



Mildura Rural City Council

MINUTES

Ordinary Meeting of Council

5:30pm Wednesday 25 September 2019

VENUE:

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

NEXT ORDINARY COUNCIL MEETING

5:30pm Wednesday 23 October 2019

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SARAH PHILPOTT

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 the public to this meeting.

3 PRESENT

Councillors

Cr Simon Clemence	Mayor
Cr Jason Modica	Deputy Mayor
Cr Greg Brown	
Cr Anthony Cirillo	
Cr Mark Eckel	
Cr Helen Healy	
Cr Glenn Milne	
Cr Min Poole	
Cr Gavin Sedgmen	

Officers

Sarah Philpott	Chief Executive Officer
Mandy Whelan	General Manager Development
Martin Hawson	General Manager Community
Chris Parham	General Manager Corporate
Richard Sexton	Manager Corporate Administration

4 APOLOGIES

Nil

5 CONFIRMATION OF MINUTES

2019/0185

Moved: Cr Anthony Cirillo

Seconded: Cr Glenn Milne

That the Minutes of the Ordinary Council Meeting held on Wednesday 28 August 2019 be confirmed as a correct record.

That the Minutes of the Confidential Council Meeting held on Wednesday 28 August 2019 be confirmed as a correct record.

That the Minutes of the Special Council Meeting held on Monday 16 September 2019 be confirmed as a correct record.

CARRIED

NB: In addition, Cr Glenn Milne enquired why a response to a Councillor Question relating to Passing Lanes – Sturt Highway (Item 11.3) from the 28 August Ordinary Council Meeting Minutes was not noted within the Agenda for the 25 September Ordinary Meeting.

Mandy Whelan, General Manager Development advised it was requested that the question be addressed at a Council Forum however, that was not required as a response had already been provided to Councillors. Ms Whelan further advised that there are follow up questions to be answered relating to this matter.

Sarah Philpott, Chief Executive Officer advised that further responses relating to this matter would be followed up for inclusion within Council Minutes.

6 CONFIRMATION OF ASSEMBLY OF COUNCILLORS

In accordance with Section 80A of the Local Government Act 1989 (the Act), records of Assemblies of Councillors must be reported at the next practicable Council meeting and recorded in the minutes.

An Assembly of Councillors is defined in Section 76AA of the Act 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.

2019/0186

Moved: Cr Gavin Sedgmen

Seconded: Cr Anthony Cirillo

That Council note the Assembly of Councillors records for the following meetings:

- **Planning Forum – 26 August 2019**
- **Council Forum – 11 September 2019**
- **Finance Advisory Committee – 11 September 2019**

CARRIED

RECORD OF ASSEMBLIES OF COUNCILLORS

Assembly Details	Councillor Attendees	All Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Planning Forum – 26 August 2019	Cr Clemence Cr Cirillo Cr Sedgmen Cr Milne Cr Healy Cr Modica Cr Poole Cr Eckel	Sarah Philpott, Chief Executive Officer Mandy Whelan, General Manager Development Andrew Millen, Manager Development Services Damien Sutton, Statutory Planning Coordinator Daniel Gebert, Town Planner Tim Berger, Senior Statutory Planner	1. 005.2019.00000076.001 at 23 Petrucci Way Mildura – 2 Lot Subdivision, Two Dwellings and Removal of a Restrictive Covenant	Nil
Council Forum - 11 September 2019	Cr Clemence Cr Modica Cr Brown Cr Cirillo Cr Eckel Cr Healy Cr Milne Cr Poole Cr Sedgmen	Sarah Philpott, Chief Executive Officer Mandy Whelan, General Manager Development Martin Hawson, General Manager Community Chris Parham, General Manager Corporate Richard Sexton, Manager Corporate Administration Ben Piscioneri, Public Relations Officer	1. Murray Regional Tourism Board Update 2. Mildura Arts Centre Master Plan Review 3. Mildura Riverfront Boating Precinct Master Plan 4. Mildura Riverfront Precinct Master Plan 5. Monthly Management Report 6. Presentation of Draft Annual Financial Statements 2018 – 2019 7. Presentation of Draft Performance Statement and Governance and Management Checklist 2018 – 2019 8. Kerbside Garbage and Litter Collection Tender Process Update 9. Mildura South Regional Sporting Precinct Project Update 10. Councillor Issues & Questions 11. CEO Issues	Nil

Assembly Details	Councillor Attendees	All Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Finance Advisory Committee - 11 September 2019	Cr Clemence Cr Modica Cr Cirillo Cr Milne	David Folvig, Manager Financial Services	1. Tender Award 2. Tender Award 3. Tender Award	Cr Glen Milne disclosed an indirect conflict of interest by close association on matter 7.1

7 NOTIFICATION OF ABSENCE

Nil

8 MAYORAL REPORT

8.1 MAYORAL REPORT - AUGUST 2019

Summary

The following is a report on the activities and functions attended by the Mayor Cr Simon Clemence during the month of August 2019.

