 December 2022.

3. Background

In accordance with the terms of its Charter, the Audit and Risk Committee meets bi-monthly with special meetings convened as required.

A copy of the Audit and Risk Committee's Annual Work Plan/Key Performance Indicators for the 2022 calendar year is **attached**. Variations to timing and/or the method of consideration of certain agenda items shown in the Annual Work Plan are explained in the notes included within the Annual Work Plan. Delays in considering certain agenda items, while somewhat inconvenient, have not adversely impacted the Committee's performance or ability to carry out its role, as outlined in the Audit and Risk Committee Charter. Therefore, the Committee is considered to have achieved its key performance indicators for the six months ended 31 December 2022.

4. Consultation Proposed/Undertaken

The Audit and Risk Committee Charter requires that the Audit and Risk Committee Chairperson report biannually to the Council on the Committee's operations and achievements against its agreed performance indicators.

5. Discussion

Audit and Risk Committee membership for the six months ended 31 December 2022 was as follows:

- Max Folie – External member and Chairperson
- Min Poole – External member
- Mary Rydberg – External member
- Julie Humphrey – External member
- Mayor - Cr Liam Wood
- Deputy Mayor – Cr Helen Healy (replaced Cr Jason Modica on 3 November 2022).

For the six months ended 31 December 2022, the Audit and Risk Committee met three times. The level of input, advice and recommendations from the Committee has been extremely beneficial to Council's operations and decision-making.

The Committee is considered to have met its key performance indicators for the six months ended 31 December 2022, having considered all items of significance listed in its Annual Work Plan for that period. A summary of the items considered by the Committee, along with key outcomes, is provided below:

- The Committee reviewed and recommended presentation to Council of the Audit and Risk Committee Chairperson's Bi-Annual Report to Council for the six months ended 30 June 2022.

  The Chairpersons' Biannual Report was presented to the Council's August 2022 meeting.

- The Quarterly Risk Management Report was provided to the Committee as a standard agenda item. Members of Council's Governance & Performance Team attended relevant meetings to brief the Committee on key aspects of the Quarterly Risk Management Report.

- The Committee received regular updates by way of presentations prepared by the Manager Strategic Projects on the status of two major projects; these being the Mildura Sporting Precinct and the Powerhouse Precinct. The presentations included an update on the budget position, key risks and mitigation strategies, and the delivery of project milestones for each project.

- Management provided presentations to brief the Committee on the:
  - controls Council has in place for managing conflict of interest and related party transactions
  - Financial Reserves Policy.

- The Committee was briefed by the external auditor on the Mildura Cemetery Trust Audit Strategy Memorandum for the financial year ending 30 June 2022.

  The Committee was also later briefed by the external auditor in relation to the findings detailed in the Interim Management Letter, Closing Report and Final Management Letter for the Mildura Cemetery Trust for the financial year ended 30 June 2022.

- The Committee reviewed and noted the Final Management Letter 2021-2022 for the Mildura Airport Pty Ltd.

- The Committee was invited to attend a Special Councillors' Briefing in October 2022, which included presentation of the Mildura City Heart Annual Report and Mildura Regional Development Annual Report by representatives of each respective entity. The presentations to the Special Councillors' Briefing were made in accordance with the requirements of the formal agreement/memorandum of understanding in place between Mildura Rural City Council and each entity.

- The Committee was invited to attend the Annual General Meeting of the Mildura Airport Board Pty Ltd, which included presentation of the Mildura Airport Pty Ltd's Annual Report in accordance with the requirements of the Airport Operations and Management Deed in place between Mildura Rural City Council and Mildura Airport Pty Ltd.

- The Committee noted advice in a letter from the Victorian Auditor-General's Office that no issues of significance had arisen from the audit of Mildura Regional Development's Financial Statements 2021-2022 that required reporting in a Management Letter.

- The Committee reviewed its Charter and recommended to Council the adoption of an updated version of the Charter, inclusive of changes aimed at improving the recruitment process for independent members and the processes relating to reappointment and succession planning for the Chairperson's role.

  The updated Audit and Risk Committee Charter was adopted by Council at its Ordinary Meeting in August 2022.

- The Committee received regular updates from the internal auditor on the status of delivery of the Internal Audit Program, as outlined in the Internal Audit Projects Progress Report presented to each meeting.

- Management reported to each meeting on matters relating to fraud control and emerging risks.

- The Committee reviewed and noted the Mildura Cemetery Trust Annual Report 2021-2022.

- The Chief Executive Officer provided a verbal update to each meeting on various matters relating to the organisation's operations.

- The General Manager Corporate reported verbally to each meeting on various operational matters.

- Reports for the following internal reviews, undertaken by BDO, were adopted by the Committee:
  - Follow Up of Previous Internal Audit Findings Review – June 2022
  - Contract Management Review – September 2022
  - Climate Management Framework Review – November 2022

  The Committee also reviewed a report prepared by BDO in November 2022 following the Information Technology Alignment Review. At the Committee's request, Management agreed to undertake a further review of this report in consultation with the internal auditors and present an updated version of the report to the Committee's February 2023 meeting for adoption.

