



Mildura Rural City Council

MINUTES

Ordinary Meeting of Council

5:30pm Thursday 23 November 2023

VENUE:

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

NEXT ORDINARY MEETING OF COUNCIL

5:30pm Thursday 21 December 2023

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

INDEX

1	PRAYER AND ACKNOWLEDGEMENT OF COUNTRY	4
2	OPENING AND WELCOME	4
3	PRESENT.....	4
4	APOLOGIES AND ABSENCES	4
5	DISCLOSURE OF CONFLICT OF INTEREST	4
6	CONFIRMATION OF MINUTES	5
7	CONFIRMATION OF COUNCIL AUSPICED MEETINGS	6
8	NOTIFICATION OF ABSENCE	8
9	MAYORAL REPORT.....	8
	9.1 MAYORAL REPORT OCTOBER 2023.....	8
10	COUNCILLOR REPORTS.....	8
	10.1 COUNCILLOR REPORTS - OCTOBER 2023	8
11	RESPONSES TO COUNCILLOR QUESTIONS	9
12	QUESTIONS FROM COUNCILLORS	10
	12.1 CR GLENN MILNE FOOTPATH DEVELOPMENT IN MERBEIN	10
13	NOTICES OF MOTION.....	10
14	PETITIONS, JOINT LETTERS AND DEPUTATIONS	10
15	MANAGEMENT REPORTS.....	11
	15.1 COUNCILLORS QUARTERLY EXPENSES REPORT 1 JULY 2023 - 30 SEPTEMBER 2023	11
	15.2 COUNCILLOR REPRESENTATION ON PORTFOLIOS	13
	15.3 2024 PLANNING DELEGATED COMMITTEE AND COUNCIL MEETING SCHEDULE.....	14
	15.4 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION.....	15
	15.5 MURRAY REGIONAL TOURISM BOARD MEMBERSHIP	18
	15.6 CITIZENSHIP CEREMONIES	18
	15.7 EXTERNAL PRIVATE WORKS POLICY CP100	19
	15.8 KERBSIDE BIN SERVICES POLICY CP055.....	24

15.9	OUTDOOR ADVERTISING ON COUNCIL ROADS RESERVES POLICY CP078.....	41
16	URGENT BUSINESS	45
17	COMMUNITY QUESTIONS.....	45
17.1	SPEED LIMITS	45
17.2	HIGHWAY CLEANUP	46
17.3	CBD PUBLIC TOILETS.....	46
18	CONFIDENTIAL BUSINESS.....	47
18.1	ASSET ACQUISITION CONSIDERATIONS.....	47
18.2	RELEASE OF CONFIDENTIAL COUNCIL REPORTS.....	47
18.3	TENDER AWARD - TENTH STREET AND ETIWANDA AVENUE INTERSECTION UPGRADE - CONTRACT 2024/124.....	47
19	CLOSURE	48

MARTIN HAWSON

CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

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

2 OPENING AND WELCOME

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

3 PRESENT

Councillors

Cr Liam Wood	Mayor
Cr Mark Eckel	Deputy Mayor
Cr Ian Arney	
Cr Troy Bailey	
Cr Stefano de Pieri	
Cr Helen Healy	
Cr Glenn Milne	
Cr Jason Modica	
Cr Jodi Reynolds	

Officers

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

4 APOLOGIES AND ABSENCES

Nil

5 DISCLOSURE OF CONFLICT OF INTEREST

Cr Glenn Milne foreshadowed his conflict of interest for item 18.1.

6 CONFIRMATION OF MINUTES

Moved: Cr Jason Modica
Seconded: Cr Stefano de Pieri

That the Minutes of the Ordinary Meeting of Council held on Thursday 26 October 2023 be confirmed as a correct record.

That the Minutes of the Confidential Meeting of Council held on Thursday 26 October 2023 be confirmed as a correct record.

That the Minutes of the Special Meeting of Council held on Thursday 2 November 2023 be confirmed as a correct record.

That the Minutes of the Special Meeting of Council held on Thursday 9 November 2023 be confirmed as a correct record.

That the Minutes of the Special Confidential Meeting of Council held on Thursday 9 November 2023 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 Helen Healy

That Council note the following records of Council Auspiced Meetings:

- **Councillor Briefing with presenter Cameron Sutton, CEO Murray Regional Tourism – 18 October 2023**
- **Council Forum – 9 November 2023**

CARRIED

RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Councillor Briefing with presenter Cameron Sutton, CEO Murray Regional Tourism – 18 October 2023	Cr Liam Wood Cr Helen Healy Cr Glenn Milne Cr Mark Eckel	Martin Hawson, Chief Executive Officer Kate Henschke, General Manager Corporate Performance Cameron Sutton, Murray Regional Tourism Peter Alexander, Mildura Regional Development	<ol style="list-style-type: none"> 1. Murray Regional Tourism MoU 2. VEP value proposition 	Nil
Council Forum – 9 November 2023	Cr Liam Wood Cr Mark Eckel Cr Ian Arney (virtual) Cr Troy Bailey Cr Stefano De Pieri Cr Helen Healy Cr Glenn Milne Cr Jason Modica	Mark Jenkins, Acting Chief Executive Officer Daryl Morgan, General Manager infrastructure & Assets Cheree Jukes, Acting 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	<ol style="list-style-type: none"> 1. Financial Literacy Workshop 2. Gender Equality: Free from Family Violence Project 3. Kerbside Bin Services Policy CP055 4. External Private Works Policy CP100 5. Mildura Regional Motorsport Strategy 2024-2028 – Final Draft 6. Planning & Housing Reforms 7. Asset Acquisition Considerations 8. Monthly Management Report 	Nil

8 NOTIFICATION OF ABSENCE

Nil

9 MAYORAL REPORT

9.1 MAYORAL REPORT OCTOBER 2023

Summary

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

2023/0170

Moved: Cr Jason Modica
Seconded: Cr Glenn Milne

That Council note the contents of this report.

CARRIED

10 COUNCILLOR REPORTS

10.1 COUNCILLOR REPORTS - OCTOBER 2023

Summary

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

Cr Eckel requested an amendment to note his attendance to the Community Conversation and BBQ Nichols Point.

Cr Arney requested an amendment to note he did not attend the Northern Mallee Leaders Vision of the Region Dinner, but did attend the presentation of Annual Reports for Mildura City Heart, Mildura Regional Development and Mildura Airport.

