



Mildura Rural City Council

MINUTES

Planning Delegated Committee Meeting

5:30pm Thursday 11 April 2024

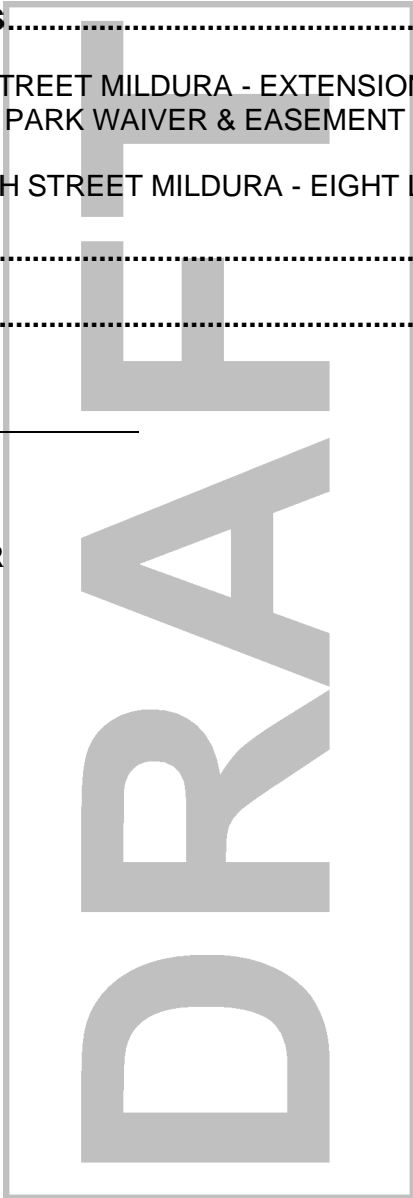
VENUE:
Committee & Council Room
76 Deakin Ave, Mildura

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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
- 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

Mayor
Deputy Mayor

Officers

- Martin Hawson
- Peter Alexander
- Larni Baird

Chief Executive Officer
General Manager Strategy & Growth
Manager Governance

4 APOLOGIES AND ABSENCES

Moved: Cr Jason Modica
Seconded: Cr Glenn Milne

Council accepts the apologies from the following Councillors:

Cr Ian Arney

CARRIED

5 PLANNING REPORTS

5.1 25 PRINCES STREET MILDURA - EXTENSION TO AGED CARE FACILITY CAR PARK WAIVER & EASEMENT REMOVAL

Summary

Date Received:	15 November 2023
Subject Property:	25 Princes Street Mildura
Proposed Use/Development:	Extension to a Residential Aged Care Facility, Reduction in Carparking Requirements, removal of an easement and associated works
Zone:	General Residential Zone 1, Public Use Zone 3
Overlays:	Specific Controls Overlay Schedule 1
Applicant:	James Golsworthy Consulting Pty Ltd
Application Triggers:	Clause 32.08-8 Buildings and works Clause 52.02 Easement, restrictions and reserves Clause 52.06-5 reduction in carparking requirements
Relevant Provisions:	Clause 02.03-1 Settlement Clause 02.03-6 Housing Clause 11.01-1S Settlement Clause 15.01-1L Urban design in Mildura Clause 15.01-2S Building design Clause 15.01-5S Neighbourhood character Clause 16.01-1L-01 Housing supply in Mildura Clause 16.01-5S Residential aged care facilities Clause 17.01-1S Diversified economy Clause 19.02-1S Health facilities Clause 32.08 General Residential Zone Clause 36.01 Public Use Zone Clause 52.06 Carparking Clause 53.17 Residential Aged Care Clause 53.18 Stormwater Management in Urban Design Clause 65 Decision Guidelines
Objections Received:	11

The permit applicant, James Golsworthy Consulting, seeks permission for the development of land for an extension to a residential aged care facility, reduction in carparking requirements, removal of an easement and associated works on the subject land at 25 Princes Street, Mildura.

The proposed development a two-storey building (ground floor and first floor) encompassing all elements associated with the provision of aged care. A total of fifty (50) lodging rooms (each with ensuite), medical rooms, staff facilities, reception and laundry services are included in the facility. The development also includes the re-location of the existing 66 space car park to the south-west of the proposed facility which can be accessed via Argyle Street and Princes Street.

The application was notified as per Section 52(1)(a) and (d) of the Planning and Environment Act 1987 with the application receiving 11 objections to date:

The key issues that were raised in the objections are:

- Increase in traffic through Argyle Street through the proposed carpark.
- Increase in traffic in Princes Street.
- Argyle Street width – issues exist with access to existing medical issues.
- Carpark reduction queries over the Traffic Impact Assessment.
- Noise Emissions produced from the service area, laundry and carpark.
- Overlooking issues to the adjoining property at 26 Princes Street.
- Lighting and opening hours of the proposed carparking.