- Actions arising from internal reviews undertaken by BDO were documented in Management branch plans. The Audit and Risk Committee monitored the progress towards completion of these actions through the Internal Audit Tracking Register presented to each meeting as a standard agenda item.

- A progress report on external audit Management Letter issues for the 2021-2022 financial year was presented to the Audit and Risk Committee as a standard agenda item.

- In response to a previous Management Letter point, the Committee reviewed an annual report prepared by Management on the management of excessive leave balances (rostered days off and time in lieu) between the financial years ended 30 June 2021 and 30 June 2022.

  The Committee requested presentation of a follow up report on excessive leave balances to its February 2023 meeting to allow for continued monitoring of the risks associated with excessive leave balances.

- The external auditor briefed the Audit and Risk Committee on the key findings of the audit of Mildura Rural City Council's draft Financial Statements and draft Performance Statement for 2021-2022, as detailed in the draft Closing Report and draft Final Management Letter presented to the September 2022 Audit and Risk Committee meeting.

  Final versions of the Closing Report and Final Management Letter were emailed to the Audit and Risk Committee in October 2022 for information.

- Following review at the Committee's September 2022 meeting, the Committee recommended to Council's Ordinary Meeting in September 2022 the adoption in-principle of the draft Financial Statements, draft Performance Statement and draft Governance and Management Checklist 2021-2022.

  The Committee's recommendation was approved by the Council.

- The Quarterly Financial Management Report and relevant supporting financial reports were reviewed by the Committee as a standard agenda item.

- The Committee reviewed and noted the Draft Annual Report 2021-2022.

- The Committee re-elected Max Folie as its Chairperson for the period 3 November 2022 to 30 June 2023.

  In accordance with changes to the Audit and Risk Committee Charter, approved by the Council in August 2022, election of the Chairperson for the 12-month period commencing 1 July 2023 will be listed for consideration at the Committee's May 2023 meeting.

- The Monthly Management Report presented to Council Forum was presented to the Audit and Risk Committee as a standard agenda item. Where the timing of Audit and Risk Committee meetings did not allow for presentation of the Monthly Management Report to a Committee meeting, the Monthly Management Report was provided to the Committee for review under separate cover.

  As a result of the Committee's review of the Monthly Management Report, Management has undertaken to improve the reporting metrics for certain service performance indicators in the Monthly Management Report to make the reports for these indicators more meaningful.

- The Councillor Expenses Report for each quarter, as presented to Ordinary Council meetings, was made available to the Committee for review through its Docs on Tap portal.

- The Audit and Risk Committee undertook an annual self-assessment process in August 2022 using the Audit and Risk Committee Self-Assessment Survey, which has been developed based on a Local Government Victoria better practice template.

  The findings of the self-assessment process indicated that the Committee had assessed itself overall to be operating effectively.

  A copy of the report on the findings of the Audit and Risk Committee Self-Assessment Process was presented to the Ordinary Council Meeting in September 2022.

  In response to the Committee's suggestions for improving the overall efficiency and effectiveness of Audit and Risk Committee meetings (refer to responses to questions 15 and 18 in the self-assessment survey), Management has implemented changes to the method of communicating certain items in the Committee's Annual Work Plan (eg removing the requirement for Council officers to attend Audit and Risk Committee meetings to deliver presentations where relevant information/reports have already been included in the Committee's meeting agenda).

- In response to the Committee's review of an annual report on compliance with the review timeframes for policies, systems and controls listed in the Internal Control Environment Register – Four-Year Rolling Plan as being due for review in 2022, Management has undertaken to review the Council's policy review process and implement changes aimed at increasing the overall level of compliance with policy review timeframes.

- The Employee, Councillor and Supplier codes of conduct were made available to the Committee for review through the Committee's Internal Control Environment Register in Docs on Tap. The Committee noted the process for communicating and monitoring Councillors, employees and suppliers' compliance with the respective codes through the annual report presented to its November 2022 meeting on compliance with the items listed in the Internal Control Environment Register – Four-Year Rolling Plan as being due for review in 2022.

- The Committee adopted an Annual Work Plan for the 2023 calendar year, inclusive of the Internal Control Environment Register – Four-Year Rolling Plan 2023-2026. The Annual Work Plan provides the Committee's key performance indicators for the 2023 calendar year.

- Audit and Risk Committee members met with KPMG Consultants via MS Teams in October 2022 to provide input to the Organisational Sustainability Review.

  KPMG Consultants presented their findings and recommendations relating to the Organisational Sustainability Review to the Audit and Risk Committee on 12 December 2022 via MS Teams.

- The Committee agreed to undertake a recruitment process prior to the expiry of independent member Mary Rydberg's first term on 25 February 2023. Prior to advertising, the Committee undertook a skills analysis exercise, which confirmed that the Committee as a collective currently possesses the overall skills required by the *Local Government Act 2020*.