2023/0171

Moved: Cr Mark Eckel
Seconded: Cr Glenn Milne

That Council note the contents of this report.

CARRIED

Cr Mark Eckel

- *White Ribbon*: Congratulated Council staff on a fantastic White Ribbon event, with guest speaker Connor Paul and the biggest crowd he has ever seen for this event.
- *16 Days of Activism*: Spoke to the Community Partner White Ribbon webinar he attended regarding what we can do during the 16 Days of Activism.
- *Christie Centre*: Congratulated the Christie Centre group for all their hard work over the past 5 years, including the opening of two new social enterprises, Growability and Spark.

Cr Helen Healy

- *Local Publications*: Drew attention to two locally made books, *We Are Home* made in collaboration with Food Next Door, Regenerative Communities and Vic Heath Jumpstart Program and *The Shadow that Follows* by Connor Paul. Cr Healy also commended all local authors.
- *16 Days of Activism*: Showed her support for the upcoming global event, 16 Days of Activism.

Cr Glenn Milne

- *Mildura Show*: Spoke to his attendance of the official opening of the Mildura Show, and his discussions with 101 year old Len Spence.
- *Roads to Recovery*: Spoke to the federal government announcement of 4 billion dollars of funding for roads to recovery, and hopes that Mildura Rural City Council gets to see some of that funding put towards our roads.
- *Gambling Policy*: Noted the gambling policy will be coming to Council in December.

Cr Jodi Reynolds

- *Australian Inland Botanic Gardens*: Spoke to her attendance to the Australian Inland Botanic Gardens Annual General Meeting where the group announced their 5 year Master Plan and applauded all the amazing volunteers.

11 RESPONSES TO COUNCILLOR QUESTIONS

Nil

12 QUESTIONS FROM COUNCILLORS

12.1 CR GLENN MILNE

FOOTPATH DEVELOPMENT IN MERBEIN

File Number: 14/02/08

“I have had a request for footpaths to be built in Merbein as many parts of Merbein do not have a path on either side of the road. What is the process for building footpaths in established areas like Merbein?”

General Manager Infrastructure & Assets, Daryl Morgan advised that for established areas that were built many years ago, like Merbein, Red Cliffs, Ouyen etc there was never a requirement to build footpaths as part of other road infrastructure. Whereas nowadays these footpaths are built as part of development requirements via the development plans and other sub division requirements. Therefore, the current process for getting footpaths built in areas such as Merbein normally occurs via community requests. These requests are investigated by the council staff and if considered to meet certain criteria, such as;

- potential pedestrian usage,
- benefit to overall safety,
- links to key areas such as schools, residential precincts etc,

The footpath would then be added to the footpath program list and eventually find its way onto the capital works program.

In regard to Merbein specifically, Council has just adopted the Merbein Pedestrian and Cycling Plan (August this year) and this plan was created from a number of community consultation sessions with the Merbein Community and is aimed at improving pedestrian and cycling safety in the township. This plan was a direct result of the communities' requests for better footpaths and cycling paths. This plan lists the location of where footpaths were requested, and this forms the list of future priority works for Merbein.

If the community is wanting additional paths then they can write to council and we can consider these requests against this plan and the other criteria I have mentioned.

13 NOTICES OF MOTION

Nil

14 PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil

15 MANAGEMENT REPORTS

15.1 COUNCILLORS QUARTERLY EXPENSES REPORT 1 JULY 2023 - 30 SEPTEMBER 2023

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 July 2023 – 30 September 2023.

2023/0172

Moved: Cr Glenn Milne
Seconded: Cr Jason Modica

That Council note the contents of this report, which details Councillors Quarterly Expenses for the period 1 July 2023 – 30 September 2023.

CARRIED

Councillor Expenses for the period 1 July 2023 – 30 September 2023

Councillor	1. Allowance	2. Travel & Accommodation	3. Car Mileage	4. Information & Communication	5. Conferences & Training	6. Catering / Meals	7. Misc
Cr Ian Arney	7,995.00	846.30	2,349.36	256.35	179.66	26.72	46.36
Cr Troy Bailey	7,995.00			51.81			
Cr Stefano De Pieri	7,995.00	885.24		51.81	178.77	51.65	46.36
Cr Mark Eckel	7,995.00	729.66	408.24	248.16		184.88	27.27
Cr Helen Healy	12,831.24			188.17	95.00	28.41	19.09
Cr Glenn Milne	7,995.00	490.78	1,147.68	256.35		24.88	82.17
Cr Jason Modica	7,995.00	789.16	482.40	251.81	1,623.88	24.89	27.27
Cr Jodi Reynolds	7,995.00			51.81			19.09
Cr Liam Wood	25,662.48	1,472.75		186.81	1,554.99	85.29	42.27

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.
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 career expenses, printing, and other expenditure / reimbursements associated with responsibilities in performing Councillor role

15.2 COUNCILLOR REPRESENTATION ON PORTFOLIOS

Summary

The purpose of this report is to allocate portfolios to Councillors in accordance with the Council's Portfolio Policy.

2023/0173

Moved: Cr Stefano de Pieri

Seconded: Cr Helen Healy

That Council appoint the following Councillors to the Portfolios as listed:

Portfolio	Primary	Secondary
Community Development and Gender Equity	Cr Helen Healy	Cr Mark Eckel
Community Health, Wellbeing & Recreation	Cr Troy Bailey	Cr Ian Arney
Arts, Culture & Heritage	Cr Helen Healy	Cr Stefano De Pieri
Tourism and Events	Cr Mark Eckel	Cr Liam Wood
Environment & Sustainability	Cr Jason Modica	Cr Jodi Reynolds
Infrastructure and Assets	Cr Glenn Milne	Cr Liam Wood
Economic Development	Cr Stefano De Pieri	Cr Glenn Milne
Agriculture & Agri Business	Cr Ian Arney	Cr Jason Modica
Risk and Audit	Mayor	Deputy Mayor
Governance & Finance	Mayor	Deputy Mayor

CARRIED

15.3 2024 PLANNING DELEGATED COMMITTEE AND COUNCIL MEETING SCHEDULE

Summary

The purpose of this report is to set the Planning Delegated Committee and Council Meeting dates for the 2024 calendar year.