The application was assessed against all relevant provisions within the Mildura Planning Scheme. The application responds positively and is encouraged by the Planning Policy Framework. The application has been supported with a Traffic Impact Assessment (TIA) (prepared by onemilegrid) and an Acoustic Report (prepared by Resonate). The TIA determined that the amount of car parking would be sufficient and the surrounding road network could cater for the increased traffic flows and there would not be an adverse impact on the surrounding road networks.

Overlooking and overshadowing to the adjoining property (26 Princess Street) requirements have been met through the development requirements of clause 53.17 Residential Aged Care Facilities. This is further supported via a separation service lane and a 1.8m acoustic wall to limit the noise emissions produced.

It was found that the permit requirements are met and additionally, the building is designed in a form that respects the design requirements of clause 53.17.

A notice of decision to grant a planning permit is recommended.

Cr Mark Eckel declared he held a general conflict of interest as his mother-in-law resides in Princes Street. Cr Eckel left the chamber, time being 5:33pm.

Original Recommendation

That Council having caused notice of Planning Application No. 005.2023.00000322.001 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 32.08-8 52.02-2, and 52.06 of the Mildura Planning Scheme in respect of the land known and described as 25 Princes Street MILDURA, 29 Princes Street MILDURA, 26 Argyle Street MILDURA, 159 Thirteenth Street MILDURA (Lot: 2 Sec: 17 Blk: E LP: 15003, PC: 372133R, Lot: 2 Sec: 17 Blk: E LP: 15047, Sec: 17 Blk: E PC: 364456L) for the Use and Development of land for an Extension to a Residential Aged Care Facility, Reduction in Carparking Requirements, removal of an easement and associated works, subject to the following conditions:

Amended Plans

- (i) Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A detailed drainage design plan must be submitted for the site to show how much detention is achieved with the proposed building area
 - b. Each noise control measure as detailed in *Planning Stage Acoustic Report – Princess Court Community Living Mildura (M210898RP1 – Revision C (9 November 2023))* prepared by Resonate clearly noted on plans.

Use and development in accordance with endorsed plans

- (ii) The use and development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.

Amenity

- (iii) Before the buildings approved by this permit are occupied, the noise control measure as detailed on the endorsed plans and as detailed within *Planning Stage Acoustic Report – Princess Court Community Living Mildura (M210898RP1 – Revision C (9 November 2023))* prepared by Resonate must be implemented to the satisfaction of the responsible authority.
- (iv) At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.

- (v) External lighting must be designed, baffled and located so as to prevent any adverse impacts.

Easements

- (vi) All existing, proposed or easements to be removed for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

Landscaping

- (vii) Before the buildings approved by this permit are occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

The responsible authority may consent in writing to vary this requirement.

- (viii) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced to the satisfaction of the responsible authority.

Waste

- (ix) All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.
- (x) Waste refuse collection trucks must only collect waste between the following times unless otherwise agreed by the responsible authority:

Monday to Saturday: 7am to 6pm
- (xi) All waste material not required for further on- site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.

Engineering Conditions

- (xii) Detailed drainage design plans must be submitted for the proposed Carpark.
- (xiii) Plans must also include the civil design so detention volumes and overland flow paths can be checked.
- (xiv) Before the buildings approved by this permit are occupied, all works required as per the endorsed drainage plans must be completed.
- (xv) Before the buildings approved by this permit are occupied any new vehicular crossings must be constructed to the satisfaction of the responsible authority.
- (xvi) Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
 - a. constructed
 - b. properly formed to such levels that they can be used in accordance with the plans
 - c. surfaced with an all-weather-seal coat
 - d. drained
 - e. line marked to indicate each car space and all access lanes
 - f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Lower Murray Water Conditions

- (xvii) The requirements of Lower Murray Water must be met, regarding the provision of water supply and sewerage services to the land, including payment of all associated costs prior to commencement of works.
- (xviii) A Backflow Prevention Device is required to be installed on the water service to this property with all costs to be met by the Landowner. The Landowner is required to register the device with LMW and meet the requirements of LMW's Backflow Prevention Agreement.

Permit Expiry

- (xix) The above-mentioned planning permit expires if;
 - a. the development or any stage of it does not start within two years of the date of issue of the permit or;
 - b. the development or any stage of it is not completed within four years of the date of issue of the permit.