  The Assessment Panel will recommend to Council's in camera meeting on 23 February 2023 for approval the appointment of a preferred candidate to the Audit and Risk Committee for a three-year term.

6. Time Frame

The Audit and Risk Committee Chairperson's Biannual Report for the six months ended 31 December 2022 is presented in accordance with the approved internal Audit and Risk Committee Charter and Audit and Risk Committee Annual Work Plan/Key Performance Indicators 2022.

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 relating to this report.

9. Implications

Policy
The items considered by the Audit and Risk Committee are in line with the oversight functions outlined in the Committee's Charter, which are briefly described as follows:

- Corporate Governance
- Risk management including business continuity and disaster recovery, information and communications (ICT) governance, and fraud prevention
- Internal control framework
- Ethics and conduct
- Legislative compliance
- Internal and external reporting
- Internal and external audit.

Legal/Statutory
There are no legal/statutory implications relating to this report.

Financial
Funds for Audit and Risk Committee remuneration and consultancy (internal audit) costs incurred by the Audit and Risk Committee for the 2022-2023 financial year to date have been allocated in the Annual Budget.

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⇩ Audit and Risk Committee Annual Work Plan/Key Performance Indicators 2022

Audit and Risk Committee
Annual Work Plan/Key Performance Indicators 2022

The following table presents an overview of the standard agenda items to be considered at Audit and Risk Committee Meetings. In addition to these items, ad-hoc issues/matters are expected to be raised at each meeting. Reporting on each matter may be verbal, for information only, or subject to review and adoption, or recommendation to Council.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~9~~ 16 Feb	9 Mar (Special) Meeting[1]	11 May	~~13 Jul~~ 11 Aug[2]	14 Sept	~~9~~ 30 Nov
2.4 Recruitment							
External Membership Review[2]:	2.4.2 The appointment of independent members will be made by way of a public advertisement and be for a maximum term of three years, renewable at the discretion of Council. 2.4.3 Independent members' terms will be set so that as far as possible only one member retires at a time in order to consider the loss of knowledge of Council's business that may occur on change of membership. 2.4.4 To ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives, the number of consecutive terms that an independent person may serve on the Committee will be limited to two.						
• Max Folie Membership review/expiry date 25 April 2022 (initial appointment for a three-year term effective 26 April 2019)		☑	☑				
• Mary Rydberg Membership review/expiry date 25 February 2023 (initial appointment for a three-year term effective 26 February 2020)							☑
• Min Poole Membership review/expiry date 29 August 2024 (initial appointment for a three-year term effective 30 August 2021)							
• Julie Humphrey Membership review/expiry date 31 October 2024 (initial appointment for a three-year term effective 1 November 2021)							
Annual election of Chairperson[3]	2.4.13 The Chairperson will be appointed annually from the external members of the Committee.					☑	

Commented [SY1]: Meeting rescheduled to 16 February 2022 due to the Chairperson not being available on 9 February 2022.

Commented [SY2]: Meeting rescheduled to 11 August 2022 due to inability to obtain a quorum due to COVID-19-related illnesses.

Commented [SY3]: Following a recruitment process, Max Folie was appointed to the Audit and Risk Committee for a second/final three-year term commencing on 26 April 2022.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~9~~16 Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	~~9~~30 Nov
3.1 Risk Management							
Quarterly Risk Management Report (inclusive of a report on operational and strategic risks, and Council's business continuity management system): • Quarter ended 31 December 2021	The Committee will: See 3.1.2 above. 3.1.3 Prior to renewal, the Committee will review the insurance program and consider the approach taken by Council to ensure that appropriate insurance arrangements are in place. 3.1.4 Monitor the progress of any significant claims or litigation by or against the Council. 3.1.5 Consider any litigation, claim or contingency, which could have a material effect on Council's financial position or operating result. 3.1.6 Review the approach to business continuity planning, including whether business continuity and disaster recovery plans have been regularly updated and tested.	☑					
• Quarter ended 31 March 2022 (including details relating to the proposed renewal of Council's insurance program for 2022-2023)				☑			
• Quarter ended 30 June 2022						☑	
• Quarter ended 30 September 2022							☑
Risk Management Presentation (including update on operational and strategic risks, and business continuity management)	3.1.1 The Committee will assess the scope and effectiveness of the systems established by Management to identify, assess, manage and monitor material and operational business risks. 3.1.2 Monitor the process of review of Council's risk profile to ensure that material and operational risks are dealt with appropriately and receive status reports, through receipt of the Quarterly Risk Management Report, of the risk register and actions being taken to manage identified risks.	☑		☑		☑	☑

