

# STATEMENT OF EVIDENCE

## AMENDMENT C95 TO THE MILDURA PLANNING SCHEME MILDURA CENTRAL

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

|                   |                |
|-------------------|----------------|
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| Project Code      | MA11810        |
| Report Number     | RP01           |

# TABLE OF CONTENTS

|        |   |    |
|--------|---|----|
| 1.     | Introduction .....  | 5  |
| 2.     | Subject Site and Surrounds .....                              | 6  |
| 2.1.   | The Broad Context.....  | 6  |
| 2.2.   | The City Gate Precinct.....                                   | 6  |
| 2.3.   | Mildura Central.....  | 7  |
| 3.     | The Existing Planning Context.....                            | 9  |
| 3.1.   | The Local Planning Policy Framework .....                     | 9  |
| 3.2.   | The Commercial 1 Zone .....                                   | 9  |
| 3.3.   | Overlay Controls .....  | 12 |
| 3.3.1. | Design and Development Overlay – Schedule 1 .....             | 12 |
| 3.3.2. | Design and Development Overlay – Schedule 12.....             | 12 |
| 3.3.3. | Development Contributions Plan – Schedule 1 .....             | 13 |
| 3.3.4. | Development Contributions Plan – Schedule 2 .....             | 13 |
| 3.4.   | The Fifteenth and Deakin Avenue Structure Plan July 2012..... | 14 |
| 4.     | Proposed Amendment C95 .....                                  | 15 |
| 4.1.   | Deakin Avenue Urban Design Guidelines August 2016 .....       | 15 |
| 4.2.   | the Municipal Strategic Statement .....                       | 17 |
| 4.3.   | Local Planning Policy.....                                    | 17 |
| 4.4.   | The Schedule to the C1Z.....                                  | 17 |
| 4.5.   | Design and Development Overlays .....                         | 17 |
| 4.5.1. | DDO15 .....   | 17 |
| 4.5.2. | DDO18 .....   | 19 |
| 4.5.3. | DDO16, 17, 19 and 20.....                                     | 20 |
| 5.     | Planning Assessment .....                                     | 21 |
| 5.1.   | Key Issues .....  | 21 |
| 5.1.1. | Extensive Nature of Policy in the MSS .....                   | 22 |
| 5.1.2. | Relationship and Interaction of DDOs .....                    | 22 |
| 5.1.3. | Advertising Signage .....                                     | 24 |
| 5.1.4. | Land Use.....   | 25 |
| 5.1.5. | Built Form.....   | 26 |
| 6.     | Conclusion .....  | 27 |

**Appendix A** Statement of Qualifications and Experience

**Appendix B** Planning Maps

**Appendix C** DDO12

## FIGURES:

|   |    |
|---|----|
| Figure 1 – Aerial Image of the Site and Surrounds ..... | 8  |
| Figure 2 – Zoning Map.....                              | 11 |
| Figure 3 – The Fifteenth & Deakin Structure Plan.....   | 14 |
| Figure 4 – City Gate Precinct Actions.....              | 16 |
| Figure 5 – City Gate Precinct Built Form .....          | 16 |



# 1. INTRODUCTION

1. My name is Brendan Rogers and I am a Director of Urbis Pty Ltd which conducts its business at Level 12, 120 Collins Street, Melbourne. My qualifications and experience are described at Appendix A.
2. I have been requested by Rigby Cooke Lawyers on behalf of Vicinity Centre PM Pty Ltd (Vicinity Centres) to review Vicinity Centre's submission to proposed Amendment C95 and prepare expert evidence as to whether the proposed Amendment is appropriate having regard to:
  - *'any regulatory framework applicable to the proposal which is within your expertise to examine and comment on;*
  - *your own judgement and experience; and*
  - *any other matter which you regard as relevant to the formulation of your opinion, stating clearly the basis of your views.'*
3. Amendment C95 has been prepared by Mildura Rural City Council. It applies to all lots with a frontage to Deakin Avenue between Seventh Street and Sturt Highway at the intersection of Gordon Avenue. The Amendment seeks to implement the objectives of the *Deakin Avenue Urban Design Guidelines, 2016*, developing a framework that will guide future land use and built form along Deakin Avenue.
4. In preparing my evidence, I have reviewed the existing planning controls and policy framework, the proposed Amendment C95 documentation, the submission to Amendment C95 made by Vicinity Centres, and relevant background material, including Council's response to submissions.
5. In my assessment I have considered the broad objectives of Amendment C95, however I have focused my assessment on the detailed controls relevant to the City Gate Precinct and specifically, Mildura Central.
6. A summary of my opinions with respect to the Amendment as it applies to Mildura Central is as follows:
  - The policy detail proposed within the MSS is extensive and consideration should be given to the inclusion of a local policy;
  - The amendment does not appropriately recognise the function or importance of Mildura Central through the proposed Design and Development Overlays;
  - The design objectives are onerous and the overlapping nature of the Design and Development Overlays are problematic;
  - The design controls would place undue advertising signage restrictions within the Commercial 1 Zone; and
  - The amendment unreasonably seeks to control as-of-right land use within the Commercial 1 Zone.
7. I declare that I have made all the enquiries that I believe are desirable and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

## 2. SUBJECT SITE AND SURROUNDS

8. In reviewing the Amendment it is important to consider the existing conditions of the site and surrounding context.
9. I have summarised the broad context of Deakin Avenue below, followed by the City Gate Precinct and Mildura Central, as relevant to my assessment.

### 2.1. THE BROAD CONTEXT

10. Deakin Avenue is Mildura's main boulevard, comprising a total length of approximately 12 kilometres, stretching from rural land in the south-west, to Mildura's CBD in the north-east.
11. The area relevant to Amendment C95 extends from the Mildura CBD at Seventh Street in the north-east, to Gordon Avenue in the south-west. This comprises a length of approximately 8 kilometres.
12. At the intersection with Gordon Avenue, Sturt Highway feeds into Deakin Avenue, making Deakin Avenue the key traffic route into, and through, Mildura. Sturt Highway also links to the Calder Highway at Fifteenth Street.
13. Between Seventh and Fifteenth Street, Deakin Avenue is a grand boulevard, comprising a dual carriageway with an extensive landscaped median strip of approximately 20 metres in width. The entire road reserve width is in the order of 60 metres. Whilst this road reserve width continues west of Fifteenth Street, the carriageway then changes to a narrower profile, with two-way traffic.
14. Commercial land is located in pockets along Deakin Avenue, with the Mildura CBD comprising Mildura's primary activity centre. Mildura's CBD is characterised by commercial land uses, with some mixed use land.
15. The second main area of commercial land is located at the intersection of Deakin Avenue and Fifteenth Street, where the City Gate Activity Centre is located, including Mildura Central. This is located approximately 3.5km south-west of the Mildura CBD and forms the secondary activity centre for Mildura.
16. The wider surrounds are generally characterised by residential land, with the area transitioning to farming land in the south-west, near Sixteenth Street.

### 2.2. THE CITY GATE PRECINCT

17. Deakin Avenue comprises areas of differing land use and development along its length, with Council defining the "City Gate Precinct" as one of five precincts within the study area of the *Deakin Avenue Urban Design Guidelines, 2016*.
18. The City Gate Precinct runs for a length of just over 1 kilometre, from the west of Fifteenth Street, to Aldinga Drive and this has been identified as providing a transition from the city fringe, to the rural edge of Mildura.
19. The land fronting Deakin Avenue on the north side, as well as Fifteenth Street at the intersection of Deakin Avenue is commercial in nature, encouraging a vibrant mixed use centre. The land to the west of the Fifteenth Street intersection, as well as further south along Fifteenth Street is also commercial, yet it provides for bulky goods and light manufacturing and industries. In contrast, the land fronting the south side of Deakin Avenue, as well as the broader surrounds, is predominantly residential.
20. The properties fronting the north of Deakin Avenue comprise commercial land, characterised predominantly by budget accommodation, including the Early Australian Motor Inn, Sunraysia Motel, Econo Lodge Mildura and the Comfort Inn Deakin Palms, as well as some other uses, including a McDonald's restaurant. The surrounding land is characterised by established residential properties.

21. The properties fronting the south of Deakin Avenue (east of Mildura Central) are predominantly residential, with some commercial uses in the mix, including a vet, a podiatrist and also additional accommodation uses, including the Mildura Motor Inn and the Mildura Central Backpackers.
22. The built form interface with Deakin Avenue is predominantly single storey detached form, with significant landscaped setbacks to the front (generally 5 metres). Car parking however, is located within the setbacks of some commercial uses.
23. The City Gate Activity Centre is located at the corner of Deakin Avenue and Fifteenth Street and stretches south along Fifteenth Street. The Fifteenth Street commercial centre extends from Deakin Avenue to San Mateo Avenue.
24. This is a sub-regional activity centre that is envisaged to complement the function of the Mildura CBD, which includes homemaker/bulky goods centre retailing, as well as supermarkets and specialty stores.
25. The largest site within the City Gate Activity Centre is Mildura Central, with an area of approximately 7 hectares.

## **2.3. MILDURA CENTRAL**

26. Mildura Central is located at the south-east corner of Deakin Avenue and Fifteenth Street and forms a key part of the City Gate Activity Centre and the commercial precinct fronting Fifteenth Street. Refer to Figure 1 overleaf for an aerial image of the Centre and surrounds.
27. Mildura Central is located on land at No. 831 Fifteenth Street, however the overall site comprises the following three land parcels:
  - 831 Fifteenth Street, Mildura;
  - 396 Deakin Avenue, Mildura; and
  - 398 Deakin Avenue, Mildura.
28. The land at Nos. 396 and 398 Deakin Avenue currently contain dwellings. I note that these are currently proposed to be demolished, with a planning application under assessment for the land to be developed as a car parking area to support Mildura Central.
29. Mildura Central opened in 1982 and was expanded substantially in 2005. It comprises approximately 20,000 square metres of floor space and approximately 1,000 at-grade car parking spaces. The Centre includes a Woolworths Supermarket and Target as the anchor stores, with over 60 specialty shops.
30. The built form is characterised predominantly by single storey retail built form. The majority of the built form is setback from the street frontages with car parking located within the setbacks and landscaping on the periphery. A number of shade structures above car parking areas are located along the Fifteenth Street side of the Centre.
31. Access is provided from multiple crossovers along Fifteenth Street, as well as a crossover from Deakin Avenue.
32. To the south of Mildura Central is another retail development, anchored by freestanding Big W discount department store and Dan Murphy packaged liquor store.



Figure 1 – Aerial Image of the Site and Surrounds

### 3. THE EXISTING PLANNING CONTEXT

33. I have outlined the relevant provisions of the Mildura Planning Scheme following, focusing on the policy relevant to my consideration of Amendment C95.

#### 3.1. THE LOCAL PLANNING POLICY FRAMEWORK

34. Clause 21.02 'Key Influences and Issues' notes that the City Gate Activity Centre will be supported as a sub-regional shopping centre.