2019/0187

Moved: Cr Jason Modica
Seconded: Cr Gavin Sedgmen

That Council note the contents of this Mayoral Report for the month of August 2019.

CARRIED

9 COUNCILLOR REPORTS

9.1 COUNCILLOR REPORTS - AUGUST 2019

Summary

The following is a report on the activities and functions attended by Councillors during the month of August 2019.

2019/0188

Moved: Cr Mark Eckel
Seconded: Cr Helen Healy

That Council note the contents of this Councillors report for the month of August 2019.

CARRIED

NB: In addition, Cr Mark Eckel spoke regarding the Latrobe and International Aviation Meeting that he attended.

NB: In addition, Cr Mark Eckel spoke regarding two workshops he attended that were coordinated by Council's Community Development team. Cr Eckel advised that one of the workshops related to the Chaffey Trail Reference Group and the other was a consultation session at the Mildura Homestead Station.

NB: In addition, Cr Mark Eckel advised on Thursday 19 September 2019 the Chaffey Trail Reference Group voted successfully to proceed with incorporation.

NB: In addition, Cr Helen Healy congratulated the organisers, Council staff members and the Ambassadors including Cr Modica on the Dad's Day Out Event. Cr Healy commented that it was a fabulous day and from this event there is now a Dads Group being established in Mildura.

NB: In addition, Cr Helen Healy commended the Council in supporting the Motion put forward by herself and Cr Modica calling for a Royal Commission into the Murray Darling Basin Plan. Cr Healy commented she has noticed that this Motion has generated significant social media attention throughout the Murray Darling Basin area.

NB: In addition, Cr Glenn Milne spoke regarding the Rail Freight Alliance, Future of Rail in Victoria Conference that he attended.

NB: In addition, Cr Glenn Milne spoke regarding the Sun Assist Motor Show that he attended and commended Sun Assist for the work that they do.

NB: In addition, Cr Greg Brown spoke regarding Central Murray Darling Regional Forum and the 15 recommendations released to the public on Wednesday 18 September 2019.

NB: In addition, Cr Min Poole spoke in relation to the Community Wellbeing and Services Portfolio relating to the extensive NDIS transition over the past few years. Cr Poole commended the leadership team involved in this transition.

NB: In addition, Cr Min Poole spoke regarding an ABC event "Living a Rich Life in Victoria" that she attended. Cr Poole advised that the event was held in the Ouyen Roxy Theatre with 130 other attendees.

NB: In addition, Cr Min Poole spoke regarding the opening of the Murrayville Community College Biodiversity Garden that she attended. Cr Poole further congratulated the school in relation to this.

NB: In addition, Cr Jason Modica spoke regarding the success of the Dads Day out Event that had over 200 participants. Cr Modica thanked the ambassadors and everyone who supported the event.

NB: In addition, Cr Jason Modica spoke regarding the Murray Primary Health Network and Suicide Prevention Community Health Forum that he attended and commended the Forum.

NB: In addition, Cr Anthony Cirillo advised that he attended the August Councillor's Strategic Planning Workshop.

10 RESPONSES TO COUNCILLORS QUESTIONS

Nil

11 QUESTIONS FROM COUNCILLORS

11.1 CR ANTHONY CIRILLO AMNESTY VISA

File Number: 17/04/13

“Can Council send a letter to both local and federal members asking if they support amnesty visas for the lodging of workers currently picking fruit crops? If not, what do they propose growers to do this season to harvest their crops in a timely manner, given the constraints on accommodation and availability of the proposed islander program with such short notice? Perhaps the request could include for a meeting to occur with Council and the two members in the same room to discuss these issues?”

Sarah Philpott, Chief Executive Officer took this question on notice.

11.2 CR GLENN MILNE DEVELOPMENT IN THE FARMING ZONE

File Number: 13/01/01

“Can we have a step by step explanation of the process to replace a house on land in the farming zone? For a farmer that wants to build a new house, what are the steps that they have to go through to replace their old house?”

Mandy Whelan, General Manager Development advised that this matter can be raised at the October Council Forum.