2023/0174

Moved: Cr Glenn Milne
Seconded: Cr Ian Arney

That Council:

- (i) adopt the following schedule of dates for Planning Delegated Committee Meetings during 2024:

Month	Date	Meeting Type	Meeting Time
January	18 January 2024	Planning Delegated Committee	5:30pm
February	8 February 2024	Planning Delegated Committee	5:30pm
March	14 March 2024	Planning Delegated Committee	5:30pm
April	11 April 2024	Planning Delegated Committee	5:30pm
May	9 May 2024	Planning Delegated Committee	5:30pm
June	13 June 2024	Planning Delegated Committee	5:30pm
July	11 July 2024	Planning Delegated Committee	5:30pm
August	8 August 2024	Planning Delegated Committee	5:30pm
September	12 September 2024	Planning Delegated Committee	5:30pm
October	10 October 2024	Planning Delegated Committee	5:30pm
November	14 November 2024	Planning Delegated Committee	5:30pm
December	5 December 2024	Planning Delegated Committee	5:30pm

- (ii) adopt the following schedule of dates for Council Meetings during 2024:

Month	Date	Meeting Type	Meeting Time
January	25 January 2024	Council Meeting	5:30pm
February	22 February 2024	Council Meeting	5:30pm

March	28 March 2024	Council Meeting	5:30pm
April	24 April 2024	Council Meeting	5:30pm
May	23 May 2024	Council Meeting	5:30pm
June	27 June 2024	Council Meeting	5:30pm
July	25 July 2024	Council Meeting	5:30pm
August	22 August 2024	Council Meeting	5:30pm
September	26 September 2024	Council Meeting	5:30pm
October	24 October 2024	Council Meeting	5:30pm
November	28 November 2024	Council Meeting	5:30pm
December	19 December 2024	Council Meeting	5:30pm

- (iii) note the ability for Councillors to attend meetings virtually (if required) in accordance with Part 1, Rule 17 of the Governance Rules.

CARRIED

15.4 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.

2023/0175

Moved: Cr Jason Modica
Seconded: Cr Glenn Milne

That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Adrian Symens, Town Planner / Subdivisions Officer.

CARRIED

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



Mildura Rural City Council

Mildura Rural City Council

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

for

**ADRIAN SYMENS
TOWN PLANNER / SUBDIVISIONS OFFICER**

NOVEMBER 2023

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Adrian Symens

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 22 June 2023.

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

15.5 MURRAY REGIONAL TOURISM BOARD MEMBERSHIP

Summary

The purpose of this report is to seek Council approval to enter into a three-year Memorandum of Understanding with the Murray Regional Tourism Board.

2023/0176

Moved: Cr Glenn Milne
Seconded: Cr Troy Bailey

That Council approve to enter into a three-year Memorandum of Understanding with Murray Regional Tourism Board for the period of 2024-2027.

CARRIED

15.6 CITIZENSHIP CEREMONIES

Summary

The purpose of this report is to inform Council of the recommendation from the Ngiwa Yarna Committee to include greater acknowledgement of Aboriginal and Torres Strait Islander culture within the annual program of Citizenship Ceremonies, and to hold the upcoming Citizenship Ceremony on 25 January 2024.

2023/0177

Moved: Cr Helen Healy
Seconded: Cr Jason Modica

That Council:

- (i) note the recommendation from the Ngiwa Yarna Committee that Mildura Rural City Council hold the upcoming 2024 Australia Day Citizenship Ceremony on an alternate day either side of 26 January with greater acknowledgement of Aboriginal and Torres Strait Islander Culture; and**
- (ii) approve to hold the upcoming Citizenship Ceremony on 25 January 2024.**

CARRIED

15.7 EXTERNAL PRIVATE WORKS POLICY CP100

Summary

The purpose of this report is to present the External Private Works Policy CP100 and seek Council's resolution to adopt the new/updated policy.

2023/0178

Moved: Cr Jodi Reynolds
Seconded: Cr Stefano de Pieri

That Council adopt the updated External Private Works Policy CP100 reviewed August 2023 as presented.

CARRIED



Mildura Rural City Council

External Private Works Policy

Policy – CP100

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Works & Infrastructure	ELT	Council	November 2023	2023/0178
Trim File: 18/02/01			To be reviewed: November 2028	
Document Owner: Manager Works & Infrastructure			Review Frequency: Every five years	

1. The purpose of this policy is

To provide guidance and direction for undertaking private works activities including provision of quotations and client engagement.

2. Policy Statement

This policy and associated operational procedures outline a systematic and transparent process for the undertaking of private works.

Part of Council's operational activities may include providing services or undertaking works for external parties. Council will ensure that works are undertaken on a commercial or full cost recovery basis.

3. Principles

- Undertaking of private works will not take precedence over the completion of Council's annual capital and normal operational works programs and cause no disruption to normal core activities.
- Council's processes for quoting and undertaking private works are to be undertaken in a fair and transparent manner.
- All private works will be undertaken on a full cost recovery basis and potentially include a margin as part of overhead recovery. (Refer to Pricing section below).
- External works will generally be undertaken within the following categories:
 1. Private works including provision of labour, plant and equipment
 2. Contract works

4. Pricing

4.1 Private Works

Generally, prices provided will be a fixed lump sum, GST inclusive with some exceptions applied to quotations provided for bitumen sealing works, asphalt/ concrete works, road openings and line marking where the exact area is subject to variation, in this instance a rate per square metre including GST will be provided.

All external private works quotations pricing will include overhead allowances, return on investment, and other allowances as applicable to ensure competitive neutrality.

All external works quotations will be compiled in accordance with Council's financial delegations controls and be provided using the standard Council quotation format including formal quotation number reference. Prior to services being provided Council must receive email confirmation of acceptance of quote from the client.

4.2 External Contract Works

All external contract works including bitumen services contract pricing is to be formulated using the Council's Contract and Private Works quoting template.

All external tender documentation including the completed quoting report will be reviewed by the relevant manager, and General Manager and approved by the Chief Executive Officer.

Undertaking of any external private works activities is the responsibility of the line management of the respective service units.

4.3 Competitive Neutrality and Conflict of Interest

- **Competitive neutrality**

All external private works activities will be subject to the Victorian Government's Competition Neutrality Policy.

