



Mildura Rural City Council



MILDURA OLDER IRRIGATED AREA (MOIA)

Changes 2016 and 2020

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). **Following gazettal of C110mild, the Minister for Planning has approved further changes in accordance with the MOIA Incorporated Document (May 2020).**

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:
 - the lot created for the dwelling is minimum 0.4ha and max 1ha;
 - the parent lot has no area requirement;
- A permit may be granted for a **re-subdivision** of existing lots subject to conditions including:
 - a Section 173 Agreement be prepared allowing no further subdivision or dwellings on either lot;
 - 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:
 - o the lot created for the dwelling be 0.4ha unless necessary to max. 1ha;
 - o the parent lot is a minimum size of **3ha**;
 - o it does not compromise future urban development;
- A permit may be granted for a **re-subdivision** of existing lots subject to **revised** conditions including:
 - o retention of existing dwelling options for existing lots greater than **10ha**;
 - o retention of existing dwelling options for existing lots **0.2 - 2ha** within Growth Areas;
 - o it does not compromise future urban development;
 - o an existing dwelling **need not** have existed on 29 May 2009.

Dwellings

Within the Farming Zone in the Mildura Older Irrigated Areas (MOIA) 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 **0.3ha** or greater but less than **1.2ha** (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 **10ha** (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 **20ha** (a permit may still be required for the development).

After C89 Gazettal

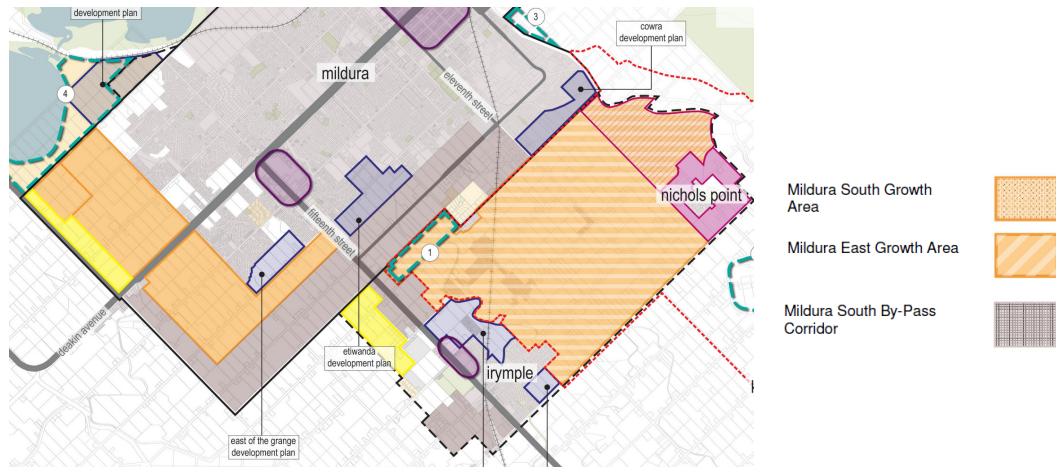
- A permit may be granted for a dwelling on existing lots identified in Table 1 of the MOIA Incorporated Document subject to conditions; [NO CHANGE]
- A permit **cannot** be granted for a dwelling on a lot which is less than **0.2ha**;
- A permit may be granted for a dwelling (other than Table 1) on a lot which is **0.2ha** or greater but less than **10ha** subject to conditions including:
 - o it is located within either the Mildura East or the Mildura South growth area (Map 1);
 - o 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 **20ha** 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 **20ha** (A permit may still be required for the development). [NO CHANGE]

After C110mild Gazettal

Notwithstanding any other requirements, a permit may be granted to use land for a dwelling abutting existing development under section 2 of the table of uses to Clause 35.07-1, if all of the following requirements are met:

- The dwelling is to be constructed wholly within 50 metres of the frontage and is on a lot
- of between 0.2 and 1.2 hectares and:
 - o Within an existing row of dwellings; or
 - o At the edge of an existing row of dwellings; or
 - o On a lot which directly abuts land used and developed for a Camping and caravan park or Primary school.
- The lot must have existed on 30 June 2020; and
- The lot is not encumbered by a section 173 agreement ensuring no further dwellings will be constructed; and
- The dwelling is not located within the Mildura South By-Pass Corridor (Map 1); and
- The dwelling is not located within a designated bushfire prone area or subject to the Bushfire Management Overlay; and
- No part of the dwelling is subject to a flooding overlay; and
- If located within the Mildura East Growth Area or Mildura South Growth Area (Map 1), sufficient clearance of 50 metres in width is provided

Map 1:



Further Information

For more detailed information please contact Council's Strategic Planning Team on **(03) 5018 8419** or go to Council's website www.mildura.vic.gov.au

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