



Mildura Rural City Council

MILDURA PLANNING SCHEME

AMENDMENT C100 (PART 2)

SIXTEENTH STREET GREENWAY INTERFACE

PLANNING AUTHORITY SUBMISSION - PART A

Panel Hearing Date: 21 May 2018

TABLE OF CONTENTS

AMENDMENT SUMMARY	1
1. INTRODUCTION	2
2. AMENDMENT BACKGROUND	2
3. CHRONOLOGY OF EVENTS	7
4. STRATEGIC CONTEXT AND ASSESSMENT	9
5. INTERACTION BETWEEN ELEMENTS OF THE PLANNING FRAMEWORK	11
6. ISSUES RAISED IN SUBMISSION	13
7. POST EXHIBITION – PROPOSED CHANGES TO AMENDMENT C95	16
8. CONCLUSION	17

AMENDMENT SUMMARY

The Amendment	Mildura Planning Scheme Amendment C100 (Part 2)
Area Affected	Land on southern side of Sixteenth Street, Mildura between Deakin Ave and Riverside Ave except for land in UGZ1, PUZ1 or 623 Deakin Ave.
Purpose of Amendment	Amendment implements objectives for pedestrian and cycling priority environment along Sixteenth Street as in the Mildura South Strategic Framework Plan 2007, the Mildura South Precinct Structure Plan 2014 and the Mildura South (Sixteenth & Deakin West) Development Plan 2014.
The Proponent	Mildura Rural City Council
The Planning Authority	Mildura Rural City Council
Authorisation	31 October 2017
Exhibition Period	10 November 2017 to 18 December 2017
Number of Submissions	6 Submissions
Council Response to Submissions	28 March 2018
Panel Hearing	21 May 2018

1. INTRODUCTION

- 1.1. Mildura Rural City Council has prepared Amendment C100 (Part 2) to the Mildura Planning Scheme. The Amendment implements the objectives for pedestrian and cycling priority environment along Sixteenth Street as outlined in the *Mildura South Strategic Framework Plan 2007*, the *Mildura South Precinct Structure Plan 2014* and the *Mildura South (Sixteenth & Deakin West) Development Plan 2014*.
- 1.2. The Amendment applies to land located on the southern side of Sixteenth Street, Mildura between Deakin Avenue and Riverside Avenue except for land located in the Urban Growth Zone1, Public Use Zone1 or 623 Deakin Avenue, Mildura located along this stretch of Sixteenth Street.
- 1.3. The Amendment will ensure new development responds to the long-term vision of Sixteenth Street as a Greenway as outlined in the above plans. The Amendment will ensure that new development, visually addresses the Sixteenth Street Greenway and to prevent the establishment of vehicle crossovers along this frontage to facilitate a protected bicycle path in the Greenway corridor. It will further provide Council with a clear set of design requirements to facilitate assessment of planning applications in this area.
- 1.4. Amendment C100 (Part 2), therefore, proposes to make minor amendments to the Municipal Strategic Statement and introduces the Design and Development Overlay – Schedule 14 (DDO14).

2. AMENDMENT BACKGROUND

- 2.1. In the context of Mildura South, numerous planning documents (referenced in the Mildura Planning Scheme) confirm a strategic vision for the creation of a greenway along Sixteenth Street. The greenway is to form a high quality landscape corridor which will facilitate and encourage walking and cycling, reducing an overall reliance on the motor car and increasing social interactions between residents of this new growth area.
- 2.2. Structure Planning for Mildura South began in 2002 with the Sunraysia Drainage Strategy (SDS) which identified the major stormwater drainage corridor through the Mildura South area to an outlet into Lake Hawthorn. It addressed how urban and irrigation development will be serviced with surface and sub-surface drainage infrastructure. The SDS provides a long-term 'blue print' for the future management of surface, sub-surface and stormwater drainage in the Sunraysia Region.
- 2.3. The Mildura Irymple Residential Land Strategy produced in 2003 projected that the population of Mildura would increase by 34,750 between 2003 and 2031 which equates to an annual average population growth rate of almost 2%. The Mildura South area was identified by this study as one of three areas where this residential growth should occur with a key recommendation to rezone 108 hectares of land to the south of Sixteenth Street due to its capacity to be connected to existing or planning drainage infrastructure. The study also recommended the preparation of a Development Contribution Plan for

all existing undeveloped land then zoned as Residential 1 in the study area along with identifying the need for and location of community facilities in the proposed growth area of Mildura South.

- 2.4. Planning Scheme Amendment C28, which resulted from a review of the Planning Scheme in 2003 and involved a further review of the Mildura and Irymple Residential Land Strategy also identified the need for additional areas of residential land to provide for the residential needs to the year 2030. The Mildura South Development Contributions Plan which complemented the residential land strategy and provided detailed costings and distribution for the provision of necessary infrastructure.
- 2.5. Also forming C28 were the Development Plan Overlay (Schedule 1), Salinity Management Overlay and Development Contributions Plan Overlay which covered, along with other areas, the greenfield land south of Sixteenth Street located between Deakin and Ontario Avenues included in the current Mildura South Precinct Structure Plan.
- 2.6. The outcome of C28 was the recommendation to prepare a Structure Plan for Mildura South.
- 2.7. In 2007, Council along with a team of consultants began work on preparing the Mildura South Strategic Framework Plan (MSSFP). The purpose of the plan was to ensure that growth envisaged in the Mildura Irymple Residential Land Strategy met land supply demand and provided the highest standards of design, planning and sustainable development.
- 2.8. The MSSFP identified two communities, one on either side of Deakin Avenue, each with their own neighbourhood or local Activity centre adjacent to Sixteenth Street, which would provide open space, play areas, community facilities such as health care uses as well as medium density housing.
- 2.9. In March 2011, work was undertaken by Hansen Partnership along with Aurecon, James Golsworthy Consulting, HillPDA and Capire Consulting to review the 2007 MSSFP and prepare the Mildura South Urban Design Plan. The work involved reviewing the previous work against the Growth Area Precinct Structure Plan Guidelines which had been established since the *Mildura South Strategic Framework* was undertaken. Community and stakeholder consultation was carried out in order to identify key issues which would guide development in the area. Resulting from this work a preliminary draft of the *Mildura South Precinct Structure Plan* (PSP) was prepared with further workshops held with stakeholders and the community to identify any remaining issues.
- 2.10. In November 2013 the Council adopted the Mildura South Recreation Assessment (MSRA) which confirmed the location of the future Mildura South sporting facilities on the south side of the Deakin Avenue/Sixteenth Street Junction with confirmation of the location for the Indoor Sporting Facility to also at the Deakin Avenue/Sixteenth Street site.