This policy is to ensure that any government organisation (i.e. a Council) entering into a competitive market for the supply of goods and services do so on a level playing field i.e. no advantage to Council for things like payroll tax. Council do not pay payroll tax where private company's do therefore Council's cost to supply would be cheaper. Adjustments are required to ensure Council is 'competitive' in accordance with the policy.

- **Conflict of Interest**

All staff associated with the establishment of tenders and quotations for external works and the management and supervision are required to sign a Private Works Conflict of Interest form.

5. Exceptions

The ANZAC Day Parade is the *only* event that Council will provide assistance to including (but not limited to) traffic management services.

6. Who is responsible for implementing this policy?

Manager Works & Infrastructure
 Manager Parks & Recreation
 Manager Facilities & Assets
 Manager Engineering Development & Delivery
 Manager Waste Services
 Responsible Branch Manager for other relevant external works

7. Definitions

External Private Works	<p>Services provided by Council to external organisations including private clients and other local authorities. Services include:</p> <ul style="list-style-type: none"> • Road maintenance and construction • Car park maintenance and construction • Road line marking and sign installation • Road surfacing • Transport of plant and machinery • Hire of plant and operator • Traffic control and installation of traffic management signage, barriers and equipment (not available for events and festivals) • Waste and recycling bin hire • Amenities cleaning • Disabled access amenities hire • Road sweeping
External Contract Works	<p>Services provided by Council to external authorities i.e. VicRoads via a contract arrangement</p>
Full cost recovery	<p>Cost of labour, plant, materials plus overhead and on cost allowances and any other costs associated with the required scope of work.</p>

8. Legislation and other references

8.1 Legislation

Local Government Act 1989

Local Government Act 2020

Council must comply with the Best Value Principles as defined within section 208B of the *Local Government Act 1989*

Competitive Neutrality Policy (Victoria)

8.2 Documents

This Policy is implemented in conjunction with the following documents:

- MRCC Financial Delegations
- MRCC Contract and Private Works quoting system template
- OP007 Writing off Sundry Bad Debts Policy
- OP103 Debt Collection Sundry Debtors Policy
- OP151 Accounts Payable Policy
- Employee Code of Conduct
- CP083 Procurement of Goods, Services and Works Policy
- Contract Management Guidelines

8.3 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	✓

15.8 KERBSIDE BIN SERVICES POLICY CP055

Summary

The purpose of this report is to present the Kerbside Bin Services Policy CP055 and supporting Kerbside Bin Services Guidelines and seek Council's resolution to adopt the updated policy.

Cr Milne requested the policy be amended so the dot point under 3.5 'Sporting clubs will be able to purchase additional kerbside bins for the buildings on the site.' sits on its own line, as to not be a criteria for residential properties to purchase additional bins.

2023/0179

Moved: Cr Jason Modica

Seconded: Cr Jodi Reynolds

That Council adopt the updated Kerbside Bin Services Policy CP055 and supporting Kerbside Bin Services Guidelines reviewed November 2023 as presented.

CARRIED



Kerbside Bin Services Policy

Policy – CP055

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Waste Services	Manager Waste Services	Council	December 2023	2023/0179
Trim File: 18/02/01		To be reviewed: December 2026		
Document Owner: Manager Waste Services		Review Frequency: Three yearly		

1. The purpose of this policy is

To set out Council's policy for the provision, servicing and maintenance of mobile bins provided to properties as part of Council's kerbside landfill, recycling and organics service.

2. Policy Statement

Mildura Rural City Council is committed to delivering a safe, effective and sustainable kerbside collection service that aims to maximise environmental and economic outcomes.

3. Principles

3.1 Landfill, recycling, organics and glass collection will be undertaken on the designated collection day. Within the Mildura Collection Area, Ouyen to Murrayville Collection Area and Nangiloc/ Colignan Collection Area, the landfill and recycling collection service shall be undertaken fortnightly, the organics collection service will be undertaken weekly and the glass collection service will be undertaken monthly.

3.2 Where collection is scheduled on a public holiday, the service will proceed as normal or alternatively Council will endeavour to notify all affected residents through media channels.

3.3 A Waste Management Charge is applied to all properties where a kerbside waste collection or street sweeping service is available, including vacant land.. This charge pays for all waste services including kerbside services, the operation of landfills and transfer stations across the region, public litter bins, street sweeping, illegal dumping clean up, waste education and for the future rehabilitation and aftercare of our landfill sites.

3.4 Properties rated as business will be able to opt into a kerbside glass collection service.

3.5 Business properties can purchase additional bins.

Residential properties can purchase additional bins if they meet the following criteria:

- Medical needs that produce additional waste

Kerbside Bin Services Policy

- Six or more permanent residents living in one residential dwelling
- Two or more permanent residents in nappies in one residential dwelling.
- All of the above criteria are conditional on justification of what additional waste is produced. Applicants will need to describe what additional waste is being produced to justify the need for additional bins.

Sporting clubs will be able to purchase additional kerbside bins for the buildings on the site.

The cost of additional bins will be paid through the properties' rates at the current year's Waste Management Charge.

- 3.6** Bins recorded as having collection issues will be managed according to related contracts and Council's processes and guidelines and Council and their designated contractor/s reserve the right to remove or not to empty these bins.
- 3.7** Property owners are required to pay for a replacement bin when the bin is:
- Misplaced
 - Stolen
 - Damaged (through no fault of Council or not from general wear and tear)
 - Lost through transfer of ownership or occupancy
- 3.8** Council and owners/ tenants will adhere to kerbside bin responsibilities as per the Kerbside Bin Service Guidelines 2023.

4. Who is responsible for implementing this policy?

Manager Waste Services:

- Ensure customer requests regarding bin collections are responded to promptly and professionally.
- Management of any contract/s in relation to kerbside bin collections and processing.
- Ensure additional bin requests are processed and review any objections to the outcome

Waste Regulatory and Contracts Management Officer:

- Management of any contract/s in relation to kerbside bin collections and processing.

Team Leader Weighbridge & Reporting:

- Ensure additional bin applications are processed each year or as submitted to Council.
- Will determine if additional bin application meets criteria for approval.

Team Leader Waste Operations:

- Assist in responding to customer requests regarding bin collections.