35. Clause 21.03-1 'Vision' includes the following:

- *'The City Gate Activity Centre on Fifteenth Street from Deakin Avenue to San Mateo Avenue will have developed as a fully integrated sub-regional activity centre which complements the function of the Mildura CBD.'*
- *'Deakin Avenue will be Mildura's main boulevard providing residents and visitors a grand entrance to, and exit from, the City. All development and use along its route will be sensitive and enhance its visual amenity.'*

36. Clause 21.08-3 'Retail/Commercial' includes amongst others, the following strategies:

- *'Discourage expansion of the Mildura Centre Plaza beyond 21,000sq. m. leasable floor area for shop.'*
- *'Support the Fifteenth Street Precinct as a bulky goods location in accordance with the Fifteenth & Deakin Structure Plan (July 2012).'*

37. The direction to limit the expansion of Mildura Central was introduced in March 2014 via Amendment C64.

38. Clause 21.07-2 'Deakin Avenue' comprises a number of built form objectives and strategies, including:

- *'Discourage the establishment of food and drink premises or restaurants in the General Residential Zone, Commercial 1 Zone along Deakin Avenue.'*
- *'Ensure development is consistent with the design guidelines contained in Schedule 1 (Deakin Avenue) of the Design and Development Overlay.'*

39. Clause 21.10 'Local Areas' references the *Fifteenth & Deakin Structure Plan Area, July 2012* and recognises Mildura Central as the City Gate retail core. Land fronting the north side of Deakin Avenue falls within the 'Deakin Avenue accommodation' area and land to the west of Fifteenth Street is identified as 'peripheral retail, accommodation and professional services'.

40. Clause 22.01 'Budget Accommodation' includes the following policy:

- *'Encourage budget accommodation to locate within the Commercial 1 Zone and the Mixed Use Zone.'*

#### 3.2. THE COMMERCIAL 1 ZONE

41. Mildura Central as the retail core of the City Gate Activity Centre is zoned Commercial 1 Zone (C1Z) pursuant to Clause 34.01. Refer to Figure 2 for a map of the zoning.

42. The purpose of the Zone is to:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'*

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
  - *To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*
43. Pursuant to Clause 34.01-1, the use of retail is as-of-right with shop including the condition that the leasable floor area for all shops on a site must not exceed any amount specified in the schedule. There are no limitations on the area for shops within the Schedule, with the exception of land at 832 Fifteenth Street and 469 San Mateo Avenue, Mildura, which comprises a maximum leasable floor area of 4,500 square metres for all shops. Shop use, regardless of the area is as-of-right for all other land in the C1Z.
44. Under Clause 34.01-4, a permit is required to construct a building or construct or carry out works. This does not apply to a number of minor exceptions specified.
45. Pursuant to Clause 34.01-9, advertising sign requirements are at Clause 52.05 and the zone is within Category 1 (minimum limitations).

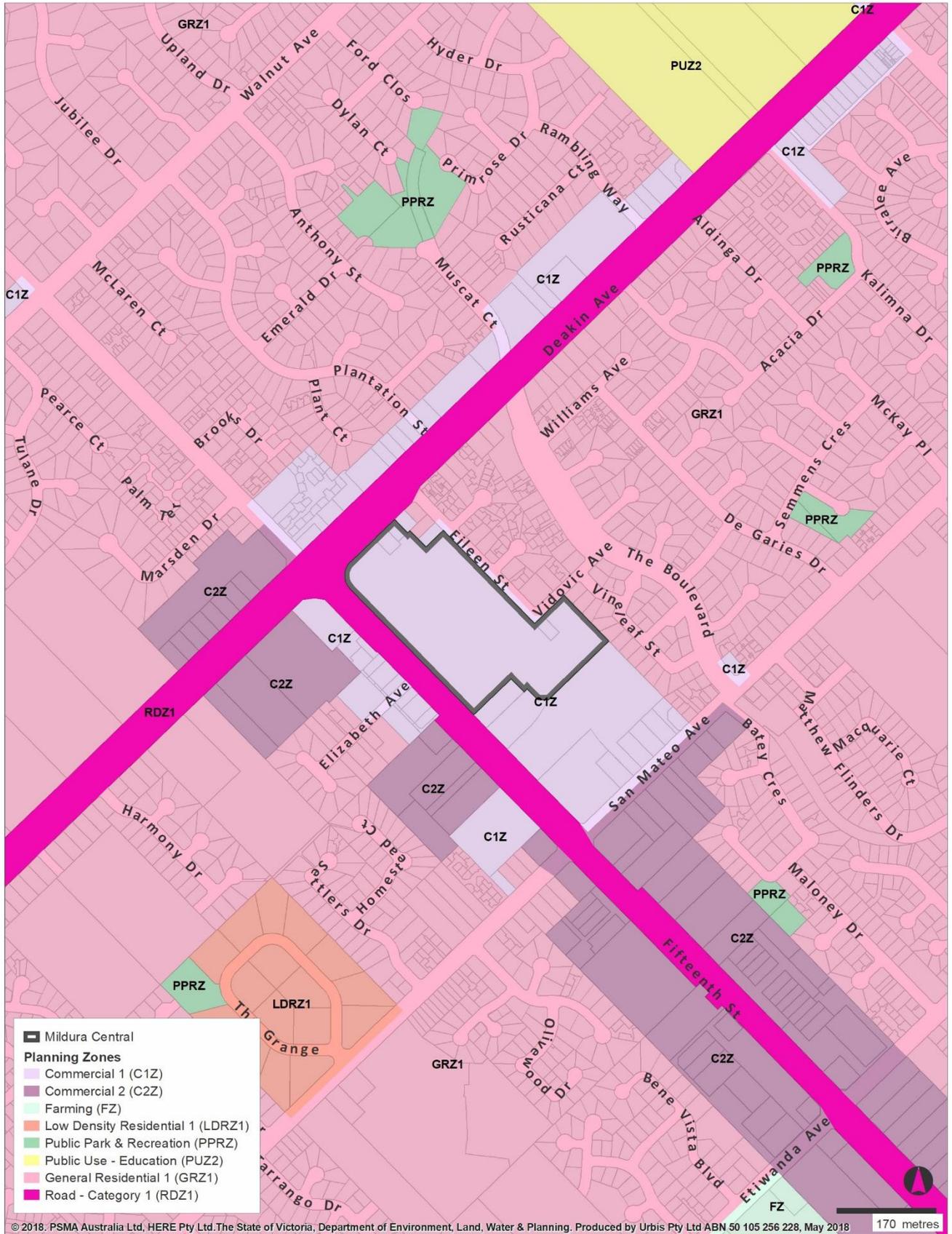


Figure 2 – Zoning Map

### 3.3. OVERLAY CONTROLS

46. Mildura Central is subject to the provisions of Design and Development Overlay Schedule 12 and Development Contributions Plan Overlay Schedule 1 and 2. Design and Development Overlay Schedule 1, relates to land fronting Deakin Avenue, however Mildura Central is excluded from this overlay.
47. These controls are outlined following, with maps of the area affected by the overlay controls provided at Appendix B.

#### 3.3.1. Design and Development Overlay – Schedule 1

48. Design and Development Overlay Schedule 1 (DDO1) relates to Deakin Avenue. This Overlay adjoins the front of Mildura Central along Deakin Avenue and includes the following design objectives:
- *‘To protect and enhance the high landscape quality and visual amenity of this major treelined boulevard.*
  - *To ensure that new development and extensions to existing development improve the built form and character of the streetscape by the implementation of appropriate design and siting controls.*
  - *To maintain a strong planted landscaped form and appearance within the front setback areas of development abutting the avenue.*
  - *To protect and enhance those features of historic, architectural, cultural, natural or scientific interest given that they contribute significantly to the overall quality and amenity of Deakin Avenue.*
  - *To consolidate the planting along Deakin Avenue, and within the median strip, by appropriate new planting and replacement of existing trees, as required.*
  - *To guide appropriate development into each of the functional precincts along the avenue based on the role of each precinct.*
  - *To encourage appropriate forms of outdoor advertising signage which relate directly to the nature of the business carried on within the site and as part of an overall theme for Deakin Avenue.*
  - *To facilitate safe and easy pedestrian, cyclist and vehicular movements along and across Deakin Avenue.’*
49. The preferred maximum building height is 2 storeys, except on land within the C1Z in which no maximum height is stipulated.

#### 3.3.2. Design and Development Overlay – Schedule 12

50. Design and Development Overlay Schedule 12 (DDO12) relates to the Fifteenth & Deakin Structure Plan Area and implements the objectives of the *Fifteenth & Deakin Structure Plan Area, July 2012* (refer to Section 3.3 below for further detail).
51. DDO12 acknowledges the importance of Mildura Central and the retail core. The objectives implement the City Gate Activity Centre Design Guidelines, which seek to establish a built form pattern that clearly transitions from the City Gate Precinct, emphasising the southern gateway to Mildura.
52. The vision for the City Gate Precinct is:
- *‘A viable and sustainable City Gate activity centre will be created, focused around a compact retail centre that reduces dependency on the car.*
  - *A strong image will be created within the City Gate Precinct through consistent built form and streetscape themes.*

- *Access and movement within the precinct will recognise the significant reliance of the precinct on private vehicle transport, however a strong focus of actions will be on the pedestrian environment and the design of car parking areas to increase pedestrian activity and encourage more sustainable transport options.*
- *Connections to key activity nodes within the precinct from surrounding residential areas and accommodation uses will be improved, including from the north-west side of Deakin Avenue, and safer movement will be facilitated across Deakin Avenue and Fifteenth Street.*
- *Community life will be enhanced, including recreation and leisure activities.*
- *Housing diversity will be provided, including retirement living.*
- *Existing tourist accommodation will be supported and new format tourist accommodation will be encouraged.'*

53. Table 1 stipulates preferred built form parameters, including a height of 12 metres for commercial development and the following setbacks relevant to Mildura Central:

- 0 metres to Deakin Avenue and Fifteenth Street at the corner (sub-area A)
- 3 metres to Deakin Avenue (sub-area B)
- 10 metres to Fifteenth Street (sub-area C)

Refer to Appendix C for a copy of DDO12, including the sub-area map.

54. Active frontages are generally encouraged, with 60-80% activation of visible facades.

55. In relation to car parking, DDO12 states the following:

- *'The majority of required car parking bays should be encouraged to be located at the front of the building, between the building and the road, to increase passive surveillance, safety and convenience (refer to the Indicative Car Parking Layout as detailed in the Fifteenth & Deakin Structure Plan (July 2012)).*
- *Large areas of grade level car parking should be avoided at prominent corner sites (as identified in the Buildings Maps in the Fifteenth & Deakin Structure Plan (July 2012)).'*

56. Section 3 seeks to minimise outdoor advertising signage. Specifically, I note that:

- *Large sky signs, panel signs, promotional signs, flashing or animated signs and signs that include reflective surfaces or bright colours should be avoided, as they are inappropriate for this area.*
- *Signs should not be located within front setbacks. Smaller signs should be located on buildings and integrated within the building facade, to complement the design of the building.*

### **3.3.3. Development Contributions Plan – Schedule 1**

57. The Development Contributions Plan Schedule 1 (DCP1) at Clause 45.06 relates to infrastructure works and sets out costs prescribed in the *Mildura South Development Contributions Plan 2005*.

### **3.3.4. Development Contributions Plan – Schedule 2**

58. The Development Contributions Plan Schedule 2 (DCP2) at Clause 45.06 relates to infrastructure works and sets out costs prescribed in the *Development Contributions Plan No. 2 for Mildura Rural City Council, SGS Economics and Planning, October 2006*.