11.3 CR GLENN MILNE 80KM SPEED RESTRICTION CONCERNS

File Number: 14/02/24

“Can Council express concern in relation to the 80km/hour speed restriction on major roads, coming down from 100km/hour? Surely there is more that could be done than dropping the speed limit. Crops have to get to market and trucks travelling 80km/hour will be a real problem.”

Simon Clemence, Mayor commented that this was discussed at a Council Forum with the various relevant authorities and Council was advised that nothing would be done without further consultation.

Mandy Whelan, General Manager Development advised that there is a process still being worked through in relation to this matter and there was a Transport Accident Commission (TAC) workshop last Thursday relating to this. Ms Whelan further advised that it would be best to wait for the feedback from the state government and then determine where to go from there.

11.4 CR GLENN MILNE**PLANNING POLICY****File Number: 13/01/01**

“Is there a plan on how Council can change its Planning Policy so that housing and accommodation can be town based rather than farm based? Council’s Policy prefers accommodation to be in the City, how can this be addressed quickly?”

Martin Hawson, General Manager Community advised that this Policy is scheduled for review within the next four years however, this matter is scheduled to the medium term of the review period. Mr Hawson further advised that if Council wanted this matter to be moved to be reviewed in the short term, a rescission motion would be required to the already approved amendment schedule and this matter would need to be reconsidered by Council.

11.5 CR MARK ECKEL**V/LINE SERVICE****File Number: 15/08/02**

“At the discretion of the Chief Executive Officer, can this be discussed as a Forum Agenda item or correspondence sent directly to V/Line on behalf of Council and the tourism industry in relation to the total inadequacy of the 3:45am bus departure from Mildura station? The correspondence needs to request that V/Line conduct an immediate appraisal and report on the lack of safety, toilet and amenable support to their patrons”.

Sarah Philpott, Chief Executive Officer took this question on notice.

11.6 CR MARK ECKEL**LETTER OF THANKS****File Number: 07/04/03**

“Has Council sent a letter of thanks to the outgoing CEO of the Mildura Airport? If not, can this be done as it is his last week?”

Sarah Philpott, Chief Executive Officer took this question on notice.

12 NOTICES OF MOTION

12.1 NORTH WEST RAIL ALLIANCE

Summary

North West Rail Alliance (NWRA) is an incorporated entity comprising volunteer members who have been advocating for the return of passenger rail along the Mildura line since that service was decommissioned, 26 years ago.

In order to present a strong, cohesive case for improved connectivity and better transport options between the regions and the capital, NWRA are seeking the support of councils along the existing rail catchment area. These councils are, and not limited to:

- Broken Hill City Council;
- Central Darling Shire Council;
- Wentworth Shire Council;
- Mildura Rural City Council;
- Buloke Shire Council;
- Northern Grampians Shire;
- Central Goldfields Shire; and
- Yarriambiack Shire Council.

The following Notice of Motion is hereby tabled for the Ordinary Meeting of Council on 25 September 2019.

Moved: Cr Mark Eckel
Seconded: Cr Jason Modica

That Council:

1. Endorse North West Rail Alliance Inc. in its efforts to have passenger rail re-introduced along the Mildura line;
2. Provide a letter of support and permission to use Council's logo in promotional material intended to present our case to the State Government;
3. Agree to nominate the mayor or Deputy Mayor as a delegate to attend quarterly meetings; and
4. Secure membership of North West Rail Alliance Inc. by paying a nominal annual fee of \$150.

PROCEDURAL MOTION

2019/0189

Moved: Cr Glenn Milne

That this motion "lay on the table" and be the subject of a report to the next Ordinary Meeting of Council scheduled for 23 October 2019.

CARRIED

12.2 MOTOR SPORTS PRECINCT SUBCOMMITTEE

Summary

It is proposed that a subcommittee for the Motorsports precinct be established to improve communication between the interested parties, look at the project and see what can be done to have the site ready for if and when the opportunity comes to do something on H block. Also to look at opportunities for H block until the Motorsport park is ready.

It is proposed that the subcommittee will be made up of representatives from the various interested Motorsport groups who have submitted expressions of interest in the project and will be chaired by a councillor with a representative from council staff on the committee.

The subcommittee will give the groups a platform to bring ideas to the table, information and developments from their various disciplines and enable them to report back to their groups on the progress and developments.

If the conversation is regular and continuous there may be opportunities and ideas come forward that could develop the project or take it down a new path to something that might be good for the community and the region.

The following Notice of Motion is hereby tabled for the Ordinary Meeting of Council on 25 September 2019.