- Assist in the management of contract requirements for contracted bin collection services

5. Definitions

<i>Kerbside Bins</i>	120L landfill bin, 240L recycle bin, 120L glass bin and 240L organics bin
<i>Property Owner</i>	Shall mean the owner of a habitable residential or business property.
<i>Tenant</i>	Shall mean any resident that is not the property owner
<i>Bin Collection Issues</i>	Non-compliant bins as per Council's guidelines and includes bin placement, unauthorised, foreign, overfull and knocked over bins, bins that are too heavy, bins not out for collection and bins that are contaminated.
<i>Damaged</i>	A bin that has been damaged by the owner/ occupier or through an act of vandalism

6. Legislation and other references

6.1 Legislation

Community Local Law No 2, Part 3 Environment, 3.1 Recycling and Waste Collection System

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Rating Strategy 2019-2023
- The current Kerbside Recycling, Glass and Rubbish Collection Contract
- The current Kerbside Organics Collection Contract
- Additional Bin Application Form
- Kerbside Bin Guidelines 2023
- Changes to Service Collection Notification Process

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	✓

2023

Kerbside Bin Services Guidelines

These Guidelines are an addendum to the Kerbside Bin Services Policy and apply to all residents and businesses receiving kerbside bin services.



Mildura Rural City Council

Introduction

Mildura Rural City Council provides a kerbside bin service to each residential and business property within the designated Mildura, Ouyen to Murrayville and Nangiloc/ Colignan collection areas of the municipality. Council is responsible for the collection of kerbside bin services from authorised Council bins.

The standard kerbside system is configured as:

- 120 litre landfill bin collected fortnightly
- 240 litre organics bin collected weekly
- 240 litre recycling bin collected fortnightly
- 120 litre glass bin collected monthly

There may be circumstances where designated bin collection days must change, such as on Christmas Day, New Year's Day or where the CFA declare a fire danger rating of Catastrophic or Extreme. To the best of our ability, Council will inform residents/property owners of changes to service collection schedule when required. Where a change of collection is required, it will be the responsibility of the resident/property owner to adhere to the change.

Kerbside Bin System

Your kerbside bin options will be determined by how your property is rated. Kerbside bin services are paid for through the Waste Management Service charge.

Properties that are on vacant land and have kerb and channel, they will be charged a non-collection fee. This waste fee contributes to other Waste Management Services that the waste charge pays for excluding kerbside services. These include street sweeping, public litter bin collection, landfill and transfer station operations, landfill rehabilitation and aftercare, illegal dumping collection and waste and recycling education and community engagement.

Business bin options

Business properties will be allocated one of each bin for landfill, recycling, glass and organics.

Business properties will be able to opt into a kerbside glass collection service. Businesses that would like a glass bin are to ring Council to order one.

Business properties can purchase additional bins at the current years Waste Management Charges.

Council supplies bins to new residential and business properties once the new service or additional bin/s have been paid for. These services are usually provided within 10 working days of Waste Services receiving notification.

The property owner must notify Council of changes in circumstances or property ownership where additional bin/s are present.

Residential bin options

Residential properties will be allocated one of each bin for landfill, recycling, glass and organics.

Residential properties will be able to purchase additional bins if they can demonstrate they meet one or more of the following criteria:

- Medical needs that produce additional waste

- Six or more permanent residents living in one residential dwelling
- Two or more permanent residents in nappies in one residential dwelling
- The above criteria are conditional on justification of what additional waste is produced. Applicants will need to describe what additional waste is being produced to justify the need for additional bins.
- Sporting clubs will be able to purchase additional kerbside bins for the buildings on the site, with the aim to recycle and divert waste from landfill.

The cost of additional bins will be paid through the properties' rates at the current years Waste Management Charge. Pro rata charge may be applied if bins are sourced after the beginning of the current financial year.

Residents must reapply for additional bins each year using the Additional Bin Application Form. If resident is renting, the land owner/ real estate agent is required to also approve the application form.

Some residents may be eligible for a smaller 120 litre organics bin where it is demonstrated they produce less organics waste (such as in retirement villages).

Council supplies bins to new residential and business properties once the new service or additional bin/s have been paid for. These services are usually provided within 10 working days of Waste Services receiving notification.

The resident/property owner must notify Council of changes in circumstances or property ownership where additional bins are present.

Kitchen caddy and compostable liners

All new properties will be supplied with one kitchen caddy and one roll of compostable liners that should last 12 months. These are to be used for the collection of food scraps and diversion of food waste from the landfill bin and into the organics bin.

Caddies and liners are to stay with the property.

Roles and Responsibilities

Providing a kerbside bin service is the responsibility of both Council, its contractor/s and the property owner or tenant. By all of us working together we can provide a safe, effective and sustainable kerbside collection service.

It is Council's responsibility to:

- Ensure there are sufficient operational resources to meet the safe, timely and professional delivery of the service in line with Council principles and values.
- Manage kerbside collection and processing contracts
- Ensure requests by property owners or tenants relating to the provision and collection of bins are responded to in a timely and professional manner.
- Undertake a waste education program.
- Maintain a bin collection issues register to answer any enquiries relating to collection issues.
- Communicate bin collection schedule changes through media channels

It is the Contractor's responsibility to:

- Not empty bins containing medical or hazardous materials, liquid, ash or electronic waste.

- Not empty recycling, glass or organics bins that are deemed by Council or their representatives to be unacceptably contaminated with non-recyclable materials.
- Ensure requests by property owners or tenants relating to the provision and collection of bins are responded to in a timely and professional manner.
- Undertake a waste education program.

It is the property owner/tenants' responsibilities to:

- Ensure bins are placed on the kerbside or as directed by Council the night before collection.
- Ensure ashes, medical waste, liquids, dangerous or hazardous materials and electronic waste is not disposed of in kerbside bins.
- Ensure only recyclable, glass and organic materials are disposed of in recycling, glass and organics bins.
- Retain all bins, caddies and compostable liners at the designated property during any transfer of property ownership or occupancy.
- Only put waste into your bins and not other people's kerbside bins. This is so contamination of recycling, glass or organics bins do not occur.
- Adhere to any changes in collection schedules.

Please refer to the Council's Kerbside Bin Services Policy (CP055) for more information on the principles of the kerbside service.