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~16~~ Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	~~30~~ Nov
3.1 Risk Management							
Emerging Risks for Mildura Rural City Council – Bi-annual Presentation[4]	See 3.1.1 above.			☑			☑
Aged Care Reforms – Union and Annual Budget implications for Mildura Rural City Council	See 3.1.1 above.			☑			
Related Parties and Conflict of Interest - Presentation	3.1.9 The Committee will review the effectiveness of Management's approach to managing risks related to critical third-party interdependencies (eg suppliers, customers, outsourced operations, counterparties and related parties), which affect the organisation's operations.				☑		
Planning Process Presentation (including whether Council is meeting its obligations, timelines and costs per applications)[5]	See 3.1.1 above.	☑					
3.2 Control Environment							
Internal audit reports	3.2.2 The Committee will review Management's and the internal auditors' reports on the effectiveness of the systems for internal financial controls, financial performance and risk management, including Council's business continuity and disaster recovery plans.	Internal audit reports will be presented to Audit and Risk Committee meetings following adoption by Council's Executive Leadership Team.					
Internal Control Environment Register – Annual Report on Compliance with Review Timeframes[6]	3.2.7 The Committee will review over a four-year rotational basis, the adequacy and effectiveness of Council's compliance with the review of policies, systems and controls for providing a sound internal control environment.						☑
Complaints Management Reporting Process - Presentation	3.2.5 The Committee will consider the effectiveness of controls for handling customer complaints.	☑					
Annual Customer Complaints Management Report - 2020-2021	See 3.2.5 above.	☑					

Commented [SY4]: In line with Action 7.7 of Audit and Risk Committee Meeting 2/2022-2023 on 14 September 2022, in consideration of the Committee's desire to improve the efficiency and effectiveness of Audit and Risk Committee meetings and the Fraud Control and Emerging Risks Update standard agenda item already included in the Committee's Annual Work Plan, this presentation to the Committee's November 2022 meeting was deemed to not be required.

Commented [SY5]: Agreed at Audit and Risk Committee Meeting 3/2021-2022 to provide this presentation to the Audit and Risk Committee.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		9-16 Feb	9 Mar (Special Meeting)	11 May	13 Jul	14 Sept	9-30 Nov
3.2 Control Environment							
Financial Reserves Policy and Presentation	3.2.8 The Committee will review new or revised policies and procedures for key risk areas such as investment, financial reserves, fraud control and procurement to gain an understanding of the controls in place to manage the risks associated with these areas, and provide advice where required.				☑		
3.3 Fraud Prevention Systems and Control							
Fraud Control Policy, and Fraud and Corruption Control Plan - Review	3.3.1 At least every two years, the Committee will review and consider the effectiveness of Council's Fraud Control Policy, and Fraud and Corruption Control Plan, for preventing and detecting fraud, and supporting protected disclosures, and assess whether these are adequate and effective.	The Fraud Control Policy, and Fraud and Corruption Control Plan, were reviewed in June 2021. These documents will be presented to the Audit and Risk Committee in May 2023, as part of the review process.					
Fraud Control and Emerging Risks Update	3.3.2 The Committee will receive status reports from Management of occurrences of fraud and suspected cases of fraud, corruption or serious misconduct impacting Council and review the outcomes of, and monitor any subsequent recommendations and Management responses to, independent investigations into these matters.	☑	☑	☑	☑	☑	☑
3.4 Compliance Management							
Employee, Councillor and Supplier Codes of Conduct Review and Presentation	3.4.4 The Committee will, at least annually, verify Council's compliance with the review of the Councillor, Employee and Supplier codes of conduct and the process for communicating and monitoring councillors, employees and suppliers' compliance with the respective codes.						☑

Commented [SY6]: As the Employee, Councillor and Supplier codes of conduct are made available to the Committee for review through the Committee's Internal Control Environment Register in Docs on Tap, they were not re-presented to the Committee's November 2022 meeting. The process for communicating and monitoring councillors, employees and suppliers' compliance with the respective codes was communicated to the Committee through the annual report, presented to the Committee's November 2022 meeting, on compliance with 2022 review timeframes for items listed in the Committee's Internal Control Environment Register.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		9-16 Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	9-30 Nov
3.4 Compliance Management							
Procurement Dashboard – Annual Presentation (including briefing on Procurement of Goods, Services & Works Policy obligations)	3.4.2 The Committee will review tendering arrangements to ensure transactions are conducted on an arms-length basis and are otherwise in accordance with Council policy.						☑
Councillor Expenses Reporting Presentation (including briefing on obligations under the *Local Government Act 2020* and Councillor entitlements)	3.4.3 The Committee will review for compliance with Council policy the Councillor expenses report presented to the previous Council meeting, challenging any unusual or unexpected results.						☑
Councillor Expenses Report:[7] • Quarter ended 31 December 2021 • Quarter ended 31 March 2022 • Quarter ended 30 June 2022 • Quarter ended 30 September 2022	See 3.4.3 above.	To be circulated under separate cover in February 2022. To be circulated under separate cover in May 2022. To be circulated under separate cover in August 2022. To be circulated under separate cover in November 2022.					
3.5 Financial and Performance Reporting							
Quarterly Financial Management Report (including Balance Sheet Year-to-Date Actuals Comparison Report, Annual Cash Holding Cash Flow Report, and Cash and Cash Equivalents Report): • Quarter ended 31 December 2021 • Quarter ended 31 March 2021 • Quarter ended 30 June 2021 • Quarter ended 30 September 2021	**3.5.1 Financial Reporting to Council** 3.5.1.1 The Committee will review Council's financial position via receipt of Council's Quarterly Financial Management Report as presented to Ordinary Council meetings, and other supporting financial reports, seeking explanations of any unusual or unexpected results.		☑	☑		☑	☑