2019/0190

Moved: Cr Gavin Sedgmen

Seconded: Cr Glenn Milne

MOTION

That Council establishes a subcommittee for the Motor Sports Precinct, chaired by a nominated Councillor and including a staff representative and representatives from various interested Motorsports groups that have submitted interest in the project.

CARRIED

13 PETITIONS

Nil

14 MANAGEMENT REPORTS

14.1 ADOPTION OF AMENDMENT C102MILD - WAKEFIELD TRANSPORT REZONING

Summary

Mildura Rural City Council (Council) has prepared Amendment C102mild to the Mildura Planning Scheme at the request of Wakefield Transport Group, who are the intended purchaser of the land subject to this amendment.

The amendment proposes the rezoning of the land located in Main Avenue, Merbein immediately south of the railway line and east of Main Avenue (Calder Highway), from the Public Use Zone 4 – Transport (PUZ4) to the Industrial 1 Zone (IN1Z), to facilitate the sale of the Victrack owned subject land.

The notice period expired on 2 September 2019 with no objecting submissions received.

On the basis of the assessment included in this report, it is therefore recommended that Council adopt Amendment C102mild and forward for approval by the Minister for Planning.

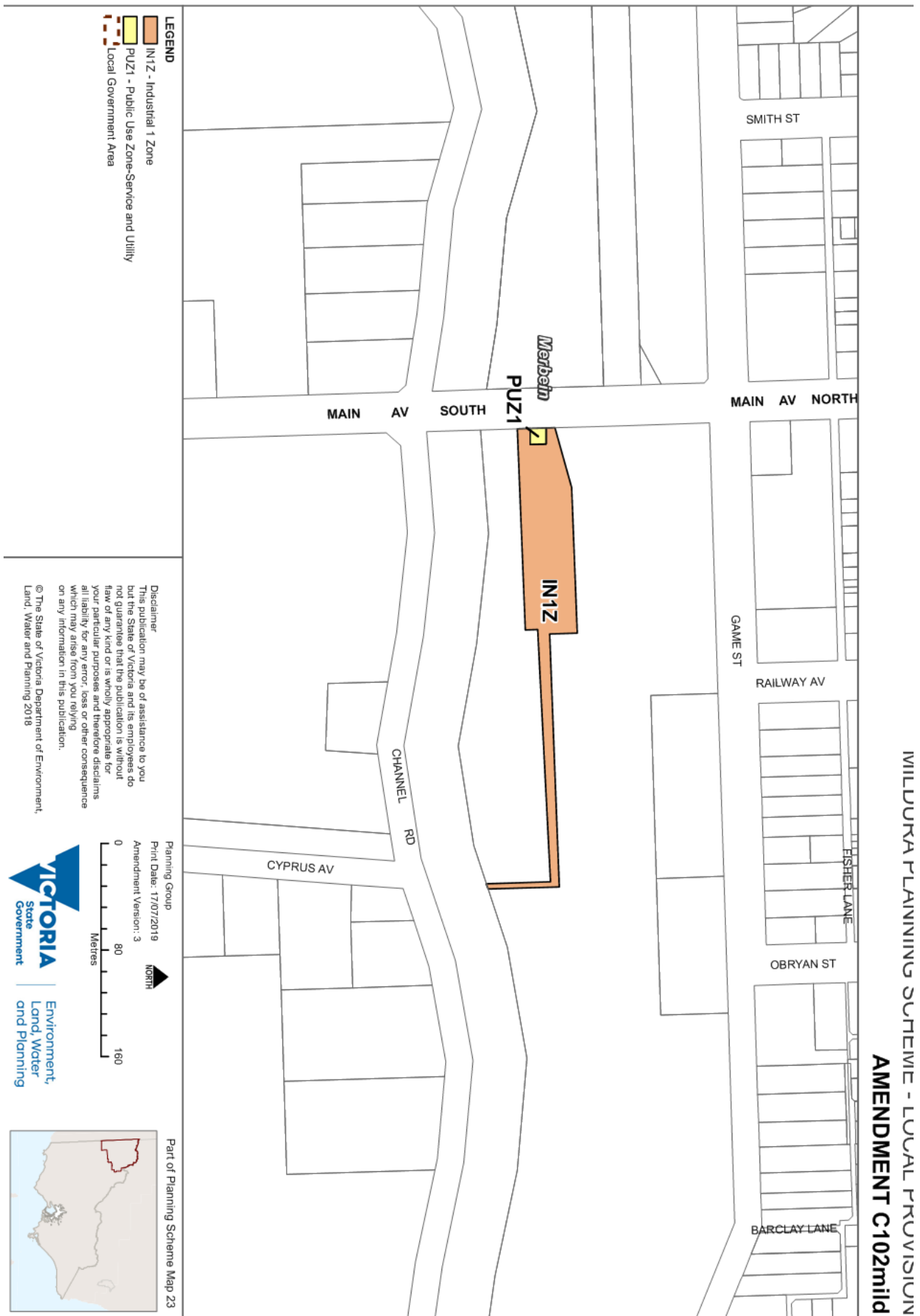
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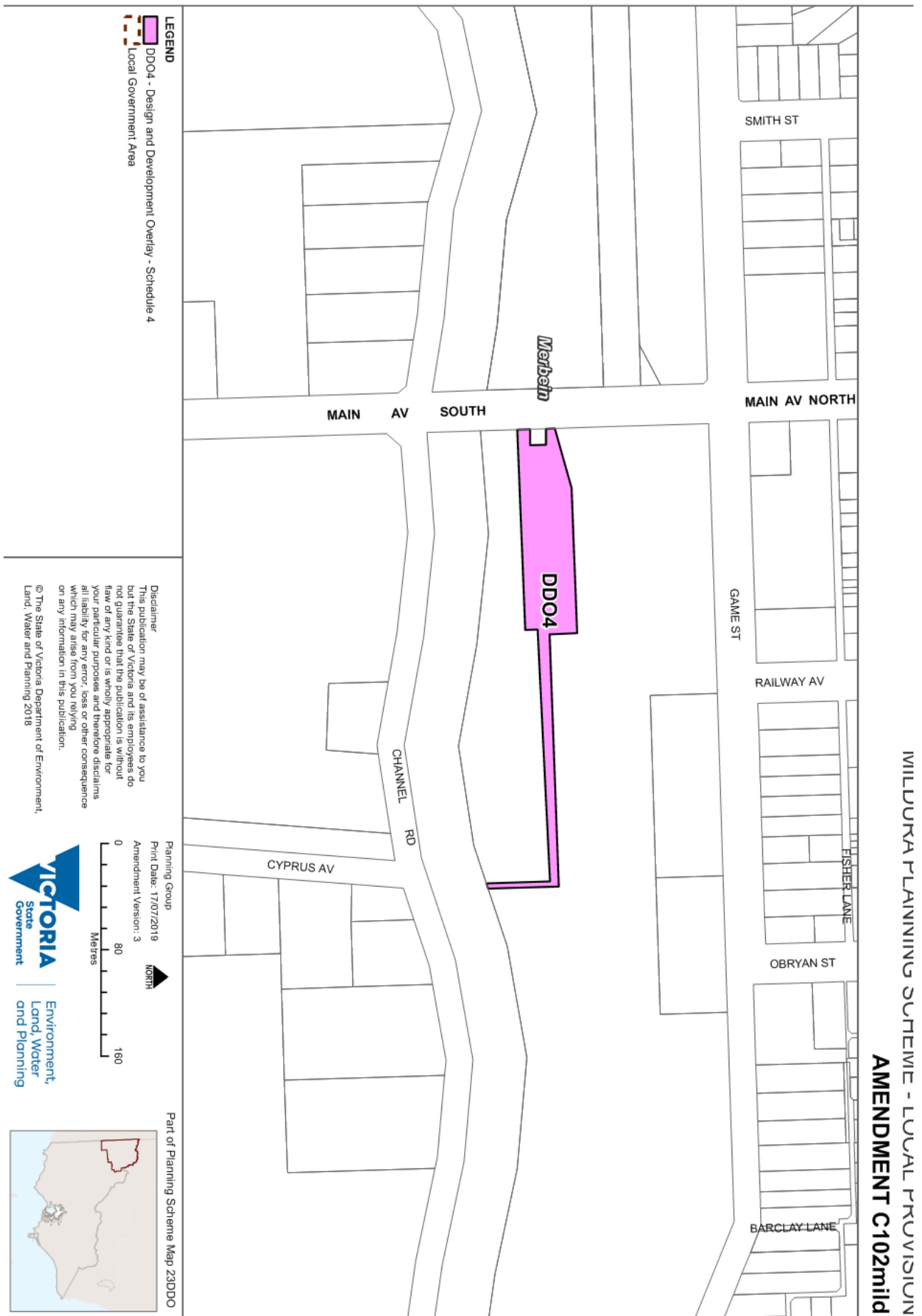
Moved: Cr Glenn Milne

Seconded: Cr Anthony Cirillo

That Council adopts Amendment C102mild, as presented and submits the documentation to the Minister for Planning, requesting approval of the amendment.