How to ensure your bin is emptied

Bin placement may sound like a simple concept and here are some tips to make sure your bin is collected for emptying:

- Place your bins out the front of your property directly behind the kerbing or as directed by Council with the handles facing the property.
- Place your bins out for collection the night before your scheduled collection day. Collection vehicles are not always emptying bins on the same schedule and may arrive earlier or later than you are used too.
- Maintain your bins so they are in a useable condition and do not impact collection or become an issue for community health and safety.
- Remove your bins from the collection point after they are emptied no more than one day after the collection day as per Community Local Law No. 2 (Part 3, Environment).
- Do not overload or compact your bins. Any bin that is unable to be emptied by the collection vehicle due to excessive weight (over 80kgs) will be the responsibility of the resident/property owner to empty.
- If any contamination is detected in the recycling, organics, glass or landfill bin, Council and its representatives reserve the right to not empty the bin. More information on what can and cannot be placed in your bins and how Council is going to manage contamination can be found in the non-conformance section of this document.

What do I do if my bin is lost or broken?

Council's kerbside bin service includes minor repairs to bins as required. If your bin has a broken lid, a wheel has come off or there is a crack in the side of the bin and this has been through general wear and tear and not the fault of the property owner/tenant, then you can ring Council to request the bin be repaired.

If a bin is misplaced, stolen or damaged (through no fault of Council or not from general wear and tear) the property owner/tenant is required to pay for a replacement bin. This also applies if a bin goes missing during changeover of property ownership or tenancy. Bins should stay with the property. If bins are located, the tenant/ property owner must notify Council and may be eligible for a refund.

Kerbside Bin Collection Issues

What are bin collection issues?

This refers to incidents where the placement or use of kerbside bins does not follow Mildura Rural City Council's Kerbside Bin Service Guidelines and may prevent your bins from being emptied. This can include disposal of inappropriate items in bins and incorrect or ill-timed bin placement. These are described further in *Descriptions of Bin Collection Issues*.

These issues are a problem for Council, their representatives and the property owner or tenant. If a bin is unable to be collected, Council and the property owner/tenant have to take a number of actions to remedy the problem. Inevitably any remediation will cost Council and the ratepayers more, from increased staff time to address the issue (such as getting out of the collection vehicle to move a bin away from an obstruction so it can be collected), to the property owner/tenant facing the inconvenience of not having their bin emptied.

Recycling, glass and organic bin contamination is an issue because it leads to double-handling. If non-recyclable items are put straight into the landfill bin, the ratepayer would only pay for collection, and then the landfill levy for disposal. When contaminants are put in recycling, glass or organics bins, the ratepayer pays for collection, sorting, transport to the landfill and landfill disposal. By putting more energy and processing into contamination, we are increasing our carbon footprint as well.

What is the bin collection issues register?

The bin collection issues register is a Council-maintained database that stores information about non-conformance incidents. When the collection vehicle detects any issues, the incident is reported, along with the address of the bin, the time of the report and what the issue is. This database is then used to answer any customer enquiries and identify any ongoing issues.

Types of Bin Collection Issues

Bin placement

Kerbside bins need to be placed so that there are no obstructions to stop the truck collecting the bins. Obstructions can include letter boxes, trees, signs, power poles or vehicles (see Photo 1). Placing bins close to obstructions increases the risk of the collection vehicle damaging property.

Bins need to be placed at least 50 -100cm away from any obstruction, including your other kerbside bin (see Photo 2).

The wheels and handles of your kerbside bin must face your property and bins placed directly behind your kerbing, or as directed by Council. A fact sheet explaining the placement of bins on kerbs, rural properties with no kerbing and in courts is available from Council.



Photo 1



Photo 2

Unauthorised MRCC bins

Unauthorised Mildura Rural City Council bins are classified as additional kerbside bins that have not been approved by Council or are not being paid for by the property owner.

Council budgets for a weekly organics bin collection, fortnightly landfill and recycling bin collection and a monthly glass bin collection. If a property uses extra bins that Council has not approved, an additional cost to ratepayers is incurred.

Foreign bins

Bins not issued by Mildura Rural City Council and that the resident/tenant has placed out to be emptied (see Photo 3) are classified as foreign bins. Examples of foreign bins include bins that have been purchased from retailers (such as hardware stores) or bins that are from another Council area.



Photo 3

Knocked over bins

Collection vehicles are unable to empty bins that have been knocked over. Bins can be knocked over due to bad weather, scavenging animals, vandals, other vehicles, uneven ground and by your bin being

overfull (see Photo 4). If Council or its representatives are the cause of the knocked over bin, then we will upright the bin and pick up any spillage.



Photo 4

Bins too heavy

A bin is too heavy when the collection vehicle physically cannot pick it up to empty it (more than 80kgs). Generally, if a person struggles to or cannot wheel their bin out to the kerb for collection, it is likely too heavy for the collection vehicle to empty.

Overfull Bins

An overfull bin is when the lid is not flush on the bin (see Photo 5). An overfull bin has a higher chance of spillage when being emptied (see Photo 6) and is more susceptible to scavenging animals or bad weather. Spillage is the responsibility of the property owner or tenant to clean up.



Photo 5



Photo 6

Bin not out for collection

This means that your kerbside bin was not out at the collection point prior to the collection vehicle servicing your property on your designated collection day. Bins are to be placed out for collection the night before your scheduled collection day and may be emptied any time between 5am and 9pm.

Contamination in landfill bin

Contamination in a landfill bin occurs when prohibited items are placed in a 120L Landfill bin. Prohibited items include:

- Ashes
- Liquids including oil, paint and solvents
- Soils and rocks
- Gas bottles
- Clinical and cytotoxic waste*
- Electronic waste
- Timber, concrete, bricks and building material including asbestos

These items can cause health and safety risks to the bin collection team and cause operational and environmental impacts from their disposal to landfill.

*Clinical waste is any waste resulting from medical, nursing, dental, pharmaceutical, skin penetration or other related clinical activity that has the potential to cause injury, infection or offense. It includes waste containing: human tissue (other than hair, teeth and nails) body fluids or blood. Cytotoxic waste is waste associated with cytotoxic drugs which contain chemicals that are toxic to the cells. This includes materials, equipment, and residue that are contaminated by cytotoxic drugs.

Contamination in recycling bin

Contamination in a recycling bin occurs when prohibited items are placed in a 240L recycling bin (see Photo 7).