### 3.4. THE FIFTEENTH AND DEAKIN STRUCTURE PLAN JULY 2012

- 59. In the *Fifteenth & Deakin Structure Plan, July 2012*, the area at Deakin Avenue and Fifteenth Street is identified as a Sub-regional Activity Centre.
- 60. The Plan seeks to improve streetscape treatment and landscaping along Deakin Avenue and Fifteenth Street and establish gateway treatment at key corner sites, including the south side of the intersection of Fifteenth Street with Deakin Avenue. Refer to Figure 3.
- 61. At-grade car parking is encouraged to the front of buildings, with areas identified for additional parking along Fifteenth Street.

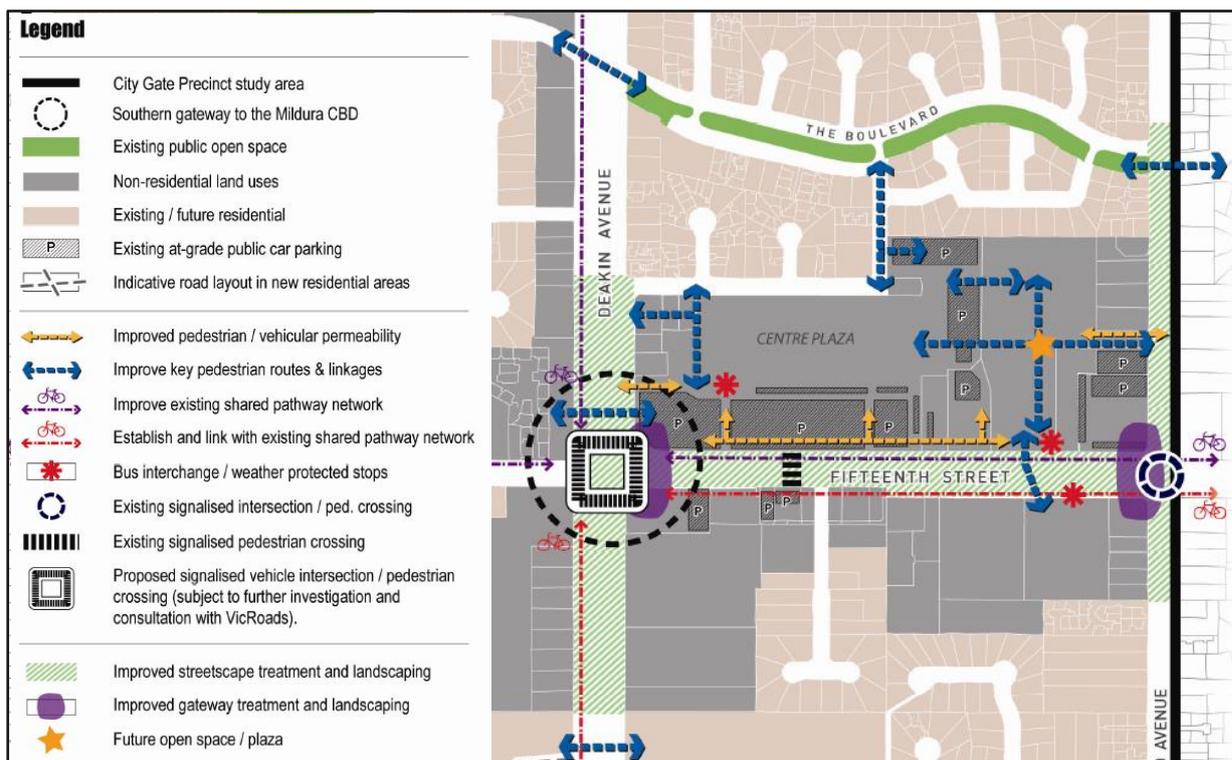


Figure 3 – The Fifteenth & Deakin Structure Plan

## 4. PROPOSED AMENDMENT C95

62. Amendment C95 has been prepared by Mildura Rural City Council and applies to all lots with a frontage to Deakin Avenue between Seventh Street and Sturt Highway at the intersection of Gordon Avenue.
63. The Amendment has been prepared to implement the recommendations of the *Deakin Avenue Urban Design Guidelines, 2016*, which seek to develop a clear framework that will guide future land use and built form along the Avenue.
64. Amendment C95 proposes the following changes to the Mildura Planning Scheme:
- Updates to the Municipal Strategic Statement, specifically Clause 21.02, Clause 21.03, Clause 21.07 and Clause 21.10 to reference the Deakin Avenue Urban Design Guidelines, 2016 and its objectives.
  - Changes to local policy at Clause 22.01 to discourage budget accommodation along Deakin Avenue.
  - Deletion of Design and Development Overlay Schedule 1.
  - Inclusion of new Design and Development Overlays, including:
    - DDO15 to apply to all lots fronting Deakin Avenue from the junction of Deakin Avenue and the Sturt Highway to Seventh Street.
    - DDO16, 17, 18, 19 and 20 to apply sequentially to lots fronting Deakin Avenue from the junction of Deakin Avenue and the Sturt Highway to Seventh Street.
  - Amendment to the boundary of DDO3 and the map contained within the Schedule to remove lots fronting Deakin Avenue.
  - Inclusion of a Schedule to the C1Z to insert a maximum leasable floor area requirement for shops to all lots fronting Deakin Avenue.
65. I have described the key changes proposed, as relevant to my assessment of Mildura Central and the City Gate Precinct, following.

### 4.1. DEAKIN AVENUE URBAN DESIGN GUIDELINES AUGUST 2016

66. The *Deakin Avenue Urban Design Guidelines* were adopted by Council in August 2016 and form the basis for the proposed controls.
67. The Guidelines set out the vision for Deakin Avenue and outline objectives and design guidelines for the whole avenue, as well as detailed guidelines for each precinct. The Guidelines are based on the following six overarching principles: Image of Mildura; Land Use; Landscaping; Lighting and Safety; Access and Movement; and Built Form.
68. The Guidelines identify the following objective for the City Gate Precinct:
- 'The City Gate Precinct will provide a vital transition between the rural edge and the urban/city fringe. An enhanced entrance statement will landmark the Fifteenth Street intersection and be surrounded by high quality feature buildings. The Precinct will be a busy hub of activity as it anchors the secondary retail role of the Mildura Central Shopping Centre. Formal boulevard style planting will enhance the gateway and transition function of the Precinct, while retaining its green landscapes.'*
69. The Precinct Actions are illustrated in Figure 4 overleaf.

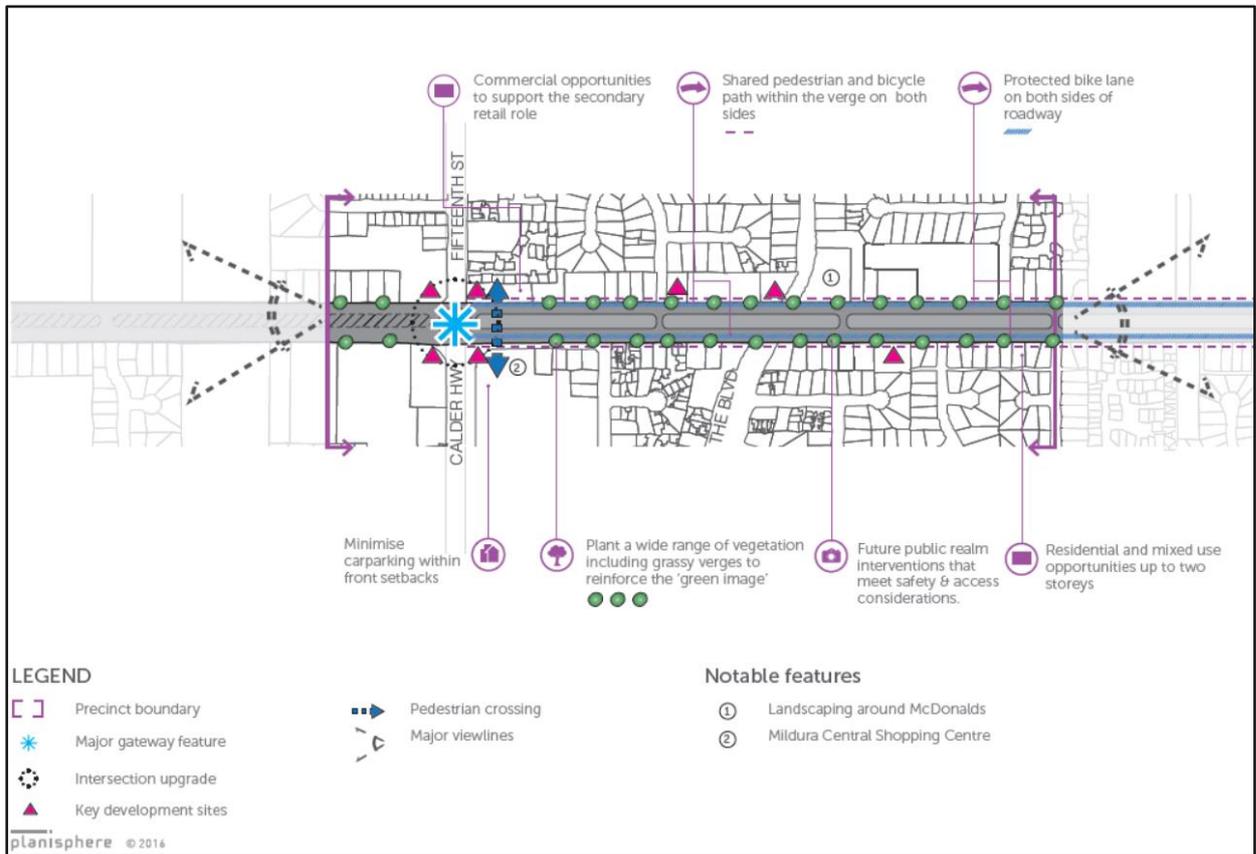


Figure 4 – City Gate Precinct Actions

70. In relation to the built form objectives, I note that heights up to 8 metres (two storeys) are encouraged, as well as substantial front setbacks and landscaped frontages. Figure 5 illustrates the general design intent.

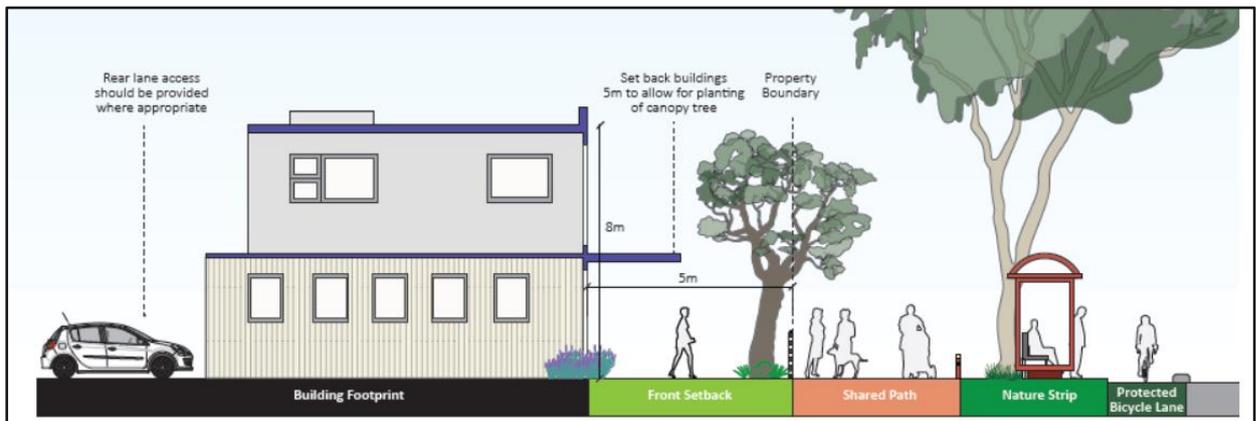


Figure 5 – City Gate Precinct Built Form

71. In terms of land use, I note that the Guidelines suggest that City Gate Precinct is to support the secondary retail function of the area and can include some small retail but is not to include bulky goods and other ‘big box’ retail on the Avenue.

