



Mildura Rural City Council

MINUTES

Planning Delegated Committee Meeting

6:00pm Thursday 10 February 2022

VENUE:
Committee & Council Room
76 Deakin Ave, Mildura

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MARTIN HAWSON

ACTING 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 Cyndi Power	Deputy Mayor
Cr Ian Arney	
Cr Stefano De Pieri	
Cr Helen Healy	
Cr Glenn Milne	
Cr Jason Modica	
Cr Jodi Reynolds	

Officers

Martin Hawson	Acting Chief Executive Officer
Mandy Whelan	General Manager Development
Chris Parham	General Manager Corporate
Larni Baird	Manager Governance & Performance

4 APOLOGIES AND ABSENCES

2022/0021

Moved: Cr Jason Modica
Seconded: Cr Glenn Milne

Council accepts the apology from the following Councillor:

Cr Mark Eckel

CARRIED

5 PLANNING REPORTS

5.1 TWO LOT SUBDIVISION AND VARY CLAUSE (A) OF COVENANT K479784 - 454 ELEVENTH STREET, MILDURA

Please note that this Agenda item was withdrawn from Business.

5.2 USE OF THE LAND FOR A WAREHOUSE (STOCKYARD PANELLING BUSINESS) - 660 PAWSON AVENUE, IRYMPLE

Summary

Date Received:	23 March 2021 (Application amended 29 October 2021)
Subject Property:	660 Pawson Avenue IRYMPLE (Lot: 1 TP: 676639K)
Proposed Use/Development:	Use of the Land for a Warehouse (Stockyard Panelling Business)
Zone:	Farming Zone
Overlays:	Nil
Applicant:	James Golsworthy Consulting
Application Triggers:	Clause 35.07-1 – A permit is required for the use of the land for a Warehouse
Relevant Provisions:	Clause 14.01-1S Protection of agricultural land Clause 14.01-2S Sustainable agricultural land use Clause 14.02-3S Protection of declared irrigation districts Clause 21.06-1 Protection of rural land Clause 21.08-1 Agriculture Clause 35.07 Farming Zone Clause 45.12 Specific Controls Overlay Clause 52.06 Car parking Clause 65.01 Approval of an Application or Plan
Objections Received:	Nil (one letter of support received for original application)

The application seeks approval for the use of the land for a warehouse (stockyard panelling business) at 660 Pawson Avenue, Irymple.

The applicant stated the proposal will involve the use of an existing building on the site for the storage, assembly and distribution of stockyards and other pastoral equipment. The sales component will be undertaken via phone and internet (on-line) with the use of road transport for delivery to the customer.

The site contains a storage shed with internal offices constructed by the previous owner in 2014. At the time the use and development of the shed did not require planning permission given it was to be associated with the agricultural activity taking place on the land. The shed was fitted out and used as a dwelling without the appropriate planning and building permits with enforcement proceedings being undertaken in 2017 regarding the illegal dwelling use. The property was sold in 2019 to the current owner.

Land surrounding the site is utilised for a mixture of horticultural and rural residential uses as well as vacant agricultural land to the south west which appears to be used for a motorcycle track.

Following an assessment of the application against the Mildura Planning Scheme, it is considered that the use is not supported by numerous state and local policies relating to agriculture; as well as the purpose of the Farming Zone and relevant decision guidelines.

The proposal does not support the use of the land or agriculture and as a result, it should be located within an industrial zone.

The application is therefore recommended for refusal.

Recommendation

That Council having caused notice of Planning Application No. 005.2021.0000087.001 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* decide to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of Clause 35.07-1 of the Mildura Planning Scheme in respect of the land known as 660 Pawson Avenue, Irymple and for use of the land for a warehouse, for the following reasons:

- (i) The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 14.01-1S, 14.01-2S and 14.02-3S, which aim to manage development in rural area to protect and enhance agriculture and protect land in declared irrigation districts;
- (ii) The proposal is inconsistent with the Local Planning Framework in relation to agricultural land, specifically Clauses 21.06-1 and 21.08-1, which seek to protect the land for agriculture and horticulture and prevent agricultural land within the Mildura Older Irrigation Area from incremental loss and fragmentation by intrusion of non-agricultural uses. The proposed use does not have a direct nexus with the agricultural use of the land the proposal is located on; and
- (iii) The proposal is inconsistent with the objectives and decision guidelines of the Farming Zone, which seek to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture. The proposal would result in the removal of agricultural land from the areas agricultural base, prevent the expansion of nearby agricultural activities and could constrain adjoining and nearby agricultural activities.

2022/0022

Moved: Cr Glenn Milne
Seconded: Cr Ian Arney

That Council, having caused notice of Planning Application No. No. 005.2021.0000087.001 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Permit under the provisions of Clause 35.07-1 of the Mildura Planning Scheme in respect of the land known as 660 Pawson Avenue, Irymple and for use of the land for a warehouse in accordance with the endorsed plans, with the application dated 26 October 2021, subject to the following conditions: of the land for a warehouse in accordance with the endorsed plans, with the application dated 26 October 2021, subject to the following conditions:

- (i) Prior to the commencement of the use 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 generally in accordance with the plans submitted with the application but modified to show:
 - a) Car parking spaces in accordance with the requirements of Clause 52.06-5 of the Mildura Planning Scheme.
- (ii) Concurrent with the plans required by Condition 1 of this permit, a Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Management Plan will be endorsed and will then form part of the permit. The Management Plan must provide for the following matters:
 - a) Measures to minimise the impact of vehicles arriving at, queuing and departing from the land.
 - b) Noise attenuation measures to be put in place to protect the amenity of nearby residents from the operation having regard to the EPA Guidelines.
 - c) Measures to minimise the generation and dispersal of dust.
 - d) Details of a 24 hour hotline for access to a contact person accountable for the activities occurring onsite and compliance with the Management Plan.
- (iii) The use as shown on the endorsed plans must not be altered or modified in any way without prior written consent of the Responsible Authority.
- (iv) The permit shall lapse if the business ceases or changes ownership.

Permit Expiry

The abovementioned planning permit expires if one of the following circumstances arise:

- a) The use is not started within two (2) years of the date of this permit;
- b) The use is discontinued for a period of two (2) years

The responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

CARRIED

6 URGENT BUSINESS

Nil

7 CLOSURE

There being no further business the meeting closed at 6:32pm.

Date of Confirmation: 24 February 2022

Signed:  _____
Chairperson