The permit time may be extended pursuant to Section 69 of the Planning and Environment Act 1987 if a written request is received by the Responsible Authority before the permit expires or; within six months of the expiry date of commencement.

2024/0045

Moved: Cr Helen Healy
Seconded: Cr Stefano de Pieri

Amended Motion

That Council having caused notice of Planning Application No. 005.2023.00000322.001 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 32.08-8 52.02-2, and 52.06 of the Mildura Planning Scheme in respect of the land known and described as 25 Princes Street MILDURA, 29 Princes Street MILDURA, 26 Argyle Street MILDURA, 159 Thirteenth Street MILDURA (Lot: 2 Sec: 17 Blk: E LP: 15003, PC: 372133R, Lot: 2 Sec: 17 Blk: E LP: 15047, Sec: 17 Blk: E PC: 364456L) for the Use and Development of land for an Extension to a Residential Aged Care Facility, Reduction in Carparking Requirements, removal of an easement and associated works, subject to the following conditions:

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- (i) **Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a. **A detailed drainage design plan must be submitted for the site to show how much detention is achieved with the proposed building area**

- b. Each noise control measure as detailed in *Planning Stage Acoustic Report – Princess Court Community Living Mildura (M210898RP1 – Revision C (9 November 2023))* prepared by Resonate clearly noted on plans.

Use and development in accordance with endorsed plans

- (ii) The use and development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.

Amenity

- (iii) Before the buildings approved by this permit are occupied, the noise control measure as detailed on the endorsed plans and as detailed within *Planning Stage Acoustic Report – Princess Court Community Living Mildura (M210898RP1 – Revision C (9 November 2023))* prepared by Resonate must be implemented to the satisfaction of the responsible authority.
- (iv) At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.

- (v) External lighting must be designed, baffled and located so as to prevent any adverse impacts.

Easements

- (vi) All existing, proposed or easements to be removed for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

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- (viii) The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced to the satisfaction of the responsible authority.

Waste

- (ix) All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.
- (x) Waste refuse collection trucks must only collect waste between the following times unless otherwise agreed by the responsible authority:
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- (xi) All waste material not required for further on- site processing must be regularly removed from the site to the satisfaction of the responsible authority. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the responsible authority.

Engineering Conditions

- (xii) Detailed drainage design plans must be submitted for the proposed Carpark.
- (xiii) Plans must also include the civil design so detention volumes and overland flow paths can be checked.
- (xiv) Before the buildings approved by this permit are occupied, all works required as per the endorsed drainage plans must be completed.
- (xv) Before the buildings approved by this permit are occupied any new vehicular crossings must be constructed to the satisfaction of the responsible authority.
- (xvi) Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
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At all times car spaces, access lanes and driveways must be kept available for these purposes.

Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Lower Murray Water Conditions

- (xvii) The requirements of Lower Murray Water must be met, regarding the provision of water supply and sewerage services to the land, including payment of all associated costs prior to commencement of works.

- (xviii) A Backflow Prevention Device is required to be installed on the water service to this property with all costs to be met by the Landowner. The Landowner is required to register the device with LMW and meet the requirements of LMW's Backflow Prevention Agreement.

Vehicle Access

- (xix) Vehicle access and egress is prohibited to and from the carpark in Argyle street; and
- (xx) Any other associated conditions administering this as necessary to the satisfaction of delegated officers in statutory planning.

Permit Expiry

- (xxi) The above-mentioned planning permit expires if;
 - a. the development or any stage of it does not start within two years of the date of issue of the permit or;
 - b. the development or any stage of it is not completed within four years of the date of issue of the permit.

The permit time may be extended pursuant to Section 69 of the Planning and Environment Act 1987 if a written request is received by the Responsible Authority before the permit expires or; within six months of the expiry date of commencement.

CARRIED

Cr Eckel returned to chamber, time being 5:33pm.