72. Regarding the implementation of the Guidelines in the Planning Scheme, I note that the Guidelines state:

- ‘A Local Policy is not considered necessary provided that all the necessary land use and built form principles, objectives and requirements can be included in the MSS or the DDO.’

- *'Changes to the Zones are only considered necessary where there is a land use issue that results in a built form impact on the Avenue.'* Changes to the Schedule of the C1Z are not listed.
- *'The DDO is considered to be the most appropriate VPP tool to manage built form outcomes and it provides the mechanism to include the key elements of the UDG that relate to private land into the scheme.'*

Further, *'the other potential alternatives include:*

- *'Zone schedules, however these do not cover all the aspects of the UDG; or*
- *Development Plan Overlay, however this an unwieldy tool that requires additional work in the preparation of Development plans and direct land owner involvement.'*

## 4.2. THE MUNICIPAL STRATEGIC STATEMENT

73. Clause 21.02 'Key Influences and Issues' has been updated to strengthen the vision for Deakin Avenue as Mildura's main boulevard. The Clause has been revised to include additional issues, being; the need to manage the diversity of land uses along Deakin Avenue; protect horticulture along Deakin Avenue west of Seventeenth Street; support the proposed truck by-pass route to alleviate congestion along Deakin Avenue; and support the pedestrian and cyclist priority zone along Deakin Avenue.
74. Clause 21.03 'Vision' has been updated to include the Council's commitment of implementing the Deakin Avenue Urban Design Guidelines. Further, the Clause has been updated to reiterate the new issues outlined in Clause 21.02, as well as expand the built form and amenity objectives in relation to Deakin Avenue. This includes reference to showcasing the region's history and diversity, through a transition of built form and land uses and the inclusion of gateway treatment and art installations to enhance the grandeur and amenity of the Avenue.
75. Clause 21.07 'Built Environment and Heritage' has been updated to remove the Clause relating to Deakin Avenue and include an additional heritage objective, seeking to protect historic and culturally significant elements of Deakin Avenue contained in DDO15-20.
76. Clause 21.10 'Local Areas' has been revised to include Deakin Avenue as a specific 'local area' under Clause 21.10-2 and reference the *Deakin Avenue Urban Design Guidelines 2016*, seeking to ensure any new development is consistent with these Guidelines. This Clause implements the key principles of the *Deakin Avenue Urban Design Guidelines 2016* and provides the desired image for Mildura, and built form; land use; landscaping; lighting and safety; and access and movement objectives for Deakin Avenue. Of note, I highlight the following land use objective:
  - *'Direct land uses that require higher built forms, or retail activity to the city centre.'*

## 4.3. LOCAL PLANNING POLICY

77. The policy contained at Clause 22.01 has been revised to specifically *'discourage budget accommodation from locating on Deakin Avenue.'*

## 4.4. THE SCHEDULE TO THE C1Z

78. The Schedule to the C1Z has been amended to include a maximum 80 square metre leasable floor area requirement for shops (other than restricted retail premises) on any land fronting Deakin Avenue.

## 4.5. DESIGN AND DEVELOPMENT OVERLAYS

### 4.5.1. DDO15

79. DDO15 implements the objectives of the *Deakin Avenue Urban Design Guidelines August 2016* as relevant to the Avenue as a whole. It includes the following design objectives:

- *'To ensure buildings along the avenue are designed to respect their prestigious location and address the avenue by incorporating:*
  - *Building colours that do not detract from the quality or compromise the streetscape image of Deakin Avenue.*
  - *Design features to provide shade and solar control within buildings and surrounding areas*
  - *Best practice environmentally sustainable design for Mildura's climate.*
  - *Active frontages, weather protection and interesting articulation to contribute to a pleasant and safe pedestrian environment.*
  - *High quality and non-dominant business signage that fits within the desired character of Deakin Avenue and does not create visual clutter.*
- *To enhance the 'desert oasis' appearance of the avenue and to reflect the particular characteristics of the locality by using a consistent variety of plant species, green leafy landscaping and substantial planting on public and private land.*
- *To improve pedestrian and cyclist safety through passive surveillance, lighting, crossing improvements and better separation of transport modes and to minimise disruptions by vehicular access points.*
- *To reflect the transition from rural to inner city and to guide appropriate development into each of the functional precincts along the avenue based on the role of each precinct.'*

80. Applications must show how the proposed development achieves the Design Objectives of this Schedule and the relevant DDO Precinct Schedule 16-20.

81. Specifically, I note the following design requirements:

- *'Provide vehicular access (including car parking and loading facilities) from the rear of all sites wherever possible, and limit new vehicular crossings.'*
- *'Avoid the dominance of hard surfaces including concrete and car parking structures. Car parking to be provided at the rear of the building.'*
- *'Setback buildings from the front and side boundaries to respond to the desired character of the various sections along the avenue.'*
- *'Integrate verandahs on all new buildings where no front setbacks apply, and large eaves and entrance canopies to all buildings.'*

82. Advertising Sign requirements in addition to Clause 52.05 are included and an application should meet these requirements. Of these requirements, I highlight the following:

- *'Restrict the number of signs to one sign per development. Development which contains multiple premises should consolidate signage into a single directory board.'*
- *'Large sky signs, panel signs and promotional signs are discouraged.'*
- *'Standalone signs should be low profile and located within the landscaped front setback with an area not larger than 2sqm and not higher than 1.8m (standalone signs are discouraged within the residential zones).'*
- *'Encourage signage to be integrated with the building form of the development but must not be painted on the walls or windows of the building.'*
- *'Discourage the use of flashing or animated signs or the use of coloured neon lighting.'*

83. Pursuant to Section 4 relating to advertising signs, all land located within DDO15 is in Category 3 under Clause 52.05.

#### **4.5.2. DDO18**

84. DDO18 implements the objectives of the *Deakin Avenue Urban Design Guidelines August 2016* in relation to the City Gate Precinct. It comprises the following design objectives:

- *'To ensure new development has an address to the avenue.*
- *To encourage consistent street setbacks for well maintained gardens.*
- *To improve safety conditions for cyclists and pedestrians.*
- *To encourage the development of key opportunity sites to their maximum potential and to provide major input to the boulevard style, high quality image of the avenue.'*

85. Pursuant to Section 2, *in addition to other information required to be submitted with a planning application under DDO15 applications must be accompanied by three dimensional diagrams or visualisation showing the proposed building in the context of the surrounding buildings.'*

86. Section 2 includes the following design requirements:

- *'Encourage building heights not to exceed 9 metres and 2 storeys, except for lots identified as key opportunity sites at Figure 1 and land in DDO12.*
- *A minimum 5 metre setback must be provided from any street frontage. This does not apply to land in DDO12.*
- *A minimum 1 metre setback must be provided from at least one side boundary. This does not apply to land in DDO12.*
- *Incorporate second storey balconies that front the Avenue.*
- *Avoid front fences and large areas of paving and/or concrete within the front setback to the Avenue.*
- *Avoid large areas of blank, minimally or poorly articulated walls*
- *Incorporate at least one canopy tree within front setbacks along with other low level vegetation.*
- *Enhance streetscape by planting medium to large canopy trees.*
- *Avoid car parking within the front setbacks of all buildings.*
- *Provide rear vehicular access where available.*
- *Restrict vehicle crossovers to one per frontage.*
- *Locate garages behind the facade of dwellings by at least 1 metre.'*

87. Additional design requirements are identified for key opportunity sites, as illustrated in Figure 1 within the Schedule. A key opportunity site is identified at each corner of the intersection of Deakin Avenue and Fifteenth Street.

88. For key opportunity sites on land outside DDO12, the front setback requirement is reduced from 5 metres to 2 metres and the maximum height is increased from 9 metres to 12 metres. Further, in addition to avoiding car parking within the frontage and encouraging planting within front setbacks, I note the following requirements:

- *Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable.*

- *Enhance and respect the important role of the Fifteenth Street intersection as a key gateway site by orientating development to front both Deakin Avenue and Fifteenth Street, with key architectural features orientated towards the intersection.*

### **4.5.3. DDO16, 17, 19 and 20**

89. These DDOs all contain objectives specific to the precincts along Deakin Avenue. DDO16 relates to the Horticultural Precinct, DDO17 to the Residential Precinct, DDO19 to the Mixed Use Precinct and DDO20 to the City Core Precinct.
90. I have reviewed this DDOs, however I have not focused specifically on these for my assessment and therefore, will not expand on their objectives.

## 5. PLANNING ASSESSMENT

91. Amendment C95 seeks to introduce the objectives and recommendations of the *Deakin Avenue Urban Design Guidelines 2016*, including establishing a clear vision for Deakin Avenue into the Planning Scheme, with a focus on transitioning from Mildura CBD to the north-east, to the horticultural precinct to the south-west.
92. In relation to the City Gate Precinct, I note that the proposed planning controls seek to:
- Establish a clear 'gateway' to the precinct at the Fifteenth Street intersection, through the provision of art installations that will create a strong statement;
  - Enhance the landscaped setback and create consistent setbacks within the frontage to Deakin Avenue;
  - Encourage active frontages along the Avenue;
  - Improve the pedestrian and cyclist environment, including downgrading Deakin Avenue by rerouting heavy vehicle movements off the Avenue via a by-pass;
  - Encourage parking and access to the rear of developments;
  - Discourage advertising signage;
  - Control the type of shop uses fronting Deakin Avenue; and
  - Discourage budget accommodation on Deakin Avenue.
93. I support the principles of establishing a clear urban design vision for Deakin Avenue and agree that specific built form objectives for different precincts can contribute to providing the desired transition along the Avenue.
94. Specifically, I note the objective of an enhanced pedestrian environment along Deakin Avenue and for the City Gate Precinct to act as a 'gateway' to Mildura and stronger built form at key opportunity sites.
95. I consider the proposed vehicle by-pass to be an important means to achieving the strategic vision for the Avenue.
96. While I consider the general vision for Deakin Avenue commendable, it is important that any proposed changes also take account of the broader planning policy and control framework for the area.
97. I am of the view that further consideration is required in refining and drafting of the proposed controls. Specifically, I do not consider that the proposed controls appropriately recognise the function and the importance of Mildura Central. I discuss the matters that I consider to be the key issues relevant to the role of Mildura Central and the City Gate Precinct below.

### 5.1. KEY ISSUES

98. Following my assessment of the proposed controls as they relate to the City Gate Precinct and specifically Mildura Central, I highlight the following:
- I consider the extent of policy detail too extensive to be contained in the MSS and consideration should be given to the need for a local policy;
  - The DDOs include conflicting objectives and are repetitive;
  - DDO15 seeks to unreasonably restrict advertising signage for the retail core of a sub-regional activity centre; and

- The policy and framework seeks to control shop land use within the C1Z, which is contrary to the provisions of the zone and is inconsistent with other policy provisions.