Commented [SY7]: In line with Action 7.7 of Audit and Risk Committee Meeting 2/2022-2023 on 14 September 2022, to improve the efficiency and effectiveness of Audit and Risk Committee meetings, it was agreed to trial circulating the Procurement Dashboard presentation to the Audit and Risk Committee under separate cover. The Procurement Dashboard - September 2022 was emailed to the Audit and Risk Committee on 4 October 2022 **(Content Manager reference INT-2022281183).**

Commented [SY8]: In line with Action 7.7 of Audit and Risk Committee Meeting 2/2022-2023 on 14 September 2022, this presentation was not provided to the Audit and Risk Committee's November 2022 meeting. The Councillor Expenses Policy is made available to the Committee for review through the Internal Control Environment Register in its Docs on Tap portal.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~9~~ 16 Feb	9 Mar (Special Meeting)	11 May	13 Jul	14 Sept	~~9~~ 30 Nov
3.5 Financial and Performance Reporting							
Draft Budget 2022-2023	**3.5.2 Annual Budget** 3.5.2.1. The Committee will review the draft Annual Budget to assess that all appropriate processes are in place and all legislative aspects have been complied with, prior to recommending it to Council for adoption and approval to place on public exhibition.			☑			
Performance Reporting - Presentation	**3.5.3 Annual Financial Statements and Annual Performance Statement** 3.5.3.2 The Committee will, at least annually, review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators.			☑			
Local Government Performance Reporting Framework – Half-Yearly Report	**3.5.3 Annual Financial Statements and Annual Performance Statement** 3.5.3.3 The Committee will review the half-yearly Local Government Performance Reporting Framework report, seeking assurance in regard to the accuracy and completeness of the information reported.			☑			
Draft Annual Financial Statements 2021-2022	**3.5.3 Annual Financial Statements and Annual Performance Statement** 3.5.3.4 The Committee will review the draft Annual Financial Statements and draft Annual Performance Statement and consider whether they are consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial position.						☑

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~9~~16 Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	~~9~~10 Nov
3.5 Financial and Performance Reporting							
Draft Annual Financial Statements 2021-2022 cont/d	**3.5.3 Annual Financial Statements and Annual Performance Statement** 3.5.3.5 The Committee will recommend to Council the in principle adoption of the draft Annual Financial Statements and draft Annual Performance Statement, and review any significant changes and the reasons for the changes that may arise subsequent to any such recommendation but before the draft Annual Financial Statements and draft Annual Performance Statement are signed.						
Draft Annual Performance Statement 2021-2022	See 3.5.3.4 and 3.5.3.5 above.					☑	
Draft Governance and Management Checklist 2021-2022	**3.5.4 Governance and Management Checklist** 3.5.4.1 The Committee will review the completeness of corporate governance processes, as prescribed in the draft Governance and Management Checklist of the *Local Government (Planning and Reporting) Regulations 2020*, prior to recommending the draft Governance and Management Checklist to Council for in principle adoption.					☑	
Mildura Rural City Council Draft Annual Report 2021-2022	**3.5.5 Annual Report** 3.5.5.1 The Committee will review for completeness the disclosures to be included in Mildura Rural City Council's Draft Annual Report regarding the Council's activities and performance.					☑	

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~15~~ Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	~~9~~ 30 Nov
3.5 Financial and Performance Reporting							
Mildura Rural City Council Draft Annual Report 2021-2022 cont/d	**3.5.5 Annual Report** 3.5.5.2 The Committee will review the information included in Mildura Rural City Council's Draft Annual Report to ensure it is consistent with the draft Annual Financial Statements.						
3.6 Internal Audit							
Internal Audit Tracking Register	3.6.2 The Committee will review internal audit reports and monitor, through receipt of the organisation's Internal Audit Tracking Register, the implementation of recommendations by Management, assessing reasons for non-implementation of any recommendations.	☑		☑	☑	☑	☑
Annual Internal Audit Plan - 2022-2023	3.6.4 The Committee will review and approve the Annual Internal Audit Plan, including any significant changes to it, having regard to the four-year Strategic Internal Audit Plan and Council's budget and objectives.			☑			
Internal Audit Projects – Progress Report	3.6.5 The Committee will, through the receipt of regular status reports from the internal auditor, monitor the implementation of the annual internal audit plan.	☑		☑	☑	☑	☑
Internal Audit Function – Annual Performance Assessment[8]	3.6.8 The Committee will assess, annually, both the compliance effectiveness and value of service of the internal audit function.			☑			