CARRIED





14.2 RAMSAR PROPOSAL FOR MENINDEE LAKES

Following the resolution to lay this matter on the table at the August Ordinary Meeting of Council, this report is now represented in accordance with Schedule 2, Local Law No 1 (Meeting Procedure) as part of the September Ordinary Council Meeting.

Council, in considering this item, should note the additional information now provided with Management Report 14.3 of this Agenda.

Moved: Cr Jason Modica
Seconded: Cr Gavin Sedgmen

That Council resolve to support a motion to be presented by Region 4 of the Murray Darling Association for the Menindee Lakes System to be recognised as a Ramsar location.

PROCEDURAL MOTION

2019/0163

Moved: Cr Mark Eckel

That this matter “lay on the table” and be the subject of a report to the next Ordinary Meeting of Council scheduled for 25 September 2019.

CARRIED

1. Summary

Region 4 of the Murray Darling Association (MDA) is looking to secure Council’s support for the Menindee Lakes System to be recognised as a Ramsar location.

Mildura Rural City Council, Wentworth Shire, Central Darling Shire and Broken Hill City Council are the Local Government Areas (LGA) that make up Region 4 of the MDA.

If support is received from these four LGAs, the Chair of Region 4 will take a motion to the MDA Annual General Meeting to be held in October 2019, for the Ramsar listing to be further endorsed.

2019/0192

Moved: Cr Jason Modica
Seconded: Cr Helen Healy

That Council resolve to support a motion to be presented by Region 4 of the Murray Darling Association for the Menindee Lakes System to be recognised as a Ramsar location.

CARRIED

14.3 RAMSAR PROPOSAL FOR MENINDEE LAKES

Summary

This subsequent report on the Ramsar proposal for Menindee Lakes provides Council with additional information sought following Council's August Ordinary Council Meeting resolution to lay this matter on the table.

Region 4 of the Murray Darling Association (MDA) is looking to secure Council's support for the Menindee Lakes System to be recognised as a Ramsar location.

Mildura Rural City Council, Wentworth Shire, Central Darling Shire and Broken Hill City Council are the Local Government Areas (LGA) that make up Region 4 of the MDA.

If support is received from these four LGAs, the Chair of Region 4 will take a motion to the MDA Annual General Meeting to be held in October 2019, for the Ramsar listing to be further endorsed.

2019/0193

Moved: Cr Jason Modica

Seconded: Cr Glenn Milne

That Council;

- (i) notes the additional information provided within this report and that it relates to the September Ordinary Council Meeting Agenda Management Report Item 14.2, which was left lie on the table at the August Ordinary 2019 Council Meeting; and,**
- (ii) notes that the intended motion to be presented by Region 4 of the Murray Darling Association is:**

That the Western Division of Councils endorse the Menindee Lakes, or a portion of the Lakes system to be listed as a Ramsar site, in further consultation with the community

CARRIED

14.4 ADOPTION OF ACTING CHIEF EXECUTIVE OFFICER APPOINTMENT POLICY CP098

Summary

The purpose of this report is to present the Acting Chief Executive Officer Appointment Policy CP098 and seek Council's resolution to adopt the updated policy.

2019/0194

Moved: Cr Anthony Cirillo
Seconded: Cr Jason Modica

That Council adopt the updated Acting Chief Executive Officer Appointment Policy CP098 as presented.

CARRIED



Acting Chief Executive Officer Appointment Policy

Policy – CP098

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Corporate Administration	Executive Leadership Team	Council	25 September 2019	2019/0194
EDMS File: 18/02/01			To be reviewed: September 2022	
Document Owner: Manager Corporate Administration			Review Frequency: Three years	

1. The purpose of this policy is

To provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) and allows for the approval of the Chief Executive Officer (CEO) on sick leave, long service leave, annual leave or other extended absences.

2. Policy Statement

This policy represents the formal policy and expected standards of the Mildura Rural City Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected members and employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

3. Principles

Section 94 of the *Local Government Act 1989* (the Act) requires Council to appoint a natural person to be its Chief Executive Officer.

3.1 Appointment of a person as Acting CEO

Only Senior Officers as defined in the Act will be appointed to the position of A/CEO under the terms of this policy.

Whilst not explicit within the Act, it's considered the provisions under section 94 of the Act also apply to the appointment an A/CEO.

The appointment of a person who is not an existing employee of Council as acting or interim CEO must be by resolution of the Council.

If the appointment of a current senior officer as A/CEO is for a continuous period not exceeding four weeks, this can be made by the CEO under the S5 Instrument of Delegation to the Chief Executive Officer.