99. I have expanded upon these issues in turn following.

### 5.1.1. Extensive Nature of Policy in the MSS

100. The objectives contained with the MSS are extensive, specifically the Deakin Avenue directions contained at Clause 21.10-2, comprising 50 key directions across six principles.
101. The *Deakin Avenue Urban Design Guidelines 2016* note that a local policy is not necessary if all principles, objectives and requirements can be contained within the MSS (and DDOs).
102. I do not agree and consider that this too extensive to be contained within the MSS. If Council considers this commentary necessary for an area, it warrants a local policy.

### 5.1.2. Relationship and Interaction of DDOs

103. I consider that the relationship and interaction between the existing and proposed DDOs have not been thoroughly considered and result in inconsistencies in policy objectives, particularly for Mildura Central and its role as the retail core of the City Gate Activity Centre.

### Conflicting Objectives

104. There would be three DDOs that would apply to Mildura Central: DDO12, DDO15 and DDO18. Refer to Figure 6 showing the proposed overlap of the three DDOs.
105. The existing DDO12 includes objectives in relation to car parking and access that the proposed DDO15 and DDO18 would conflict with. Specifically, DDO12 encourages car parking to be located to the front of buildings, while DDO15 and DDO18 seek to avoid car parking within the frontage with car parking and access to be provided to the rear. I note that the primary focus of DDO12 is on the role of the Fifteenth Street retail and commercial centre, whilst DDO15 and DDO18 are focused on Deakin Avenue corridor.
106. Mildura Central comprises extensive car parking within the frontage of the site, with the built form substantially set back from Deakin Avenue and Fifteenth Street. Given the existing built form and large scale commercial nature of the Centre, this is important to the operation of the Centre. I consider that a pragmatic approach to the built form controls for this site should be applied.
107. I do not consider that DDO15 and DDO18 appropriately recognise the importance and function of Mildura Central and the City Gate Activity Centre.
108. I note Ethos Urban in their Public Exhibition Summary dated February 2018, prepared for Council, recommended that the extent of DDO15 and DDO18 be reviewed *‘to reduce the portion of the Mildura Central site that fronts the Avenue, to be in-line with existing adjacent lots and not the entire Mildura Central site.’*
109. DDO1 currently contains the built form controls relevant to Deakin Avenue. DDO1 acknowledges that although comprising a frontage to Deakin Avenue, Mildura Central warrants different built form objectives to other areas fronting the Avenue to the east and west and therefore, Mildura Central has been excluded from DDO1.
110. In general, I consider it appropriate to update DDO1 to recognise more recent strategic work, which could be done by replacing this with DDO15, or updating DDO1.
111. With DDO1 not applicable to Mildura Central, DDO12 comprises the current built form controls for the Centre and DDO12 is proposed to remain in the Planning Scheme with no revisions.
112. DDO15 and DDO18 duplicate many of the design objectives of DDO12. Whilst some of the design requirements and key opportunity site requirements of DDO18 state “this does not apply to land in DDO12”, this is a clumsy approach and does not resolve my concerns. I consider that:
- DDO15 and DDO18 should not apply to the site of Mildura Central; and

- DDO12 be amended to include the proposed complementary objectives relevant to Mildura Central contained currently within DDO15 and DDO18 as a 'key opportunity site', including to:
  - 'Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable.
  - Enhance and respect the important role of the Fifteenth Street intersection as a key gateway site by orientating development to front both Deakin Avenue and Fifteenth Street, with key architectural features orientated towards the intersection.'

113. If Mildura Central is not removed in its entirety from DDO15 and DDO18, at the very least, the portion of these controls should be reduced, to cover only the land with a direct interface to Deakin Avenue and all aspects that conflict with its role as a key activity centre in Mildura should not apply to this site.

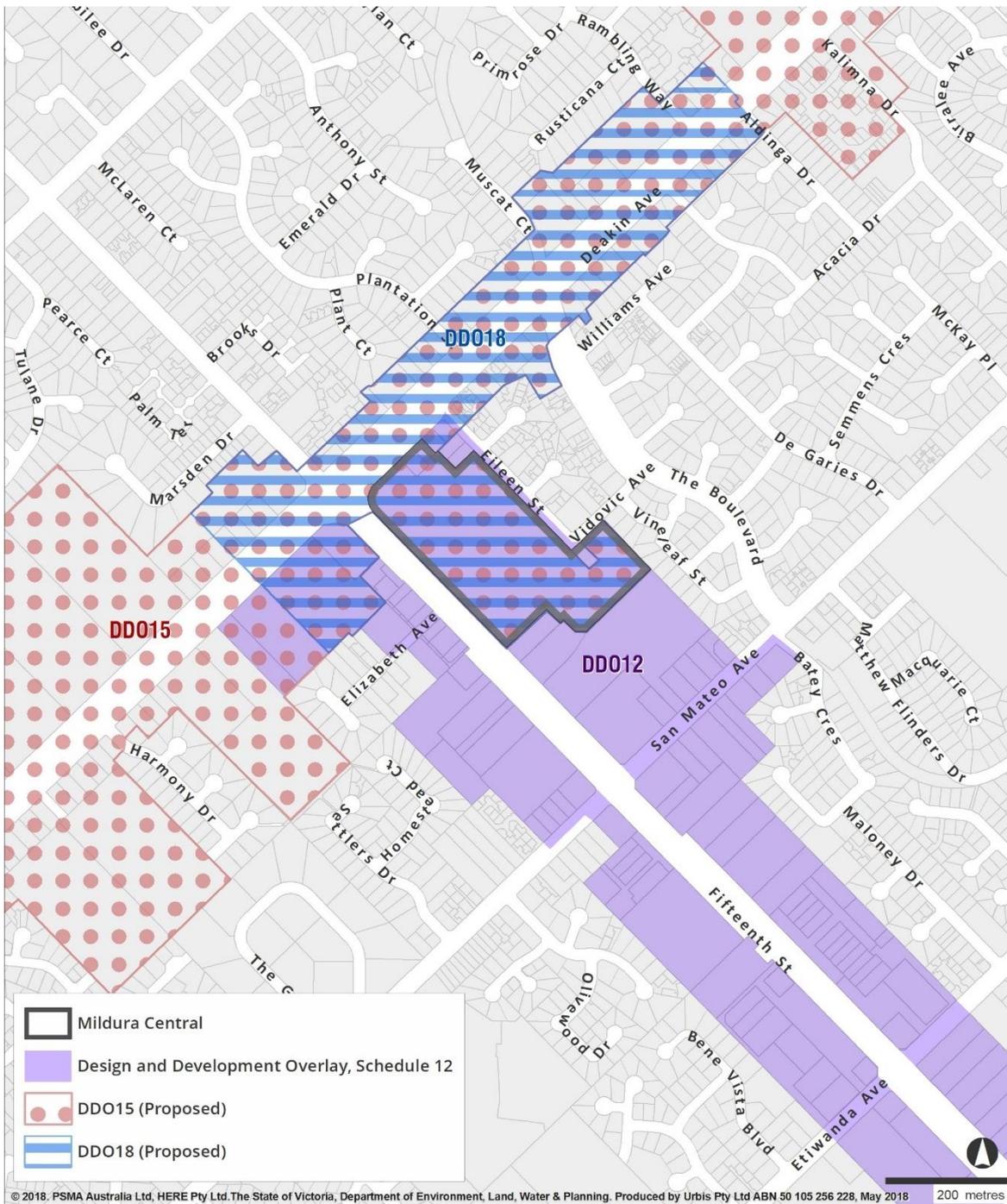


Figure 6 – Overlap of the proposed DDOs

## Simplifying the Controls

114. With the incorporation of DDO15 and DDO18, development at Mildura Central will need to respond to an extensive list of design objectives within these overlays and the Deakin Avenue Urban Design Guidelines, in conjunction with Zone objectives and the objectives of the Fifteenth & Deakin Structure Plan.

115. I do not understand why the design objectives for Deakin Avenue have been separated into multiple DDOs and suggest that it would be preferable if DDO15 alone dealt with the design objectives. DDO15 could identify the different precincts and their individual design controls within the one overlay.

116. Many of the design requirements within DDO15 and DDO18 are duplicated. For example:

- DDO15 includes:

- *'Provide at least one canopy tree within front setbacks where space permits.'*
- *'Provide vehicular access (including car parking and loading facilities) from the rear of all sites wherever possible, and limit new vehicular crossings.'*

- DDO18 includes:

- *'Incorporate at least one canopy tree within front setbacks along with other low level vegetation.'*
- *'Avoid car parking within the front setbacks of all buildings.'*
- *'Provide rear vehicular access where available.'*
- *'Restrict vehicle crossovers to one per frontage.'*

117. Further, I do not consider there to be a need to reference the application requirements of other DDOs. For instance, DDO15 requires that applications must show how a proposed development achieves the relevant DDO Precinct Schedule 16-20.

118. Both DDO15 and DDO18 include the requirements that *'a permit cannot be granted to vary any mandatory requirements in this schedule.'* I do not see any mandatory requirements in these schedules and consider this statement to be redundant.

119. I recommend that further consideration be given to the drafting of these DDOs to tidy the controls and reduce the duplication in the specific precinct DDOs.

120. If DDO16-20 are to remain as separate overlays, I recommend that DDO18 include only the objectives that are individual to the City Gate Precinct and not already covered in DDO15.

### 5.1.3. Advertising Signage

121. The proposed controls seek to minimise advertising signage along Deakin Avenue.

122. Pursuant to the C1Z, advertising sign requirements fall within Category 1 under Clause 52.05, being commercial areas with 'minimum limitation'.

123. DDO15 seeks to change the advertising requirements to Category 3, being 'high amenity areas'. This would result in a permit being required for any business identification sign.

124. I consider the proposed change in the categorisation of signage entirely inappropriate for land within a commercial zone and results in conflicting provisions.

125. The land fronting Deakin Avenue that is zoned General Residential is already subject to the provisions of Category 3. Thus, the change appears to have been proposed to specifically impact commercial areas.

126. DDO15 also contains detailed signage requirements, including the limitation of the number of signs to one per development and the discouragement of promotional signage. Further, I note that signage is *'to be integrated with the building form of the development but must not be painted on the walls or windows of the building.'*
127. I consider these requirements to be unduly onerous for land zoned C1Z and not appropriate for the City Gate Precinct and specifically, Mildura Central, being the second main retail centre for Mildura. Further, the restriction to the painting of walls or windows with the use of the term 'must' does not allow the necessary flexibility for signage within Mildura Central, which is a large site and could comfortably accommodate such signage (if appropriately located) without unreasonable amenity impacts. Any future substantial signage proposal would be subject to a permit application and would be assessed on its merits.
128. The purpose of the C1Z is to create vibrant mixed use commercial centres, with the City Gate Precinct being the secondary activity centre after Mildura CBD. I consider the proposed restrictions to advertising signage to be in direct conflict with the purpose of the zone.

#### **5.1.4. Land Use**

129. The purpose of the proposed Amendment is to implement the directions contained within the *Deakin Avenue Urban Design Guidelines*. The Amendment however, seeks to influence and restrict land use. I do not consider this Amendment the correct means by which to do this and I consider the proposal to result in conflicts with the objectives of the C1Z.
130. I consider that any changes to land use sought by Council should be dealt with via rezoning and not as part of this amendment.

