



Mildura Rural City Council

MINUTES

Ordinary Meeting of Council

5:30pm Wednesday 24 April 2024

VENUE:
Committee & Council Room
76 Deakin Ave, Mildura

NEXT ORDINARY MEETING OF COUNCIL
5:30pm Thursday 23 May 2024

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

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MARTIN HAWSON
CHIEF EXECUTIVE OFFICER



1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor read the Council prayer and paid respects to the traditional land owners.

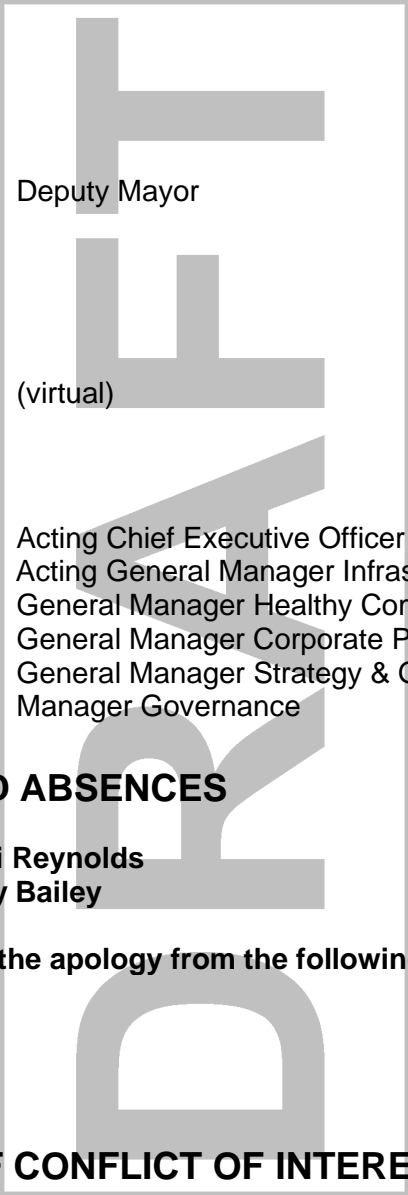
2 OPENING AND WELCOME

The Deputy Mayor welcomed Councillors, management, staff and members of the public viewing the live stream.

3 PRESENT

- Councillors**
- Cr Mark Eckel
- Cr Ian Arney
- Cr Troy Bailey
- Cr Stefano de Pieri
- Cr Helen Healy
- Cr Glenn Milne
- Cr Jason Modica
- Cr Jodi Reynolds

- Officers**
- Daryl Morgan
- Jamey Mullen
- Mark Jenkins
- Kate Henschke
- Peter Alexander
- Larni Baird



Deputy Mayor

(virtual)

- Acting Chief Executive Officer
- Acting General Manager Infrastructure & Assets
- General Manager Healthy Communities
- General Manager Corporate Performance
- General Manager Strategy & Growth
- Manager Governance

4 APOLOGIES AND ABSENCES

- Moved:** Cr Jodi Reynolds
- Seconded:** Cr Troy Bailey

That Council accept the apology from the following Councillor:

Cr Liam Wood

CARRIED

5 DISCLOSURE OF CONFLICT OF INTEREST

Cr Modica foreshadowed his conflict of interest for item 15.3.
Cr de Pieri foreshadowed his conflict of interest for item 15.3.

6 CONFIRMATION OF MINUTES

Moved: Cr Stefano de Pieri
Seconded: Cr Ian Arney

That the Minutes of the Ordinary Meeting of Council held on Thursday 28 March 2024 be confirmed as a correct record.

That the Minutes of the Confidential Meeting of Council held on Thursday 28 March 2024 be confirmed as a correct record.

CARRIED



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.