If the appointment of a current senior officer as A/CEO is proposed to exceed four weeks, this must be made by resolution of the Council.

3.2 Periods of Leave

If the period of leave is five days or less, then the CEO is authorised to make the appointment under delegation.

If the period of leave is more than five days and less than four weeks, the CEO is expected to liaise with the Mayor prior to making the appointment under delegation.

If the period of leave is to exceed four weeks in a continuous period, then Council should appoint the A/CEO by resolution. Council could appoint either to the position of Acting CEO: -

- One of the General Managers of Council;
- Or offer the position to a suitably qualified individual as a short term contract during extended periods of absence of the CEO.

3.3 Leave approval Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council.

4. Who is responsible for implementing this policy?

Manager Corporate Administration.

5. Definitions

Nil

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Local Government Act 1989*

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- S5 Instrument of Delegation to the Chief Executive Officer

6.3 Risk Assessment Reference

Please tick the corporate 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	✓

14.5 DEVELOPMENT OF BUILDINGS AND WORKS TO CREATE A 'DRIVE-THROUGH' FACILITY AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1

Summary

Date Received:	23 November 2018 (amended 9 August 2019)
Subject Property:	303-305 Deakin Avenue, Mildura Lot 1 TP738757L, Lot 1 TP 217576W Parish of Mildura
Proposed Use/Development:	Development of buildings and works to create a 'drive-through' facility and alteration of access to a road in a Road Zone, Category 1
Zone:	Commercial 1 Zone (C1Z)
Overlays:	Design and Development Overlay – Schedule 1 (DDO1)
Applicant:	Roy Costa Planning and Development
Application Triggers:	<p>Clause 34.01-4 – A permit is required to construct a building or construct or carry out works.</p> <p>Clause 43.02-2 – A permit is required to construct a building or construct or carry out works.</p> <p>Clause 52.29-2 – A permit is required to create or alter access to a road in a Road Zone, Category 1.</p>
Relevant Provisions:	<p>Clause 15.01-1S – Urban design</p> <p>Clause 15.01-2S – Building design</p> <p>Clause 17.02-1S – Business</p> <p>Clause 18.02-4S – Car parking</p> <p>Clause 21.08-3 – Retail/commercial</p> <p>Clause 34.01 – Commercial 1 Zone</p> <p>Clause 43.02 – Design and Development Overlay</p> <p>Clause 52.06 – Car parking</p> <p>Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p> <p>Clause 65.01 – Approval of An Application or Plan</p> <p>Clause 71.02-3 – Operation of the Planning Policy Framework</p>
Objections Received	19

The application seeks Council approval for the development of buildings and works to create a 'drive-through' facility and alteration of access to a road in a Road Zone, Category 1 at 303-305 Deakin Avenue Mildura (corner of Deakin Avenue and Fourteenth Street).

The site is currently improved by three (3) retail tenancies; being Subway, Pinno's Pizza and Coral Sea Fish and Chips. The proposal would create a drive through facility for the existing subway tenancy along the northern wall of the subway building, reconfigure the car parking arrangements on the site and widen the access to Deakin Avenue.
A copy of the proposed site plan is attached.

The application was received by Council on 23 November 2018, and subsequently placed on public notice pursuant to Section 52 of the *Planning and Environment Act 1987* from 31 January – 18 February 2019. Nineteen (19) objections to the application have been received as a result.

Key issues raised in the objections include:

- On site safety issues for pedestrians and shop customers;
- Loss of car parking spaces;
- Road safety impacts from queuing and turning traffic;
- Inability for commercial garbage collection trucks to empty waste; and
- Closure of exit to Fourteenth Street would create difficulties for customers and delivery drivers.

The application progressed to a mediation on 5 March 2019. While a number of matters were discussed, no resolution of the matters in dispute were achieved.

The application was referred to the Roads Corporation (VicRoads), as the proposal would alter access to Deakin Avenue. VicRoads requested further information in the form of a Road Safety Audit on 22 February 2019. This information was duly provided by the permit applicant, and as a result VicRoads consented to the application, subject to the imposition of conditions.

The application was referred to the Planning Referral Committee (PRC) on 8 July 2019 and on 9 September 2019. At the first meeting, the Committee requested further information of the permit applicant, which was subsequently provided. At the second meeting, having considered the further information, the Committee resolved to recommend that the application be refused by Council. It is noted that the assessing planner has recommended that the application be approved, subject to conditions.