#### **Restriction to Floor Area of Shops**

131. The Amendment seeks to modify the schedule to the C1Z to include a maximum 80 square metre floor space requirement for shops fronting Deakin Avenue.
132. I understand that the rezoning of the land to the C1Z from the former Business 5 Zone (Area 1), was acknowledged in the *Mildura Planning Scheme Review 2014*, to increase the potential for retail uses in areas formerly identified for offices and multi-unit development and that *'this could potentially draw retail activity and development away from core retail areas.'*
133. The *Mildura Planning Scheme Review 2014* suggested that consideration be given to an 80 square metre maximum leasable floor area provision to the land previously zoned Business 5 Zone. This was not introduced.
134. The commercial land fronting the north of Deakin Avenue was previously within the Business 5 Zone. Mildura Central was not within this zone. As such, the controls propose an even broader application of this restriction.
135. A restriction of 80 square metres as the maximum leasable floor area for shop is inappropriate for the retail core of Mildura's second main retail centre, Mildura Central. The 80 square metre restriction relates to the shop floor area on a site and therefore, will result in any extensions to the Centre requiring a planning permit.
136. The exclusion of Mildura Central from the floor area restriction proposed has also been supported by Ethos Urban in their Public Exhibition Summary dated February 2018. This restriction conflicts with the purpose of the C1Z, which seeks to support and facilitate retail uses without the need for a planning permit.

#### **Land Use Directions**

137. Clause 21.10 includes new land use directions, including to:
- *'Direct land uses that require higher built forms, or retail activity to the city centre.'*

- *'Avoid land uses that interrupt the streetscape due to their typically poor built form outcomes, large advertising signage or focus on vehicular access and movement such as: fast food outlets, service stations, car sales yards, industrial and manufacturing uses and big box retail outlets and warehouses.'*

138. These directions do not recognise that retail uses are as-of-right in the C1Z and are in direct conflict with the purpose of the zone. The focus here should be on built form outcomes and directions, rather than the land use itself. As such, I recommend that these objectives be amended to remove reference to Section 1 uses within the C1Z.

### **5.1.5. Built Form**

139. DDO18 proposes height and setback controls outside land within DDO12.

140. I agree that these built form requirements are not appropriate for Mildura Central and consider their removal from land within DDO12 warranted.

141. I suggest however, that the deletion of DDO15 and DDO18 from all land within DDO12 as previously suggested, would remove duplication and confusion resulting from the cross-referencing DDOs.

## 6. CONCLUSION

142. I consider Council's general vision for Deakin Avenue commendable, however I suggest that further consideration is required in the drafting of the controls proposed under Amendment C95 to remove conflicting controls and to simplify and improve the user-friendliness of the controls.

143. A summary of my opinions with respect to the Amendment as it applies to the subject land is as follows:

- Consideration should be given to simplifying the MSS and including a new local policy;
- DDO15 and DDO18 should be removed from the Mildura Central site, or at very least, their extent reduced to the portion that fronts Deakin Avenue, in-line with existing adjacent lots to reduce conflicting objectives and acknowledge the function and importance of Mildura Central;
- DDO15 and DDO18 should be consolidated within one overlay to reduce the extent of duplication of design objectives;
- The advertising requirements within DDO15 should be amended to recognise the role of the City Gate Activity Centre and the proposed change of land to Category 3 under Clause 52.05 should be deleted; and
- The land use requirements limiting retail space within the C1Z should be removed and land use directions relating to Section 1 uses should be deleted.



# **APPENDIX A      STATEMENT OF QUALIFICATIONS AND EXPERIENCE**





# BRENDAN ROGERS

## DIRECTOR

“I love working with clients to unlock the potential of their sites, particularly when it will reinvigorate or reposition a piece of the city.”

### SERVICES

Planning

### SECTORS

Commercial

Industrial

Mixed Use

Retail

Tourism and Leisure

### QUALIFICATIONS

Bachelor Town and Regional Planning, First Class Hons, University of Melbourne

Graduate Diploma – Property, RMIT)

### AFFILIATIONS

Member – Planning Institute of Australia

Committee Member – Property Council of Australia (Planning and Infrastructure Committee)

Member – Victorian Environment and Planning Law Association

### CONTACT

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Brendan Rogers is an expert urban planner, specialising in major project developments and redevelopments. He has more than 30 years' experience working in town planning and property for the government and private sector in Australia and the UK.

Brendan is especially adept at navigating the complexities of the planning system to unlock the potential of a site and develop strategies that enhance the urban environment. He is also a skilled negotiator who has advised on compulsory acquisitions for major transport infrastructure and given expert evidence at the Victorian Supreme Court.

Some of Brendan's most significant achievements include preparing the planning controls for Melbourne's 220-hectare Docklands area; facilitating the redevelopment of the 10.6-hectare Tooronga Village site, which had been undeveloped for 25 years; and leading the development approval process for the Myer Bourke Street and Emporium redevelopment in Melbourne's CBD. He is also a Division Councillor of the Property Council of Australia, and the Chair of its Planning Committee.

### PROJECTS

Chadstone Shopping Centre – Planning advice regarding redevelopment and expansion

Docklands – Planning Advisor to VicUrban for over 15 years

Redevelopment of 447 Collins Street, Melbourne

Emporium, Melbourne – Planning advice regarding redevelopment and expansion

Tooronga Village Redevelopment, Glen Iris

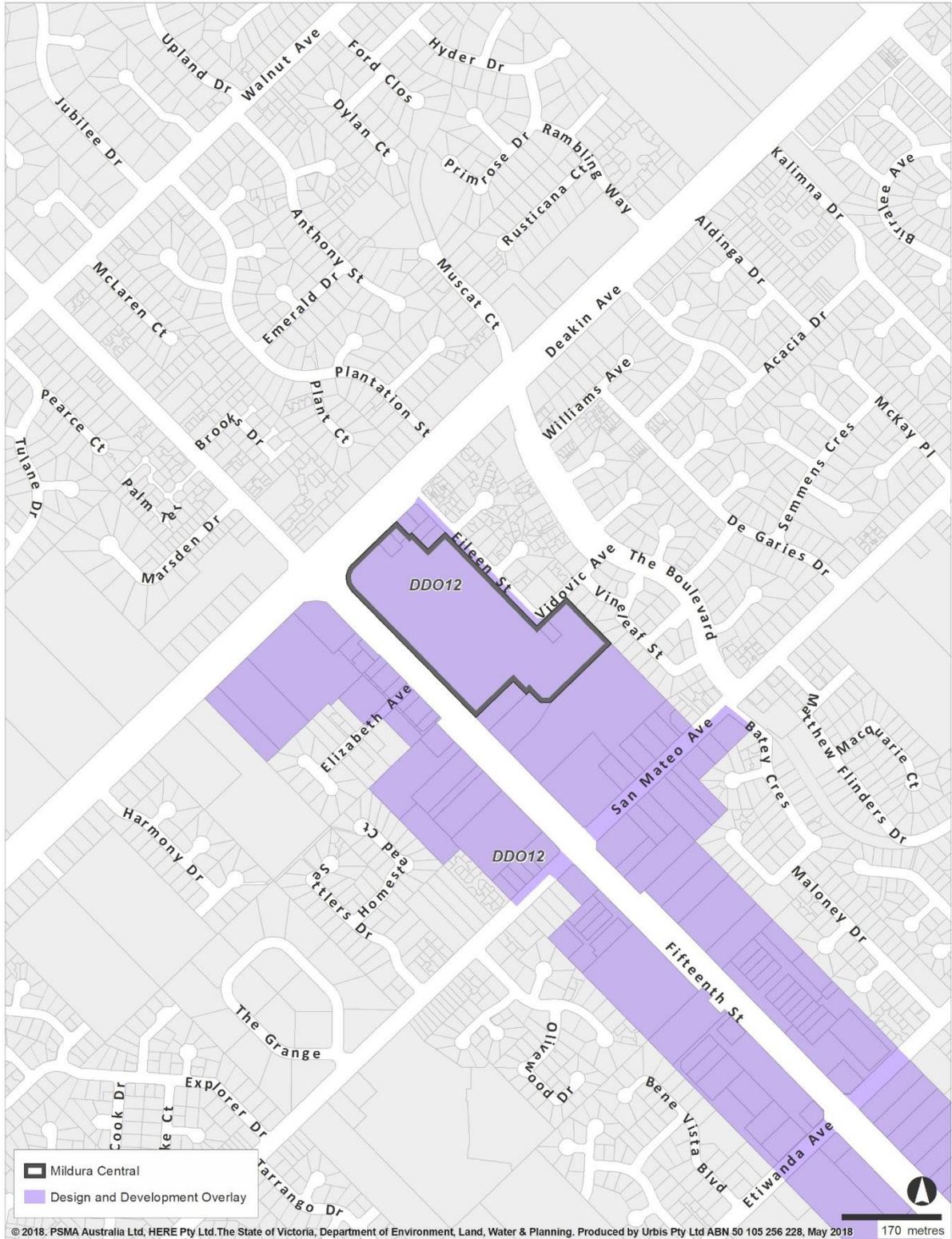
400 City Road, South Melbourne – Mixed use redevelopment of 1.2ha industrial site incorporating over 1,000 apartments