Moved: Cr Stefano de Pieri

Seconded: Cr Troy Bailey

That Council note the following records of Council Auspiced Meetings:

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

CARRIED

RECORD OF COUNCIL AUSPICED MEETINGS

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

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

<p>Council Forum – 11 April 2024</p>	<p>Cr Liam Wood Cr Mark Eckel Cr Stefano De Pieri Cr Helen Healy Cr Glenn Milne Cr Jason Modica Cr Jodi Reynolds</p>	<p>Martin Hawson, Chief Executive Officer Daryl Morgan, General Manager Infrastructure & Assets Mark Jenkins, General Manager Healthy Communities Kate Henschke, General Manager Corporate Performance Peter Alexander, General Manager Strategy & Growth Larni Baird, Manager Governance Ben Piscioneri, Acting Manager Communications</p>	<ol style="list-style-type: none"> 1. Consideration of the Mildura City Heart special rate 2. Advocacy framework presentation 3. CEO Matters 4. Councillor issues & questions 5. Portfolio matters 6. Local Government performance reporting framework 7. Annual plan 2023-2024 half-year progress report 8. Monthly management report 9. Deakin Avenue redevelopment Seventh to Eighth Street project update 10. Mildura Wentworth music festival 	<p>Cr Liam Wood Cr Jason Modica Cr Stefano de Pieri</p>
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8 NOTIFICATION OF ABSENCE

Cr Stefano de Pieri notified Council of his absence to the upcoming May Council Meeting on 23 May 2024

9 MAYORAL REPORT

9.1 MAYORAL REPORT MARCH 2024

Summary

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

2024/0047

Moved: Cr Helen Healy
Seconded: Cr Ian Arney

That Council note the contents of this report.

CARRIED



10 COUNCILLOR REPORTS

10.1 COUNCILLORS REPORTS MARCH 2024

Summary

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

Cr Stefano de Pieri requested an amendment to his attendances.

Cr Jodi Reynolds requested an amendment to her attendances.

2024/0048

Moved: Cr Helen Healy

Seconded: Cr Ian Arney

That Council note the contents of this report.

CARRIED

Cr Mark Eckel

- *Victorian State Harley Hog Rally:* Noted his attendance to this event, held at the Mildura Sporting Precinct. Cr Eckel thanked Council for their facilitation of this event, and encouraged the Community to utilise the Mildura Sporting Precinct for future events. Cr Eckel noted the efforts and participation of Mildura South Football Club for tending the bar to raise funds for the local football club, as well as acknowledged and thanked the Mallee Chapter for the organisation of this event. Cr Eckel noted the attendance of Regional Director Craig Davis and the Hog ambassador, Marie Stavropoulos.
- *2024 Northern Mallee Leaders Launch:* Spoke to the participation of sixteen (16) candidates, including Council employees Kinthujan Selventhiran and Abi Sobowale.
- *Mallee Salinity Survey Launch:* Highlighted the importance of this survey and the impacts the Salinity has on our environment. Cr Eckel explained the data update process.

Cr Ian Arney

- *Budget Briefing:* Noted his online attendance for the Budget Briefing meeting.
- *Wentworth Shire Council Collaboration:* Noted his absence at the Wentworth Shire Council Collaboration meeting.

Cr Troy Bailey

- *Youth Radio Program:* Encouraged the youth of our community to participate in this program. Cr Bailey noted that registrations for this program close Friday, 3 May 2024 at 5:00pm.
- *Buronga Landfill:* Commented on the impressive service received at the Buronga Landfill, mentioning the affordability in the reduction of costs. Cr Bailey encouraged the community to utilise the service to help alleviate the pressure from the Mildura Landfill.

Cr Helen Healy

- *Change Fest Event:* Noted her attendance to this event, acknowledging the success of the event. Cr Healy commended Hands up Mallee and Connected Beginnings for their involvement in the event.
- *Northern Mallee Leadership Program Launch:* Spoke to the launch and congratulated the new cohort of leaders. Cr Healy drew special attention to the guest speaker Todd Fernandez, the youngest commissioner in Australia for their inspiring speech. Cr Healy acknowledged Councils support to the Leadership Program.

