



Mildura Rural City Council



MILDURA OLDER IRRIGATED AREA (MOIA)

Changes 2016

FACT SHEET

Following adoption of **Amendment C89** by Council in conjunction with directions developed by the Mildura Housing Strategy, the Minister for Planning has approved changes to the way the **Mildura Planning Scheme** affects the local irrigated areas in the **Farming Zone**. The changes are in accordance with the MOIA Incorporated Document (August 2016).

*The **key changes** relate to both subdivision of land and the establishment of dwellings. The relevant planning provisions both **before** and **after** gazettal of the amendment changes in the planning scheme are summarised in this fact sheet as follows: [Note: other provisions apply]*

Subdivision

Within the Farming Zone in the Mildura Older Irrigated Areas (MOIA) of Mildura, Red Cliffs and Merbein the following apply:

Before C89 Gazettal

- The **minimum** lot size for subdivision is **40ha** (other than for a re-subdivision or an excision of an existing dwelling);
- A permit may be granted to **excise** a dwelling which existed on 29 May 2009 subject to conditions including:
 - that the lot created for the dwelling is minimum 0.4ha and max 1ha;
 - that the parent lot has no area requirement;
- A permit may be granted for a **re-subdivision** of existing lots subject to conditions including:
 - that a Section 173 Agreement be prepared allowing no further subdivision or dwellings on either lot;
 - that an existing dwelling must have existed on 29 May 2009 and the lot created is minimum of 0.4ha.

After C89 Gazettal

- The **minimum** lot size for subdivision is **40ha** (other than for a re-subdivision or an excision of an existing dwelling); [NO CHANGE]
- A permit may be granted to **excise** a dwelling which existed on 29 May 2009 subject to **revised** conditions including:
 - that the lot created for the dwelling be 0.4ha unless necessary to max. 1ha;
 - that the parent lot is a minimum size of 3ha;
 - that it does not compromise future urban development;
- A permit may be granted for a **re-subdivision** of existing lots subject to **revised** conditions including:
 - retention of existing dwelling options for existing lots greater than **10ha**;
 - retention of existing dwelling options for existing lots **0.2 - 2ha** within Growth Areas;
 - that it does not compromise future urban development;
 - that an existing dwelling **need not** have existed on 29 May 2009.

17 November 2016

Dwellings

Within the Farming Zone in the Mildura Older Irrigated Areas of Mildura, Red Cliffs and Merbein the following apply:

Before C89 Gazettal

- A permit may be granted for a dwelling on existing lots identified in Table 1 of the MOIA Incorporated Document subject to conditions;
- A permit can no longer be granted for a dwelling on a lot which is **0.3 hectares** or greater but less than **1.2 ha** (except for Table 1) because the sunset clause has expired;
- A permit **cannot** be granted for a dwelling on a lot which is less than **10 hectares** (except for Table 1);
- A permit may be granted for a dwelling on a lot which is **10ha** or greater but less than **20 ha** in size subject to conditions;
- A permit may be granted for a **replacement** dwelling;
- The minimum lot size for an 'as of right' dwelling is **20 ha** (A permit may still be required for the development).

After C89 Gazettal

- A permit may be granted for a dwelling on existing lots identified in Table 1 of the MOIA Incorporated Document subject to conditions; [NO CHANGE]
- A permit **cannot** be granted for a dwelling on a lot which is less than **0.2 hectares**;
- A permit may be granted for a dwelling (other than Table 1) on a lot which is **0.2 hectares** or greater but less than **10ha** subject to conditions including:
 - o that it is located within either the Mildura East or the Mildura South growth area (Map 1);
 - o that it does not compromise both existing horticulture and future development
- A permit may be granted for a dwelling (subject to conditions) on a lot which is **10ha** or greater but less than **20 ha** in size; [NO CHANGE]
- A permit may be granted for a **replacement** dwelling (subject to **revised** conditions);
- The minimum lot size for an 'as of right' dwelling is **20 ha** (A permit may still be required for the development); [NO CHANGE]



Further Information

More detailed information is available from Council's Strategic Planning Staff on **5018 8419** or on Council's website www.mildura.vic.gov.au.

Conversion: 1 Acre = 0.4047ha 1Hectare = 2.4711acres