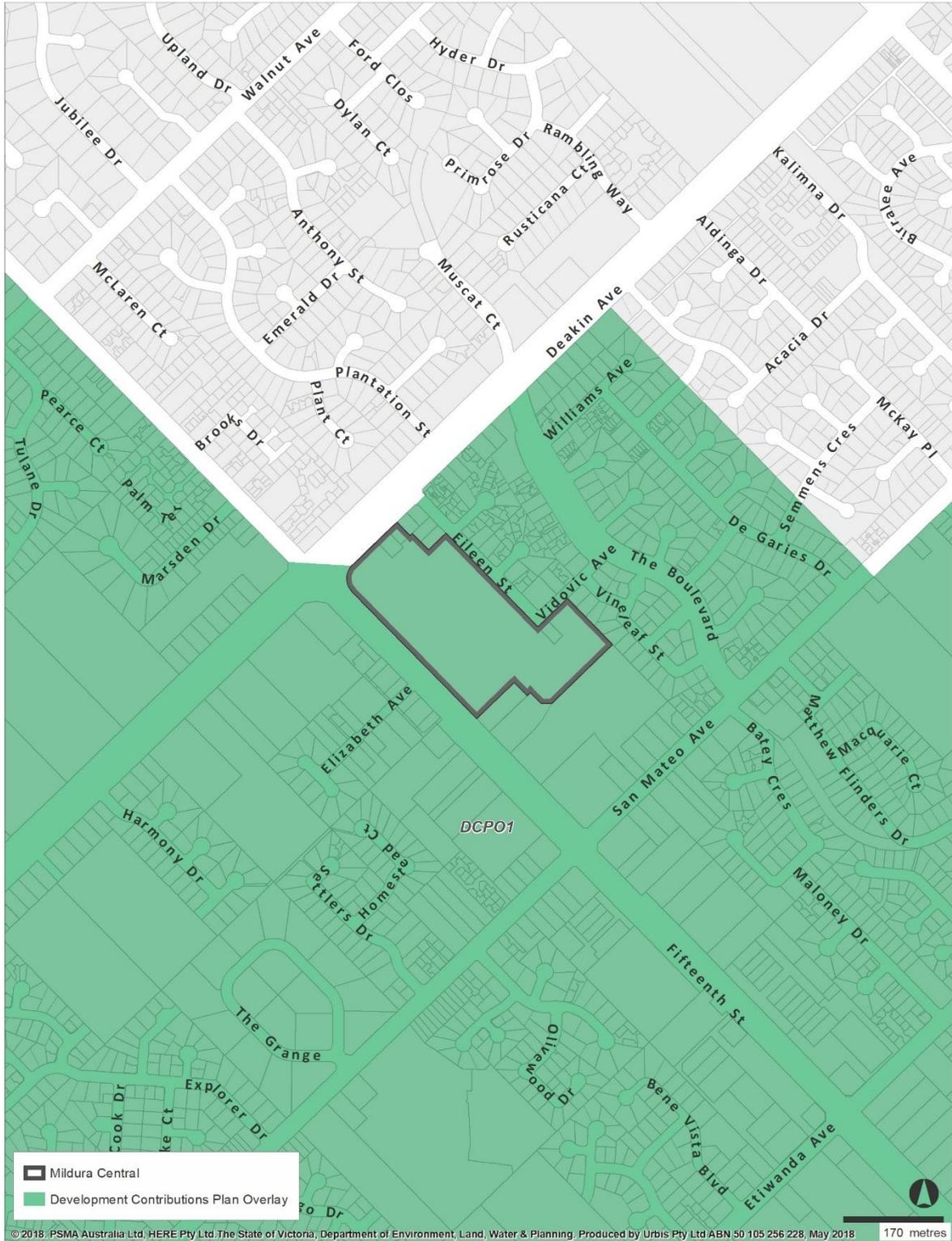
# **APPENDIX B      PLANNING MAPS**



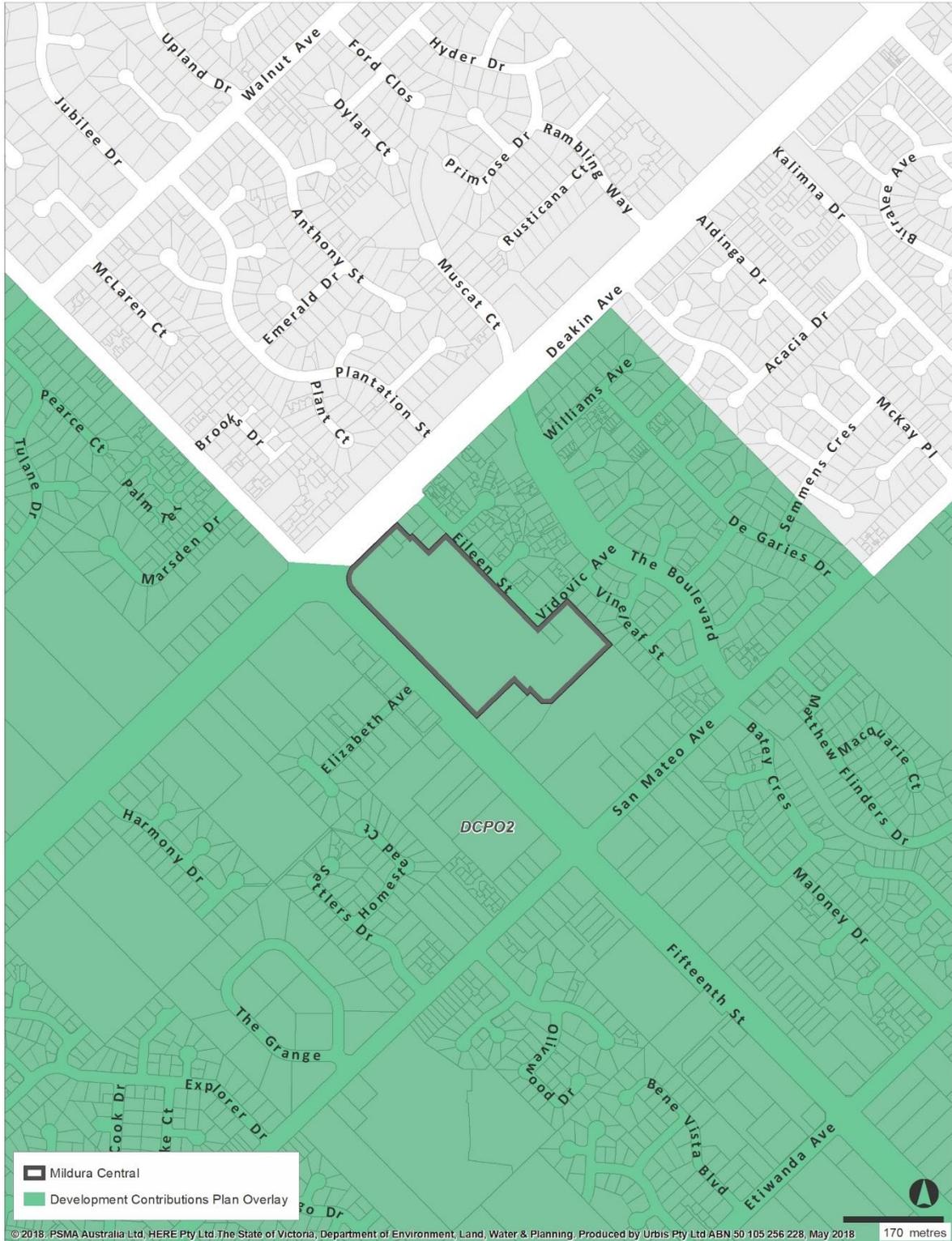




**MILDURA CENTRAL**  
**DESIGN AND DEVELOPMENT OVERLAY (DDO12)**



**MILDURA CENTRAL**  
**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO1)**



# MILDURA CENTRAL

## DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO2)

**APPENDIX C      DD012**



16/05/2013  
C67**SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO12**.

**FIFTEENTH & DEAKIN STRUCTURE PLAN AREA****1.0**16/05/2013  
C67**Design objectives****General objectives**

To implement the General Design Guidelines – Fifteenth & Deakin in accordance with the Fifteenth & Deakin Structure Plan (July 2012).

To implement the City Gate Activity Centre Design Guidelines – Deakin to San Mateo; the Fifteenth Street Design Guidelines – Area A: San Mateo to Etiwanda; and the Fifteenth Street Design Guidelines – Area B: Etiwanda to Benetook; all in accordance with the Fifteenth & Deakin Structure Plan (July 2012).

To establish a built form pattern that communicates a clear transition between the City Gate Precinct, the Fifteenth Street Precinct and landscaped setback of the Urban Transition Area east of Benetook Avenue, and emphasises the southern gateway to Mildura.

**Built form objectives**

To facilitate the development of high quality built form that contributes to the contemporary image and identity of the Fifteenth & Deakin Structure Plan Area and makes a positive contribution to its setting.

To apply the principles of ESD (Environmentally Sustainable Development) and Crime Prevention Through Environmental Design (CPTED) in the siting and design of new development, or retrofitting of existing buildings.

**Access and open space objectives**

To facilitate a modal shift from private vehicles to sustainable modes of transport including cycling, walking and public transport.

To manage the road network to optimise its practicality, safety and efficiency for all road users, including cars, bicycles and pedestrians.

To manage car parking demand and provision to support the activity, streetscape amenity and economic capacity of the Fifteenth & Deakin Structure Plan Area.

To enhance the safety, quality and amenity of the pedestrian environment.

To provide equitable access for all.

To provide an attractive, consistent and recognisable public realm that communicates a clear transition between the City Gate Precinct and Fifteenth Street Precinct and provides a variety of experiences and opportunities for people to meet, enjoy and relax.

**Vision for the Fifteenth & Deakin Structure Plan Area**

Fifteenth & Deakin will be strengthened as the sub-regional retail centre in Mildura and will complement the Mildura CBD as the primary regional centre in the region.

- Established residential and industrial areas will be protected from inappropriate commercial uses.
- Tourist accommodation will continue to play a significant role.

### **Vision for City Gate Precinct**

City Gate's role as a sub-regional activity centre will be strengthened, complementing the Mildura CBD as the primary activity centre.

- A viable and sustainable City Gate activity centre will be created, focused around a compact retail centre that reduces dependency on the car.
- A strong image will be created within the City Gate Precinct through consistent built form and streetscape themes.
- Access and movement within the precinct will recognise the significant reliance of the precinct on private vehicle transport, however a strong focus of actions will be on the pedestrian environment and the design of car parking areas to increase pedestrian activity and encourage more sustainable transport options.
- Connections to key activity nodes within the precinct from surrounding residential areas and accommodation uses will be improved, including from the north-west side of Deakin Avenue, and safer movement will be facilitated across Deakin Avenue and Fifteenth Street.
- Community life will be enhanced, including recreation and leisure activities.
- Housing diversity will be provided, including retirement living.
- Existing tourist accommodation will be supported and new format tourist accommodation will be encouraged.

### **Vision for Fifteenth Street Precinct**

The role of the Fifteenth Street Precinct as the homemaker / bulky goods retailing centre in the region will be strengthened.

- The Fifteenth Street Precinct will be visually distinguishable from the core retail activity in the City Gate Precinct (north-west of San Mateo Avenue) and the Urban Transition Area (south-east of Benetook Avenue) through a distinct and identifiable built form and streetscape / landscape theme.
- A strong image will be created for the Fifteenth Street Precinct through consistent built form, including the design of car parking.
- Caravan parks will continue to play a role in the Fifteenth Street Precinct.
- Access and movement within the Fifteenth Street Precinct will rely on private vehicle transport, however there will be a strong focus on the design of the pedestrian environment and car parking areas to encourage increased pedestrian activity and sustainable transport options.

## **2.0**

16/05/2013  
C67

### **Buildings and works**

#### **Building heights**

New buildings and works and/or extensions to existing buildings should not exceed the preferred building heights specified in Table 1 and Map 1.

An application to exceed the preferred building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the general requirements of this Schedule.

### **Front setbacks**

The front setbacks of new buildings and works and/or extensions to existing buildings should not be less than the preferred setbacks specified in Table 1 and Map 1.

An application to vary the preferred setback must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the general requirements of this Schedule.

### **Activity**

Development should avoid large internal retail spaces that do not encourage a street based retail environment.

Ground floor development should include a component of active frontage to any street frontage/ pedestrian route to provide visual interest for pedestrians.

Where possible, the edges of large stores should be ‘wrapped’ with smaller scale uses (such as speciality shops or cafes) to assist in activating the street frontage during both the day and evening.

Edges of development should be activated and solar access opportunities should be maximised for outdoor areas (including seating and dining areas).

### **Access**

Direct, high quality pedestrian connections (footpaths, tree planting, water sensitive urban design, and weather protection where possible) should be provided along building frontages/key pedestrian desire lines.

Permeability should be achieved between the existing retail core and any new development. In particular, fences should be limited between developments to maximise pedestrian movement.

Street alignments which are not parallel to Fifteenth Street or adjoining side streets should be avoided.

Winding street alignments which increase walking/ cycling distances should be avoided.

The number and width of vehicle ingress and egress points (crossovers) along Fifteenth Street should be minimised.

Secondary vehicular and pedestrian access points should be provided along side streets where possible.

Safe, direct links should be provided to surrounding neighbourhoods, particularly for pedestrians and cyclists.

Safe, direct pedestrian links should be provided from shopping areas to car parking areas.

Bicycle parking facilities, change facilities and bicycle storage should be provided where possible.