5.2 220 SIXTEENTH STREET MILDURA - EIGHT LOT SUBDIVISION**Summary**

Date Received:	20 December 2023
Subject Property:	220 Sixteenth Street MILDURA (Lot: 1 Sec: 34 Blk: E LP: 41189)
Proposed Use/Development:	Eight lot subdivision
Zone:	General Residential Zone - Schedule 1
Overlays:	Dev Contributions Plan Overlay Sch 2
Applicant:	Jackson Planning
Application Triggers:	Nil
Relevant Provisions:	<p>Planning Policy Framework</p> <ul style="list-style-type: none"> • Clause 11 – Settlement • Clause 11.01-1S – Settlement • Clause 11.01.1R – Settlement – Loddon Mallee North • Clause 11.02-1S - Supply of Urban Land • Clause 11.02-3S – Sequencing of Development • Clause 15 – Built Environment and Heritage • Clause 15.01-3S - Subdivision design
	<p>Local Planning Policy Framework</p> <ul style="list-style-type: none"> • Clause 21 - Municipal Strategic Statement • Clause 21.02-1 – Key influences and issues • Clause 21.03-1 – Vision • Clause 21.04-1 – Settlement Hierarchy • Clause 21.04-2 – Urban residential land supply in growth areas • Clause 22 - Local Planning Policies • Clause 22.03 - Healthy and Sustainable Neighbourhood Design • Clause 32.08 – General Residential Zone • Clause 43.02 – Design and Development Overlay – Schedule 8 • Clause – Development Contributions Plan Overlay – Schedule’s 1 and 2 • Clause 45.12 – Specific Controls Overlay • Clause 53.01 – Public Open Space Contribution and Subdivision • Clause 56 – Residential Subdivision • Clause 65.01 – Approval of an Application or Plan • Clause 65.02 – Approval of an Application to Subdivide Land • Clause 32.08-3 – Subdivision
Objections Received:	28 objections to date

The proposal is for an eight lot subdivision at 220 Sixteenth Street, Mildura (Lot: 1 Sec: 34 Blk: E LP: 41189). Six of the lots are proposed to be 371m², one of the lots is proposed to be 372m² and one lot proposed to be 434m². All lots have frontage to Wetlands Drive, with proposed Lot 1 also having frontage to Sixteenth Street.

The application was notified as per Section 52(1)(a) and (d) of the Planning and Environment Act 1987 with the application receiving 28 objections to date. The key issues that were raised in the objections are:

- Increased Car Traffic
- Children Safety due to increased car traffic
- Safety due to perceived demographic changes.
- Change to Neighbourhood Character
- Parking issue due to development
- Water Pressure and Drainage

The proposal is supported by the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework with regards to the subdivision of land in the General Residential Zone (GRZ). The matters to be considered by the GRZ and Clause 56 are appropriately met, with the proposal considered to be reflective of orderly planning.

No issues relating to land capability, land degradation, natural hazards, native vegetation, servicing, stormwater management and traffic are identified as a result of this application. The layout, size and orientation of the proposed lots can contain a range of dwelling designs and will provide for dwelling diversity in an existing residential area. No common property, staging, public open space or new roads are proposed.

A notice of decision to grant a planning permit is recommended.

2024/0046

Moved: Cr Jodi Reynolds
Seconded: Cr Stefano de Pieri

That Council having caused notice of Planning Application No. 005.2023.00000355.001 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-3 of the Mildura Planning Scheme in respect of the land known and described as 220 Sixteenth Street Mildura, for the 8 lot subdivision for the following reasons:

- (i) The proposal is supported by the General Residential Zone.**
- (ii) The proposal is consistent with the Planning Policy Framework, including:**
 - **Clause 11 – Settlement**
 - **Clause 11.01-1S – Settlement**
 - **Clause 11.01.1R – Settlement – Loddon Mallee North**
 - **Clause 11.02-1S - Supply of Urban Land**
 - **Clause 11.02-3S – Sequencing of Development**
 - **Clause 15 – Built Environment and Heritage**
 - **Clause 15.01-3S - Subdivision design**

- (iii) The proposal is consistent with the Planning Policy Framework, including:
- Clause 21 - Municipal Strategic Statement
 - Clause 21.02-1 – Key influences and issues
 - Clause 21.03-1 – Vision
 - Clause 21.04-1 – Settlement Hierarchy
 - Clause 21.04-2 – Urban residential land supply in growth areas
 - Clause 22 - Local Planning Policies
 - Clause 22.03 - Healthy and Sustainable Neighbourhood Design
 - Clause 32.08 – General Residential Zone
 - Clause 43.02 – Design and Development Overlay – Schedule 8
 - Clause – Development Contributions Plan Overlay – Schedule’s 1 and 2
 - Clause 45.12 – Specific Controls Overlay
 - Clause 53.01 – Public Open Space Contribution and Subdivision
 - Clause 56 – Residential Subdivision
 - Clause 65.01 – Approval of an Application or Plan
 - Clause 65.02 – Approval of an Application to Subdivide Land
 - Clause 32.08-3 – Subdivision
- (iv) Objections in regard to traffic management and parking can be considered in a planning permit condition.

CARRIED

Cr Milne requested his vote against the motion be recorded.

6 URGENT BUSINESS

Nil

7 CLOSURE

There being no further business the meeting closed at 5:40pm.

Date of Confirmation: 24 April 2024

Signed: _____
Chairperson