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		16 Feb	9 Mar (Special) Meeting	11 May	13 Jul	14 Sept	30 Nov
3.7 External Audit							
External Audit Strategy: • Mildura Rural City Council • Mildura Cemetery Trust	3.7.1 (Bullet point 1) The Committee will meet confidentially with the external auditor at the commencement of each year's audit process to discuss the audit engagement and the overall external audit strategy of the Victorian Auditor-General's Office (VAGO). During this meeting, the Committee will ask the external auditor about pressures on Management that may have an impact on the quality of financial reporting, such as performance measures. The Chairperson will also communicate to the external auditor the expectation that the external auditor will contact the Committee where necessary.		☑		☑		
Mildura Rural City Council External Audit Closing Report[9]: • Mildura Rural City Council • Mildura Cemetery Trust	3.7.1 (Bullet point 2) The Committee will meet with Management and the external auditor following the release of the VAGO Closing Report to review and discuss the results of the audit, including any audit issues encountered in the normal course of work, restriction on scope of work or access to information.					☑	☑
Interim Management Letter: • Mildura Rural City Council • Mildura Cemetery Trust	3.7.3 The Committee will review and discuss with Management and the external auditor all significant Management Letter items and the potential impact of those on Council's system of internal control.			☑	☑		
Mildura Rural City Council Final Management Letter							
Management of Leave Balances - Annual Report[10]	3.7.4 The Committee will monitor the implementation of Management Letter recommendations through the receipt of regular status reports provided by Management.				☑	☑	

Commented [SY9]: Agreed in May 2022 to add the Mildura Cemetery Trust External Audit Strategy to the Audit and Risk Committee's Annual Work Plan.

Commented [SY10]: Agreed in May 2022 to add the Mildura Cemetery Trust Closing Report to the Audit and Risk Committee's Annual Work Plan.

Commented [SY11]: Agreed in May 2022 to add the Mildura Cemetery Trust Interim Management Letter to the Audit and Risk Committee's Annual Work Plan.

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings						
		~~9~~16 Feb	9 Mar (Special) Meeting[1]	11 May	13 Jul	14 Sept	~~9~~30 Nov
3.7 External Audit							
External Audit Management Letter Issues – Status Report	See 3.7.4 above.	☑		☑	☑	☑	☑
Local Government Performance Audit Reports from the Victorian Auditor-General's Office (VAGO)	3.7.5 The Committee will consider the findings and recommendations of local government performance audits and other specific audits undertaken by the Victorian Auditor-General's Office and where relevant monitor Management's responses to them.	Relevant VAGO reports will be presented to Audit and Risk Committee meetings, as required, or circulated to the Audit and Risk Committee for information outside of Audit and Risk Committee meetings.					
3.8 Other Relevant Matters							
Mildura Cemetery Trust Annual Report and Management Letter	3.8.1 Consider and note the Annual Report and Management Letter for: • Mildura Cemetery Trust • Mildura Rural City Council's subsidiaries: ○ Mildura Airport Pty Ltd ○ Mildura Regional Development.						☑
Mildura Airport Pty Ltd Annual Update	See 3.8.1 above.						☑
Mildura Regional Development Annual Update	See 3.8.1 above.						☑
Chief Executive Officer Update	3.8.3 The Committee will receive updates from the Chief Executive Officer on major projects and other matters impacting on the organisation's operations.	☑		☑	☑	☑	☑
General Manager Corporate Services' Update on Operational Matters	3.8.4 The Committee will receive operational updates from the General Manager Corporate Services.	☑		☑	☑	☑	☑

Agenda Item/Key Performance Indicator	Audit and Risk Committee Charter Reference/s	2022 Meetings					
		~~15~~ Feb	9 Mar (Special) Meeting[1]	11 May	13 Jul	14 Sept	~~9~~ 30 Nov
4.1 Meetings							
Annual Schedule of Presentations to the Audit and Risk Committee	4.1.8 An annual schedule of presentations will be developed and agreed to by members for the purposes of continuing education and assisting the Committee to fulfil the duties outlined in this Charter.					☑	
Monthly Management Report[1]	See 4.1.8 above.	☑	☑	☑	☑	☑	☑
4.3 Reporting to Council							
Chairperson's Bi-Annual Report to Council	4.3.3 The Audit and Risk Committee's Chairperson will report to the Council on the Committee's activities, including its findings and recommendations, on a bi-annual basis.	☑			☑		
4.4 Audit and Risk Committee Performance Review							
Audit and Risk Committee Annual Work Plan/KPIs for 2023 Calendar Year	4.4.1 The Committee, together with the Chief Executive Officer, develop the Committee's performance indicators each year and then present these to Council.						☑
Audit and Risk Committee Annual Self-assessment Process for Financial Year Ended 30 June 2022: • Presentation of self-assessment tool/questionnaire • Report on findings of self-assessment process	4.4.2 The Committee will participate in an annual self-assessment process, facilitated by Council's internal auditor. The Committee's performance will be measured against this charter and key performance indicators developed annually for the Committee.				☑	☑	
4.5 Charter Review							
Audit and Risk Committee Charter Review	4.5.1 The Audit and Risk Committee will review its Charter annually and recommend to Council for approval any changes required.						☑