Adequate access should be provided for commercial vehicles, service vehicles and loading activities separate to main vehicular access ways, building entrances and pedestrian routes, to minimise potential conflicts. This should be located to the rear of buildings where possible.

Adequate access should be provided for emergency and service vehicle access to all developments.

### **Car parking**

Parking and access areas should be designed to ensure compatibility between all forms of movement – pedestrian, cyclist, wheelchair and vehicular (including service and emergency).

The majority of required car parking bays should be encouraged to be located at the front of the building, between the building and the road, to increase passive surveillance, safety and convenience (refer to the *Indicative Car Parking Layout* as detailed in the Fifteenth & Deakin Structure Plan (July 2012).

Large areas of grade level car parking should be avoided at prominent corner sites (as identified in the *Buildings Maps* in the Fifteenth & Deakin Structure Plan (July 2012).

### **Building scale and siting**

Where there is an interface with a residential zone, built form should provide upper level setbacks to maintain the amenity of adjoining residential properties, in keeping with the requirements of ResCode.

The scale and siting of a building should minimise the overshadowing of adjoining lots and allow for sufficient sunlight penetration and natural ventilation.

The siting of new built form should not affect the capacity to achieve high quality landscape treatments along streets. In some locations it may be appropriate for sites to contribute a small portion of private land to the area required for future public realm upgrades.

Large free-standing buildings (built form 'islands') should be avoided in car parking areas.

### **Building design**

The development of contemporary, high quality and sustainable architecture should be encouraged, that incorporates principles of Ecologically Sustainable Design (ESD) and Crime Prevention through Environmental Design (CPTED), as part of creating a distinctive image and identity for Fifteenth Street and Deakin Avenue.

Adaptable building designs should be provided that can be readily altered or expanded for alternate uses over time.

Durable, sustainable, quality materials should be used that are consistent with the local character and responsive to the climate of Mildura.

Large continuous masses of the same finish should be avoided.

All new buildings should include articulation to all visible facades (including facades visible from streets, footpaths and public spaces) to generate pedestrian activity at the street level and provide visual interest, through design treatments such as variations in surface texture, colours or materials and the appropriate placement of transparent windows and doors.

New retail/ commercial buildings should have 60-80% of all visible facades activated with doors and/ or windows (using clear glazing) at the lower levels, to offer a visual connection between the occupants of the building and people on the street.

The use of blank walls and reflective glazing that hides the presence of activity within buildings should be avoided.

Buildings should be designed to overlook streets, footpaths and public spaces where possible.

Balconies or terraces should be incorporated in upper levels where appropriate to enhance the architectural articulation of buildings and provide passive surveillance and connection with the street.

Lighting should be incorporated into the design of the facade to contribute to a sense of security at night.

Service related areas such as loading and storage should be integrated with the building fabric where possible.

Solid roller door shutters should be avoided along ground level retail/ commercial frontages.

Air conditioning services, antennas and other utilities should be effectively screened from public view using roof structures and architectural elements designed as an integral part of the building.

New buildings should be designed with the ground floor at street level to avoid the need for ramp or staircase access.

Building design should provide for the safety and accessibility of all users, including access by people of all mobilities in accordance with the *Disability Discrimination Act 1992* (DDA).

Continuous weather protection (verandahs, shade cloths or canopies) should be provided along key pedestrian routes.

Pedestrian entry points into buildings should be prominent, legible and well sheltered.

### **Prominent corner sites**

Development on prominent corner sites should emphasise the importance of the corner location and act as a local landmark through:

- Achieving well designed, high quality contemporary architecture;
- Actively defining corners and edges through building up to and addressing all street frontages;
- Developing the site to its full height potential;
- Providing active frontages to all visible facades;
- Ensuring attractive side elevations;
- Providing substantial landscaping; and
- Incorporating landmark elements such as urban art/ sculpture.

### **Landscaping**

Front setbacks should be attractively landscaped and have primary regard for any overall landscape theme for Fifteenth Street and Deakin Avenue.

Any Fifteenth Street or Deakin Avenue streetscape theme (including landscaping, street furniture and streetscape materials) should be continued into private commercial/ retail properties to promote a more coherent relationship between the public and private realms.

Existing native vegetation should be retained where possible.

Large scale tree planting should be incorporated along or close to the property frontage to complement the existing planting theme of the highway reservation. Species chosen should be appropriate to the adjacent built form.

One large canopy tree should be incorporated for every 6 to 8 cars within the central medians of parking bays to provide shelter and offer an attractive appearance to ground-level car parking. Trees should be provided as established species with no lower branches or foliage to impinge on visibility. The expected mature height of the underneath of the canopy should be a minimum of 2.4m above ground level.

Landscaping should be used to screen unsightly car parking areas and utility areas without compromising user safety.

Water Sensitive Urban Design (WSUD) treatments should be incorporated where possible throughout the site for the collection and treatment of stormwater.

Plant species should be incorporated for environmental benefit by using:

- Deciduous trees for summer shade and winter sun penetration (i.e. adjacent to window, car parking areas and outdoor dining areas);
- Drought tolerant and low water usage species; and
- Plants with low fertiliser requirements.

The extent and height of fencing/ walls should be limited and landscaping considered as an alternative. If fencing or walls are necessary, low level and visually permeable fencing/ walls should be used where possible.

Maintenance requirements should be minimised by using robust landscape materials.

Piecemeal works/ design elements should be avoided.

Opportunities to incorporate public art/ sculptures in appropriate locations should be considered in accordance with Council's Art Strategy and programmes.

### 3.0

16/05/2013  
C67

#### Advertising signs

Outdoor advertising signage should be minimised.

Visual clutter of illuminated signs should be avoided, including signage illuminated by internal lighting or floodlighting.

Signage which is visually obtrusive or out of proportion with the built form of the area should be avoided.

Large sky signs, panel signs, promotional signs, flashing or animated signs and signs that include reflective surfaces or bright colours should be avoided, as they are inappropriate for this area.

Signs should not be located within front setbacks. Smaller signs should be located on buildings and integrated within the building facade, to complement the design of the building.

Areas of signage and advertising should be consolidated so as to not dominate the streetscape.

### 4.0

16/05/2013  
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#### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The design objectives of this Schedule.
- Whether the application meets the design requirements and outcomes to be achieved in Table 1 and Map 1 of this Schedule.

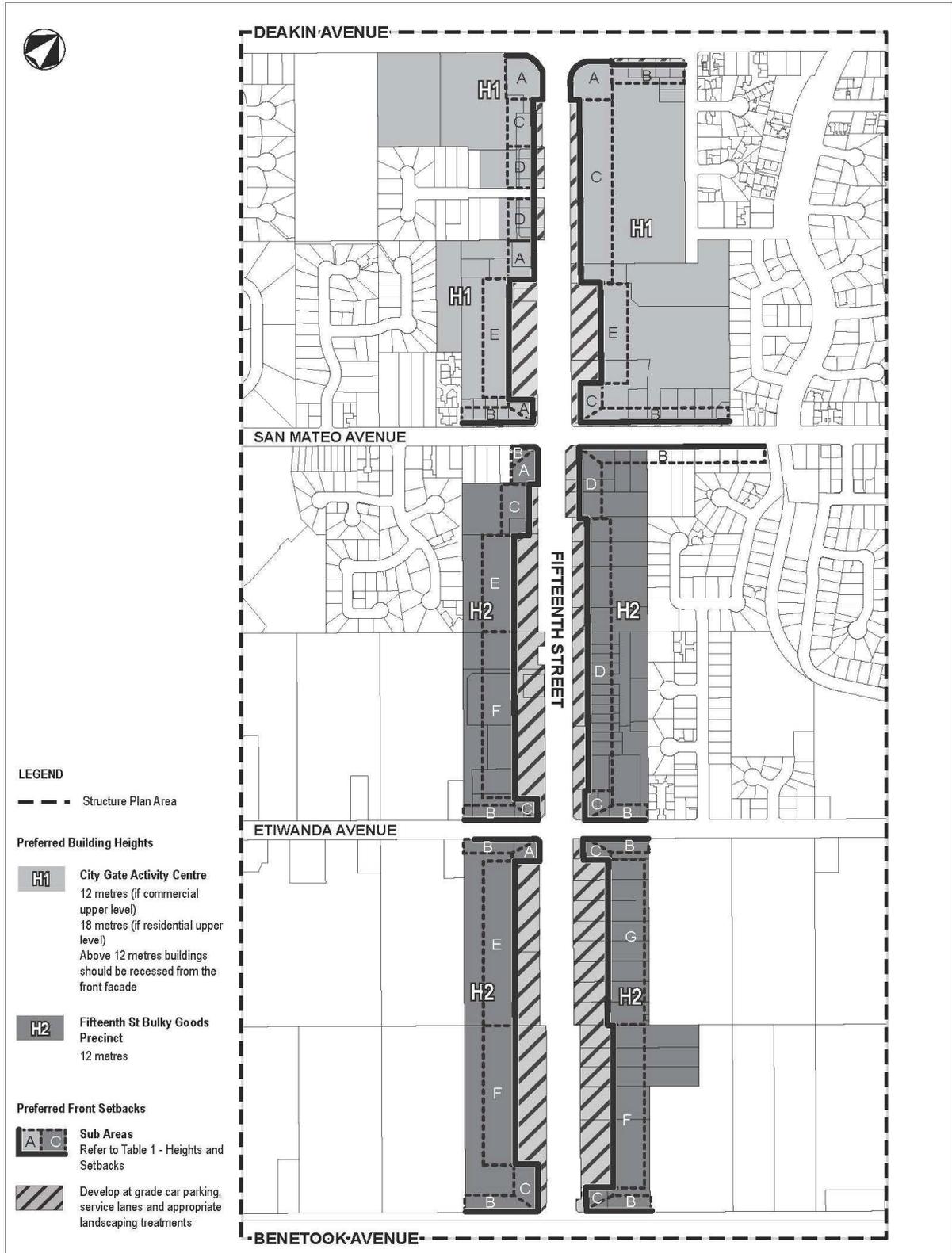
**Table 1 - Heights and Setbacks**

| Area                             | Preferred height   | Sub Area | Preferred front setback |
|----------------------------------|--|----------|-------------------------|
| <b>City Gate Precinct</b>        | 12 metres (if commercial upper levels)   | A        | 0 metres                |
|                                  | 18 metres (if residential upper levels)  | B        | 3 metres                |
|                                  | Above 12 metres buildings should be recessed from the front facade   | C        | 10 metres               |
|                                  |  | D        | 12 metres               |
|                                  | Where there is a residential zone interface building height and upper levels must be setback to retain amenity of adjoining residential properties | E        | 50 metres               |
| <b>Fifteenth Street Precinct</b> | 12 metres  | A        | 0 metres                |
|                                  | Where there is a residential zone interface building height and upper levels must be setback to retain amenity of adjoining residential properties | B        | 5 metres                |
|                                  |  | C        | 10 metres               |
|                                  |  | D        | 20 metres               |
|                                  |  | E        | 40 metres               |
|                                  |  | F        | 50 metres               |
|                                  |  | G        | 50 metres               |

*Note: Building heights are to be measured from the central point at the adjoining footpath level.*

Map 1 – Fifteenth & Deakin Building Heights & Setbacks

# FIFTEENTH & DEAKIN - BUILDING HEIGHTS & SETBACKS





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