The assessing planner's assessment of the application is attached. In terms of the PRC assessment, the committee considers that the application is not supported by relevant State Planning Policy relating to car parking, as well as the respective decision guidelines of the Commercial 1 Zone, Clause 52.29 and Clause 65.01. This is in light of the proposed internal access arrangements, delivery arrangements for the other tenancies on the site, the inability for waste collection and delivery vehicles to safely manoeuvre around the site and safety risks to vehicles and pedestrians at the Deakin Avenue and Fourteenth Street.

Based on the above, the application is presented to Council for decision, with a recommendation for refusal by Officers on the grounds listed below.

2019/0195

Moved: Cr Jason Modica
Seconded: Cr Helen Healy

That Council, having caused notice of Planning Application No. 005.2018.00000385.001 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all the relevant matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Refuse to Grant a Permit in respect of the land known and described as 303-305 Deakin Avenue, Mildura; being Lot 1 TP738757L and Lot 1 TP217576W Parish of Mildura, for the development of buildings and works to create a 'drive-through' facility and alteration of access to a road in a Road Zone, Category 1, for the following reasons:

- 1) The proposal is contrary to Clause 18.02-4S of the Planning Policy Framework, as the proposal fails to enable easy, efficient use of car parking spaces and fails to satisfactorily enable the movement and delivery of goods on the site.

- 2) The proposal is inconsistent with the decision guidelines of the Commercial 1 Zone, which seek to ensure that new development is responsive to the movement of pedestrians, cyclists, waste services, delivery vehicles and provision of car parking. The proposed layout would result in disorderly internal vehicular movements, reduce available car parking and increase the risk of accidents occurring at the site.
- 3) The proposal would have an unacceptable impact on the operation and safety of Deakin Avenue and Fourteenth Street, contrary to Clause 52.29 of the Mildura Planning Scheme.
- 4) The proposed site layout fails to allow for safe ingress and egress of waste collection vehicles or delivery vehicles to the various tenancies on site, contrary to Clause 65.01 of the Mildura Planning Scheme.

LOST

2019/0196

Moved: Cr Glenn Milne
Seconded: Cr Min Poole

That Council, having caused notice of Planning Application No. 005.2018.00000385.001 to be given under Section 52 of the *Planning and Environment Act 1987*, and having considered all the relevant matters under Section 60 of the *Planning and Environment Act 1987*, determines to issue a Notice of Decision to Grant a Permit in respect of the land known and described as 303-305 Deakin Avenue, Mildura; being Lot 1 TP738757L and Lot 1 TP217576W Parish of Mildura, for the development of buildings and works to create a 'drive-through' facility and alteration of access to a road in a Road Zone, Category 1, with appropriate conditions as determined by Council.

CARRIED

Cr Helen Healy requested that her vote against the motion be recorded.

15 URGENT BUSINESS

Nil

16 PUBLIC QUESTIONS

16.1 NICHOLS POINT HALL

File Number: 08/04/03

A letter containing multiple questions was received from Nichols Point Inc. in relation to Nichols Point Hall.

Chis Parham, General Manager Corporate provided the following information in a brief response to address questions contained in the letter:

1. Council is in the process of removing all hard copy records from the facility, this is in line with Council's Information Management Strategy. Mr Parham advised that this has been occurring at several Council sites over the past 18 months;
2. Council is assisting two community groups with emergency alternative/temporary accommodation at the facility until a more permanent location is identified;
3. at this point in time Council has no longer term plans determined for the facility.

NB: Council will provide a formal response to Nichols Point Inc. in relation to their submitted questions.

CONFIDENTIAL BUSINESS

6:49pm

2019/0197

Moved: Cr Jason Modica

Seconded: Cr Greg Brown

The meeting move into Confidential to deal with:

- **Any other matter which the Council or special committee considers would prejudice the Council or any person.**

CARRIED

17 CONFIDENTIAL REPORTS

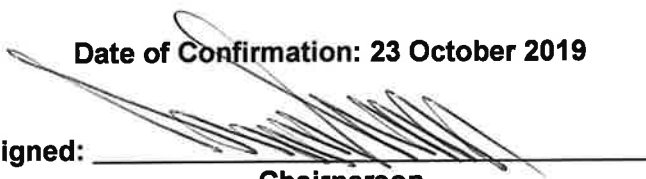
17.1 SECTION 89(2)(H) - (ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON)

- APPOINTMENT OF MILDURA REGIONAL DEVELOPMENT CHAIRPERSON

18 CLOSURE

There being no further business the meeting closed at 6.53pm.

Date of Confirmation: 23 October 2019

Signed:  _____
Chairperson