Note:

1. Meeting date is subject to change pending confirmation of dates for the external auditors' interim visit. In accordance with the requirements of the Audit and Risk Committee Charter, the Special meeting with the external auditor will include a confidential component without the presence of Management.
2. In accordance with Section 4.4.5 of the Audit and Risk Committee Charter, as part of the process of exiting the Audit and Risk Committee, Audit and Risk Committee members will be requested to complete the Audit and Risk Committee Self-Assessment Process questionnaire prior to their resignation or retirement from the Audit and Risk Committee becoming effective. In accordance with Section 2.4.5 of the charter, the Committee, with the exception of the retiring member, will also undertake a skills gap assessment using the Skills Matrix to assist with the recruitment process.
3. Max Folie was appointed Audit and Risk Committee Chairperson for a 12 month term commencing on 3 November 2021.
4. At Audit and Risk Committee Meeting 3/2021-2022 on 10 November 2021, the Audit and Risk Committee requested the inclusion in its Annual Work Plan of a twice-yearly presentation on key emerging risks (eg staff recruitment and retention) for Mildura Rural City Council.
5. At Audit and Risk Committee Meeting 3/2021-2022 on 10 November 2021, the Audit and Risk Committee requested the inclusion in its Annual Work Plan for 2022 of a presentation on the Planning Process.
6. See separate register of key documents comprising Council's Internal Control Environment.
7. As the Councillor Expenses Report is not presented to Council until two months after the quarter's end reported on, the report will be emailed/provided to the Audit and Risk Committee under separate cover following its presentation to Council.
8. The Internal Audit Function – Annual Performance Assessment will be considered confidentially by Management and the Audit and Risk Committee.
9. A confidential session with the external auditor will be held to discuss the results of the audit prior to Management joining the meeting.
10. Item 2019.11 Rostered Days Off and Time in Lieu Leave Provision in the Final Management Letter 2019-2020 requires the provision of this report **annually** to the Audit and Risk Committee.
11. At Audit and Risk Committee Meeting 3/2021-2022 on 10 November 2021, the Audit and Risk Committee requested the inclusion in its Annual Work Plan of the Monthly Management Report as a standard agenda item. The most recent Monthly Management Report will be included in the agenda for the next available Audit and Risk Committee Meeting (eg Monthly Management Report for January 2022 will be presented to the February 2022 Audit and Risk Committee meeting. To ensure the continued timeliness of information provided to the Committee, all other Monthly Management Reports will be emailed to the Committee as soon as they are available.)

15.8 RESPONSE TO PETITION - CULVERTS/REGULATORS UNDERNEATH RUDDS ROAD

File Number: **11/01/14**
Officer: **Acting General Manager Development**

1. Summary

The purpose of this report is to receive the petition from the residents of Iraak and to present to Council a future action to address the intent of the petition through future detailed design works for Rudd's Road reconstruction.

2. Recommendation

That Council:

(i) acknowledge receipt of the petition; and

(ii) as part of the detailed road design for the reconstruction of Rudd's road, seek comment and input from relevant agencies for incorporating culverts / regulators into the reconstruction of Rudds Road for the purpose of establishing environmental flows.

3. Background

Council received a petition from community members on 1 February 2023, requesting the installation of culverts / regulators underneath Rudds Road, Iraak.

In November 2022, the Murray River flood event inundated Rudds Road resulting in flood waters overtopping the road and entering the northern section of Bullock Swamp. Rudds Road was closed because of this inundation and has been significantly damaged and requires major reconstruction works before it can be re-established as a sealed (bitumen surfaced) road.

The section of Rudds Road that is referred to in the petition is a 1.6km sealed section of road from Kulkyne Way to Barako Road, that travels through Bullock Swamp. The location of the road through the swamp creates an impediment to the natural flood plain for flows into the northern section of the swamp. This effectively means that environmental flows into the northern section of Bullock Swamp only occur with significant river flooding once the flood levels reach a height where flows will overtop the roadway.

By creating culverts / regulators underneath the road, this will assist with the movement of flood waters into the northern section of Bullock Swamp in "lower flow" circumstances.

4. Consultation Proposed/Undertaken

As part of the normal design process for any road construction project, Council needs to consider the design parameters, constraints and impacts that the project will encounter. In particular, matters such as road height (road elevation for protection in future flood events), cultural heritage and native vegetation impacts, road drainage etc all these elements need to be considered for this project.

As a consequence, input is sought from other agencies who can provide expert advice on certain elements of the design and this will be the case for the consideration of culverts / regulators into the design of Rudds Road.

As Council is not responsible for maintaining and establishing environmental flows, this component of the design will need to be referred to the relevant agency (i.e. Mallee catchment Management Authority (MCMA)) for advice and consideration.

Initial discussion with Officers of MCMA have indicated that this topic is referenced in a number of Strategic plans for waterway management and that they would welcome the opportunity to consider this matter further.