Items that can be recycled in a 240L recycling bin include:

- Cardboard
- Milk and juice cartons
- Aluminium and steel cans, foil trays and aerosols
- Rigid plastic containers and bottles
- Newspapers and magazines
- Letters, envelopes and office paper
- Advertising material
- Telephone books

Items that cannot be recycled in a 240L recycling bin include but are not limited to:

- Food scraps
- Green/garden waste
- Glass bottles and jars
- Nappies
- Plastic bags and soft plastics
- All medical waste including clinical and cytotoxic waste
- Crockery
- Clothing and textiles
- Polystyrene
- Household rubbish
- Hard waste and electronic waste
- Bagged recycling or rubbish

This list may be updated. An up-to-date list can be found on Council's website.



Photo 7

Contamination in organics bin

Contamination in an organics bin occurs when prohibited items are placed in an organics bin. Items that can be recycled in an organics bin include:

- Fruit and vegetables
- Meat
- Dairy
- Leftovers
- Lawn clippings
- Branches
- Weeds
- Newspaper
- Pizza boxes
- Animal poo
- Human and animal hair
- Soiled paper towel or paper napkins

Items that cannot be recycled in an organics bin include but are not limited to:

- Vacuum dust
- Nappies
- Ash
- Plastic bags and packaging
- All medical waste including clinical and cytotoxic waste
- Clothing and textiles
- Household rubbish
- Clean cardboard

Contamination in glass bin

Contamination in a glass bin occurs when prohibited items are placed in a glass bin.

Items that can be recycled in the glass bin include:

- Glass jars (empty, lids off, lightly rinsed, can be broken)
- Glass bottles (empty, lids off, lightly rinsed, can be broken)

Items that cannot be recycled in the glass bin include but are not limited to:

- Drinking glasses
- Window and mirror glass
- Light bulbs
- Vases

- Glass or ceramic cooking dishes
- Perfume or makeup containers
- Household rubbish

This list may be updated. An up-to-date list can be found on Council's website.

Contamination Management

Contamination in the recycling, glass and organics bins will be managed by the contractor (Council's representative) undertaking the collection. Once contamination is detected the process involves letters to educate the resident on how to use the bins properly. This escalates to temporary removal of the recycling or organics bin and finally permanent removal of the recycling, glass or organics bin if no improvement is made to reduce contamination.

Our aim is to encourage property owners and tenants to recycle as much as possible in a bid to reduce the amount of waste going to landfill. This process aims to educate people to continue to recycle the best they can while also managing those residents or property owners who make little effort to recycle properly or at all.

The step-by-step process is as follows:

First contamination

1. A contamination sticker is applied over their bin lid advising that the truck driver has identified wrong material/s in the recycling bin. This usually occurs as the bin is being emptied into the truck.
2. The truck driver then uses GPS capabilities to identify the property address and reports these details in to the system. A letter is sent to the property owner/tenant outlining in more detail what can and can't go in their recycling or organics bin.

Second contamination

3. If contamination is found in the same bin again, a second letter is sent to the resident, outlining the two offences and again letting the household know what can and cannot be placed in their recycling or organics bin. This letter is also accompanied by a fridge magnet and strongly encourages the resident to contact us if they are unsure of anything.

Third contamination

4. After a third contamination offence, a Final Warning Letter is sent to the resident. It again outlines the previous contaminations incidents and warnings and states that no further warning will be provided and the next offense will result in bin removal.

Fourth & Fifth contamination

5. If a fourth contamination offense occurs, the bin is removed from the residence for a minimum of two weeks. The bin is returned only upon receipt of a signed acknowledgement by the resident who agrees to do their best not to contaminate in the future. From this point the resident gets one final chance before the bin is permanently removed (fifth contamination).

Sixth contamination

6. This is where the bin is removed permanently. The Contractor will notify the resident and Council of the address this is applicable to.

Reset Activity

7. In some cases, the contamination record for a particular property is reset. This could be for a number of reasons such as incorrect address, change of tenant, etc.
8. The Contractor will submit a monthly report to Council outlining the number of first, second and third offences as well as temporary or permanent bin removal.

15.9 OUTDOOR ADVERTISING ON COUNCIL ROADS RESERVES POLICY CP078

Summary

The purpose of this report is to present the Outdoor Advertising on Council Road Reserves Policy CP078 and seek Council's resolution to adopt the new policy.

2023/0180

Moved: Cr Jason Modica
Seconded: Cr Jodi Reynolds

That Council adopt the new Outdoor Advertising on Council Road Reserves Policy CP078 as presented.

CARRIED



Mildura Rural City Council

Outdoor Advertising on Council Road Reserves Policy

Policy – CP078

Prepared	Reviewed	Approved	Date	Council Minute No.
Future Planning	ELT	Council	August 2023	2023/0180
Trim File: 18/02/01		To be reviewed: September 2026		
Document Owner: Manager Facilities & Assets		Review Frequency: Every three years		

1. Policy Purpose

To establish clear guidelines for commercial advertising on Council road reserves and ensure a concise, clear and consistent approach.

2. Policy Statement

Council recognises the role and importance of the effective management of commercial, community and sponsorship advertising, including those opportunities that may be located on Council’s Road reserves.

Commercial advertising on Council road reserves presents opportunities to deliver multiple outcomes for community stakeholders, including:

- Council obtaining funding or other associated benefits to assist with the provision of services;
- Local not-for-profit clubs and organisations to generate awareness to sustain their activities;
- Private business to promote services or products.

3. Principles

Advertising on Council road reserves is to comply with all advertising policies adopted by the Australian Outdoor Media Association as well as other Council policies outlined in 7.2. Advertising on Council Road reserves consists of:

- The use of signage or digital displays at agreed location(s) and duration(s)
- Advertising associated with a particular event, facility or activity
- Council-related services
- Promotion of local not-for-profit Clubs or organisations to generate awareness of their services

The explicit advertising of the following are not permitted on Council road reserves:

- Promotion of gambling
- Products or services that are misleading or that are deceitful in nature

- Unhealthy or harmful foods and beverages including alcohol
- Products or services likely to be harmful to the community
- Discrimination by way of race, religion or sex
- Exploitation of people through the payment of below award wages or poor working conditions
- Products or services that contribute to the inhibition of human rights generally
- Promotion of election materials relating to Local Government elections

4. Conditions of Bus Shelters

The following conditions apply for displaying advertising materials on bus shelters on road reserves:

- Advertising must not extend beyond the perimeter of the bus shelter
- A maximum of two advertising panels per bus shelter that may comprise of an advertisement on each of the two sides of the bus shelter
- Must not contain flashing or neon signage
- Must not obscure pedestrian paths of travel in either direction
- Must be able to increase or decrease the intensity of illumination
- Must not compromise the aesthetics or visual appeal of the environment immediately surrounding the asset
- Illumination must not adversely impact on the safety of pedestrians, cyclists or drivers of motor vehicles
- Illumination must not adversely impact on the amenity of residential dwellings, serviced apartments or other tourist and visitor accommodation
- Must not be located on land that compromises a heritage item or is within a heritage conservation area

5. Cost

Payment to Council for advertising is to be considered and agreed on an individual basis as/when a request is submitted.