Cr Glenn Milne

- *Lake Cullulleraine Music Festival:* Congratulated the organising committee of the event, acknowledging their efforts and success. Cr Milne acknowledged and thanked the musicians and other members that participated in this event.
- *Magic of the Mallee:* Encouraged the community to attend the upcoming event at the Patchewollock Pine Plains from April 26 2024 - April 28 2024
- *Dareton - Coomealla Centenary Celebration:* Congratulated Coomealla turning 100 years old and encouraged the community to attend the event, to be held Thursday 25 April 2024 - Sunday 28 April 2024.
- *Anzac Day Ceremony:* Noted his upcoming attendance in the Red Cliffs Anzac Day Ceremony, 25 April 2024.
- *Sunraysia Housing Approvals Report:* Explained the amount reported in the local press indicated that housing approvals are down 63%. After staff conducted research, it was proven the 2022/2023 year to date figures in comparison to the 2023/2024 figures are only down 4.2%, with the value of approvals for 2022/2023 and 2022/2024 increasing by 5.12%, and assured a slight decrease in numbers is to be expected.

11 RESPONSES TO COUNCILLOR QUESTIONS

Nil

12 QUESTIONS FROM COUNCILLORS

Nil

13 NOTICES OF MOTION

A Notice of Motion was submitted as a late item and was considered during item 16 Urgent Business

14 PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil



15 MANAGEMENT REPORTS

15.1 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Summary

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

2024/0049

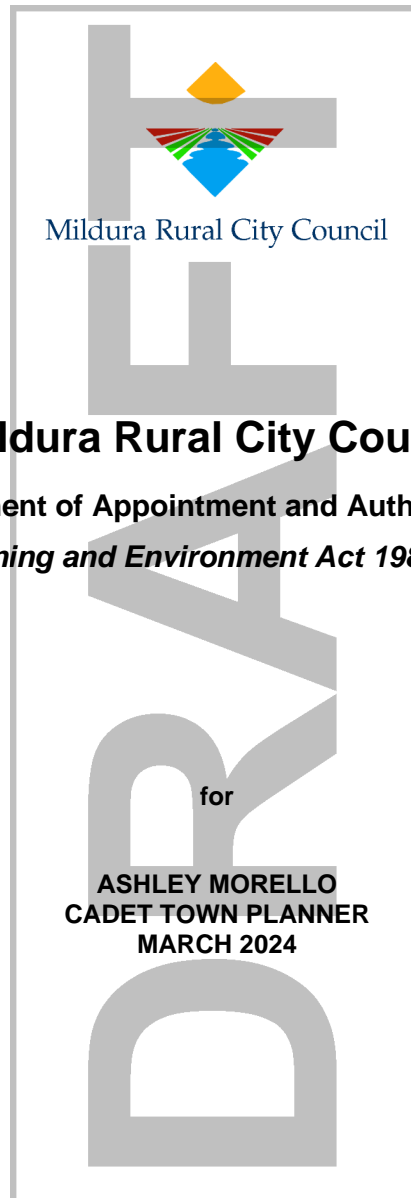
Moved: Cr Glenn Milne
Seconded: Cr Ian Arney

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

CARRIED



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



Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Ashley Morello

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

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

It is declared that this Instrument –

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

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

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

COUNCIL was affixed hereto by authority of the)

Council in the presence of:)

)

..... **COUNCILLOR**

..... **COUNCILLOR**

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

DATE:

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

15.2 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Summary

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

2024/0050

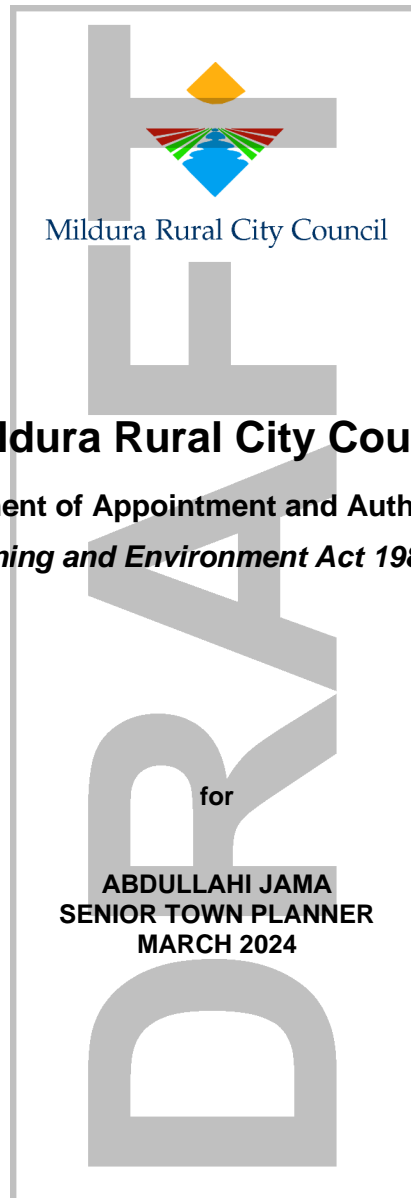
Moved: Cr Glenn Milne
Seconded: Cr Ian Arney

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

CARRIED



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



Mildura Rural City Council

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

for

**ABDULLAHI JAMA
SENIOR TOWN PLANNER
MARCH 2024**

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Abdullahi Jama

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

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

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Council in the presence of:)

)

..... **COUNCILLOR**

..... **COUNCILLOR**

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

DATE:

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

15.3 MILDURA CITY HEART SPECIAL RATE FEEDBACK PANEL

Summary

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

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

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

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

Cr Jason Modica declared he held a general conflict of interest as the report recommendation involves his spouse. Cr Modica left the chamber taking no part in the debate, time being 5:51pm.

Cr Stefano De Pieri declared he held a general conflict of interest as the report recommendation involves himself. Cr De Pieri left the chamber taking no part in the debate, time being 5:51pm.

2024/0051

Moved: Cr Helen Healy
Seconded: Cr Ian Arney

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

CARRIED

Cr de Pieri and Cr Modica returned to chamber, time being 5:53pm

16 URGENT BUSINESS

Moved: Cr Jason Modica
Seconded: Cr Jodi Reynolds

That Council agree to allow item 16.1 Notice of Motion – Embargo to Protect Flow into ordinary business.

CARRIED

16.1 NOTICE OF MOTION - EMBARGO TO PROTECT FLOW

Summary

Rational

Noting the Wentworth Shire Council's Mayoral Minutes was as follows:

"In light of recent rainfall events in the upper catchment of the Darling River and given the poor water quality currently being experienced in the Lakes and Lower Darling, WSC write to the NSW and Federal Water Ministers to request an immediate section 324 Embargo to protect the flow; to enable it to improve the quality of water in the lower darling, by providing a 'flush' event. This needs to occur by circumventing the Menindee lake system and in conjunction with a temporary lowering of the Wentworth Weir at the appropriate time to provide a draw into the Murray system. It is imperative that the water is protected to the end of system."

Further information can be found in the NSW DPI's Native Fish Recovery Strategy as provided in the following link.

[Native Fish Recovery Strategy \(nsw.gov.au\)](https://www.nsw.gov.au/native-fish-recovery-strategy)

Flow history

The compounding impacts of drought, water storage/extraction and climate change in the Northern MDB (Northern NSW and Queensland) over the last 20 – 30 years has resulted in a gradual suppression of flows reaching the Menindee Lakes, which in turn contributes to higher risk of conditions that can lead to fish deaths during droughts (Vertessy 2019). Figure 2 shows recorded flow in the Darling-Baaka River at Wilcannia and highlights a reduction in inflows to the Menindee lakes resulting from an increased frequency and duration of very low or cease to flow (< 20 ML/day) periods in the last 20 to 30 years (Vertessy 2019, Thoms and Sheldon 2000). The modification of the Menindee Lakes System (MLS) in the 1960s to capture and store inflows in the lakes resulted in a suppression of flow variability in the LDBR (i.e. releases from the MLS) (Figure 3). The reduction of inflows to the MLS from the Northern MDB in recent decades has resulted in further reductions of flow releases from the MLS to the LDBR, with low or cease to flow events increasing in frequency and duration.