5. Discussion

The petition states that;
"*We believe that this is an opportunity to connect Bullock Swamp north of Rudds Road with Bullock Swamp south, by establishing culverts underneath Rudds Road. Culverts will enable natural flooding of north Bullock Swamp during medium Murray river floods.*

North Bullock swamp is an important 200ha wetland under Trust for Nature covenant. It contains lignum and blackbox ecosystems that have declined elsewhere on the Murray river floodplains and have priority status for conservation……

There are currently two considerations that complicate a plan to flood Bullock swamp north;

1. *Barko Road has a short, low-lying section that needs protecting from flooding, and*
2. *Carwarp creek is a natural outflow of water from Bullock swamp that has become a healthy permanent billabong and needs to be protected from receiving saline water*

A short levee alongside Barko Road would solve both concerns, protecting Barko Road from being flooded while also preventing saline outflow into Carwarp creek."

These matters raised as part of the petition will be referred to Mallee Catchment Management Authority for comment and consideration as part of the design and reconstruction works for Rudds road and other roads within this area damaged as part of the 2022 flood event, noting that Council is not the control authority with respect to environmental river flows.

In addition, Council has received a letter of support from the Murray Darling Wetlands Working Group supporting this initiative. (copy of letter attached to this report)

6. Time Frame

Council staff are about to commence the road design works for Rudds Road which is expected to take approximately three months to complete. There are however external agencies which will need to provide input into the design so this timeframe could potentially go beyond a three month period.

Once Council has approved the design after input from external agencies and funding is approved for reconstruction works, then on ground works will commence.

7. Strategic Plan Links

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

Community

Outcome to be achieved:

- A community where people feel safe

Place

Outcome to be achieved:

- Adequate and sustainable infrastructure to meet future demand

8. Asset Management Policy/Plan Alignment

There are potential asset management implications associated with this report as there could potentially be additional assets (levees) that Council will need to factor into its asset management plan.

9. Implications

Policy
There are no policy implications with this report

Legal/Statutory
There are no legal implications with this report

Financial
There are financial considerations with this report as there are costs associated with detailed design works

Environmental
There are environmental considerations associated with this report specifically relating to potential native vegetation and cultural heritage approvals for reconstruction works as well as consideration for environmental water flows

Social
There are no social impacts associated with this report.

Economic
There are no potential economic impacts associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk at this point in time as the risks will be identified as part of the design works

11. Conflicts of Interest

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

Attachments

1⇩ Murray Darling Wetlands Working Group Letter of Support

Murray Darling Wetlands Working Group

ABN 50 137 010 658
ACN 137 010 658

10 February 2023

Subject: Recommendation to install regulatory structures at Rudds Road and Barko Road, Iraak VIC following significant flooding in the Murray River 2022-23:

Following significant flooding along the Murray River in 2022-23, Rudds Road, Iraak, will require major repairs.

This provides an opportunity for the Mildura Rural City Council, the Mallee CMA and other relevant authorities to include regulatory structures such as culverts or regulators when rebuilding this road. This would allow river connection to Bullock Swamp north of Rudds Road via south Bullock Swamp. Currently there are no such structures that enable the connection of river flow to north Bullock Swamp. Furthermore, the construction of a levee alongside Barko Road with the installation of a regulator at Carwarp Creek would also assist in accessibility by private landholders during managed environmental flows and flood events.

North Bullock Swamp is a privately owned and sizeable 200 ha wetland under a Trust for Nature covenant. It contains lignum and blackbox vegetation communities which are considered important. Approximately 168 different plants have been identified in north Bullock Swamp, 21 are either vulnerable, rare, or threatened. Bullock Swamp provides valuable water bird habitat when inundated. During the 2022-23 flood the MDWWG observed numerous waterbirds with offspring. The swamp may also provide valuable nursery/refuge habitat for small-bodied fish such as the endangered Murray Hardyhead.

The installation of regulatory structures would enable the connection of north Bullock Swamp during smaller floods and reduce the need for environmental watering, which is expensive. North Bullock Swamp was flooded artificially with environmental water in 2014 and was planned again just before the 2022 flood occurred. More frequent natural flooding by allowing river connecting to north Bullock Swamp would save the State a significant amount of money and subsequently allow precious environmental water to be prioritized elsewhere when required. This is especially important when water availability is low.

To recap, please consider:

1. Improving the existing levee alongside Barko Road, an access road to several private properties, and the installation of a regulator at Carwarp Creek which would potentially safeguard Barko Road from being flooded while preventing potential saline drainage into Carwarp Creek.
2. When repairing flood damaged Rudds Roads, install regulatory structures such as culverts or regulators to permit flows into Bullock Swamp north as none are currently in place.

If I can be of further assistance, please contact me: [redacted]

Kind regards

[redacted] – Murray Darling Wetlands Working Group

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16 URGENT BUSINESS

Nil

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 INDEPENDENT AUDIT AND RISK COMMITTEE MEMBERSHIP - FEBRUARY 2023

Section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

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, would unreasonably disclose the personal information of (unsuccessful) applicants.

19 CLOSURE