Council reserves the right to enter into an agreement with external agencies who will manage commercial advertising on Council assets.

6. Definitions

Commercial Advertising	The promotion of a private businesses product(s), service(s), or activities in return for payment, services, goods or awareness of their services
Council Road Reserves	Public land from outside the property boundary and generally consisting of a nature strip (or roadside), drains, verge, road shoulder and roadway

7. Legislation and other references

7.1 Legislation

Local Government Act 2020

7.2 Documents

This Policy is implemented in conjunction with the following documents:

- Asset Management Policy CP031
- Footpath Trading Policy CP008
- Land Managers Consent Policy CP061
- Local Law 2 – Community Local Law
- Mildura Riverfront Signage Policy CP064
- Mildura Sporting Precinct Sponsorship Policy CP070
- Advertising Policy OP050
- Use of Council Logo Policy CP044

7.3 Risk Assessment Reference

Please tick the corporate governance risk(s) that this policy is addressing.

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	✓

16 URGENT BUSINESS

Nil

17 COMMUNITY QUESTIONS

17.1 SPEED LIMITS

File Number: 02/01/13

“I note that there has been yet another accident in Eleventh Street. As reported in the Sunny Daily in Mid-November, an accident occurred at the intersection of Eleventh Street and Karadoc Avenue involving two cars and a truck which closed the street for two hours. Over six months ago, at the April 23 Council Meeting I asked if the Council could consider reducing the current speed limit of 80 km/hr to 60 km/hr in Eleventh Street between the Cowra Avenue and Karadoc Avenue. The then Acting General Manager Development, Daryl Morgan responded very positively saying that he was happy to consider the matter but would have to review traffic volumes, type of traffic, accident history etc before any recommendation could be made. Could Council provide an update?”

General Manager Infrastructure & Assets, Daryl Morgan advised that Council Officers have undertaken traffic counts and looked at the past accident history In May / June this year. The traffic speed data did not indicate any alarming trends with most road sections experiencing traffic travelling at or below the posted speed limit. Although there were some exceptions.

Other than the recent accidents (which I am aware of as I also use this road daily) there has not been a history or repeated accident patterns.

As council does not have the authority to change speed limits, Council needs to apply to the state government for a change in speed limit. In doing so, council has discussed this data with the relevant state government department and their advice at the time, was that the current speed limit (80km/h) is appropriate for the road based on the traffic speed and mix of traffic. This information was provided to councillor's in a memo in August this year.

If Peter would like to go over the data then you can contact our engineering staff and they will be happy to discuss this further. Having said that though, we continually review our road networks and even though at the time we undertook these counts there weren't any alarming trends, we will undertake some further counts next year to monitor the situation further.

17.2 HIGHWAY CLEANUP

File Number: 02/01/13

“I am a regular driver to Adelaide and for a long time have been dismayed and appalled at the amount of litter along the Victorian section of the Sturt Highway. Litter is scattered almost the entire length of the highway but is especially prevalent at roadside stops, both informal stops and formal stops. Bins are often overflowing and wind-blown litter collects in bushes. My question is: who is responsible for keeping the highway clean and how regularly are clean-ups conducted? Furthermore, how can regular upkeep be ensured?”

General Manager Infrastructure & Assets, Daryl Morgan advised that these roadside stops are managed by the Department of Transport. Council has raised this matter with them recently as a result of your question and the following response was received today from the department:

“The Department of Transport carries out regular inspections of roads and roadsides. There are many competing demands on roadside maintenance, including litter collection, graffiti removal and vegetation management. Rest stops along Sturt Highway and other arterial roads are inspected and serviced weekly, while the rest area at Merbein has toilets and is serviced daily. This litter service is for clearing bins only and does not include dumping of household / builder’s waste, toxic waste, or large items. It is the responsibility of rest stop users to be responsible and not litter.”

17.3 CBD PUBLIC TOILETS

File Number: 02/01/13

“Why is there a dearth of lean, comfortable and accessible public toilets in the CBD? The toilet block on 9th street is uninviting and the K-Mart toilets have reached their expiry date. What is Council’s position on the provision of decent facilities in the CBD? The riverfront is amply supplied (toilet in the Rowers’ building is an excellent example) but the CBD seems to be forgotten.”

General Manager Infrastructure & Assets, Daryl Morgan advised that there is currently a budget for the refurbishment of the Ninth Street toilets as well as the rebuild of toilets in Deakin Avenue as part of the proposed median strip upgrade between Seventh and Eighth Streets. Once these works are assessed and agreed to, this should see some improvement in the toilet facilities within the CBD. In regards to future toilet facilities in the CBD, this will all be considered as part of the future CBD toilet strategy development. The toilets at Kmart are not owned by Council - they are privately owned. Council does however clean them but we have no control over how old and outdated these toilets are.

18 CONFIDENTIAL BUSINESS

6:19pm

Moved: Cr Ian Arney
Seconded: Cr Jason Modica

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 ASSET ACQUISITION CONSIDERATIONS

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.

18.2 RELEASE OF CONFIDENTIAL COUNCIL REPORTS

Section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

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 Council should Council wish to keep any of the information in confidential.

18.3 TENDER AWARD - TENTH STREET AND ETIWANDA AVENUE INTERSECTION UPGRADE - CONTRACT 2024/124

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)(a) 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.

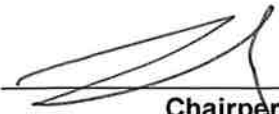
CARRIED

Confidential Business concluded at 7:04pm.

19 CLOSURE

There being no further business the meeting closed at 7:05pm.

Date of Confirmation: 21 December 2023

Signed:  _____
Chairperson