2024/0052

Moved: Cr Glenn Milne
Seconded: Cr Jodi Reynolds

That Mildura Rural City Council recognise its role in the Murray Darling Association and follow Wentworth Shire Council’s lead in acknowledging the ongoing need for connectivity and first flush flows to bring a higher water quality and health to water in Menindee Lakes and the Lower Darling, connecting with the confluence of the Darling Barka and Murray Rivers by writing to the NSW and Federal Water Ministers requesting an immediate section 324 Embargo to protect the flow; thus enabling it to improve the quality of water in the lower darling, by providing a ‘flush’ event.

CARRIED

DRAFT

17 COMMUNITY QUESTIONS

17.1 COVID-19 VACCINATIONS

File Number: 02/01/13

“Under the governance rules and applicable laws governing Mildura Rural City Council, is there an obligation to provide balanced information to the public on contentious issues, particularly with respect to the promotion of COVID-19 vaccinations? Given that ratepayer funds are being used to endorse vaccinations, is the Council prepared to ensure equitable use of these resources to also inform the community about alternative perspectives, including potential adverse reactions, as part of its commitment to balanced communication and transparency? Furthermore, I am willing to supply additional data on excess deaths, adverse reactions, and other concerns, sourced from peer-reviewed studies and expert reports, to aid in this balanced dissemination of information, should the Council require.”

General Manager Corporate Performance Kate Henschke advised that this question will be tabled for the next Council meeting, 23 May 2024.

17.2 COVID-19 VACCINATIONS

File Number: 02/01/13

“Why does the Council not advertise, comment or make known their current understanding regarding the potential harms associated with the covid vaccines, now they have been reported in several documents including the Australian Journal of General Practise?

Issue 4 Volume 53 April 2024 www1.racgp.or.au

“Recipients of two or more injections of the mRNA vaccines display a class switch to IgG4 antibodies. Abnormally high levels of IgG4 antibodies cause autoimmune disease, promote cancer growth, autoimmune myocarditis and other IgG4 related disease (igG4-RD) in susceptible individuals.”

The council acted and continues to act to promote medications including covid vaccines. When information comes to light that goes against the best information of the day, should the council not provide equal promotion to protect the health of people?”

General Manager Corporate Performance Kate Henschke advised that this question will be tabled for the next Council meeting, 23 May 2024.

17.3 COMPLAINT

File Number: 02/01/13

Council received a submission on the night that is being handled through the complaints process.

17.4 WAGES FOR COUNCIL POSITIONS

File Number: 02/01/13

“In recent weeks several positions within Council have been advertised. These jobs seem to have exorbitant wages attached to them. How does Council justify these wages when rates are constantly being raised and rate payers are hurting due to cost of living?”

General Manager Corporate Performance Kate Henschke took this on notice.

17.5 CLARIFICATION FOR POSITION TITLE - MANAGER ECONOMIC DEVELOPMENT AND TOURISM

File Number: 02/01/13

“A job titled “Manager Economic Development and Tourism” has recently been advertised. In the advertisement description it states Government – Local (Government + Defence). Can you please explain what the “defence” means in brackets and how its relevant to this position?”

General Manager Corporate Performance Kate Henschke took this on notice.

17.6 SMART CITY ZONING WARDS

File Number: 02/01/13

“The zones that have been implemented are they part of the smart city zoning where residents will be find like in the UK if they go outside of these zones. Also please is this linked to the Geo fencing?”

General Manager Corporate Performance Kate Henschke took this on notice and advised that as this is a frequently asked question, there is further information on Councils website in the “FAQs” section.

18 CONFIDENTIAL BUSINESS

5:53pm

Moved: Cr Glenn Milne
Seconded: Cr Jodi Reynolds

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

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

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

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

CARRIED

Confidential business concluded at 6:04pm

19 CLOSURE

There being no further business the meeting closed at 6:04pm.

Date of Confirmation: 23 May 2024

Signed: _____
Chairperson