2.11. In March/April 2014 a *Draft Mildura South Development Plan*, based on the *Precinct Structure Plan* for the broader area, was established through further community and stakeholder involvement.

2.12. The Mildura South Development Plan (MSDP) was adopted in August 2014 with the Precinct Structure Plan adopted in September 2014. Sixteenth Street is identified in the MSDP as forming a key 'green spine' which will facilitate safe pedestrian and cyclist movement with a high level of amenity between key places and activities within the precinct. A higher intensity of development is envisaged along the street and it will constitute a key part of the neighbourhood's character. A cross section for the Sixteenth Street Greenway along with specification of the road layout is identified in the MSDP

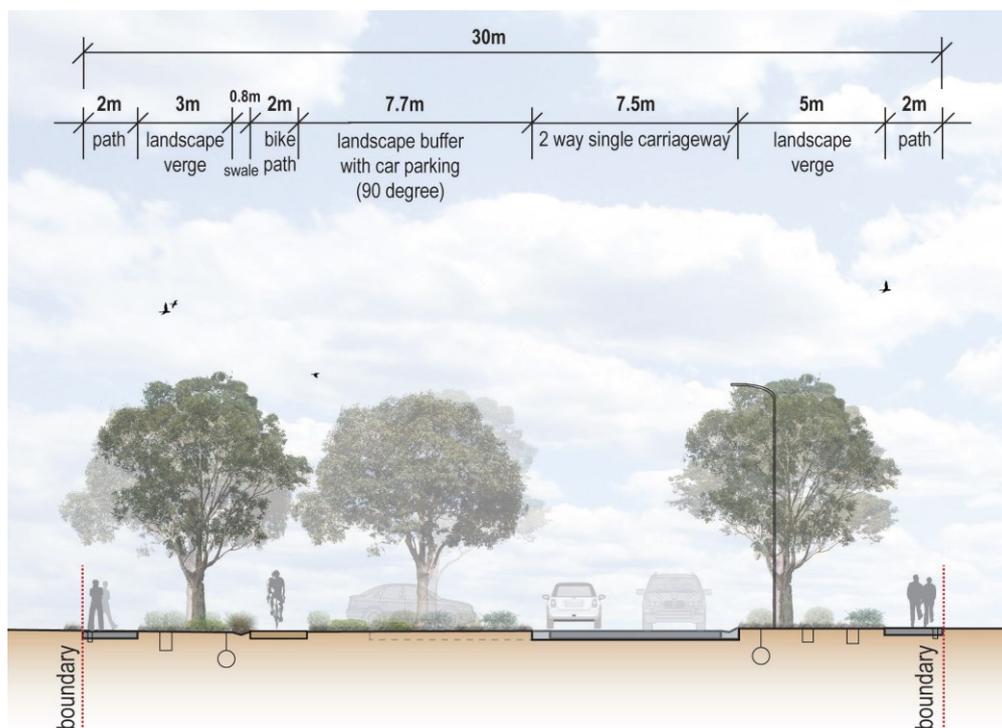


Figure1: Sixteenth Street Greenway Cross Section. Adopted from Mildura South (Sixteenth & Deakin West) Development Plan 2014.

2.13. The MSDP also provides the direction for the lots fronting the southern side of 16th street greenway including:

- a) To promote attractive, informal village streetscapes that emphasise dominance of native and exotic canopy vegetation and understory planting.
- b) To reinforce and create vegetation dominated views of private allotments when viewed from the street.
- c) To encourage landscaped front setbacks that offer a sense of openness from the street rather than solid fencing.
- d) To ensure that signage, lighting and street infrastructure do not dominate the streetscape and visual clutter is minimised.
- e) To ensure that access is provided to the rear to minimise intrusions on the pedestrian and cycle experience along this important corridor.

- f) To increase passive surveillance of the Greenway, i.e. through the incorporation of upper level balconies or habitable rooms.
- 2.1. The Mildura South PSP 2014 in turn listed a number of actions as a further work for implementation which includes *the preparation of a streetscape masterplan for the Sixteenth Street Greenway. This masterplan is the second high priority project in implementing the Mildura South Precinct Structure Plan. Given the critical role that this street plays in connecting the existing and future parts of Mildura South Growth Area and the identified role that landscaping along this street should play in defining the identity and character of Mildura South, planning for this early is important in ensuring direction can be provided for early subdivisions. Part of the role of this streetscape masterplan will be to establish a palette of materials and finishes, as well as street furniture and suitable plant species to guide proposed landscaping for Mildura South subdivisions.*
- 2.2. The process of Planning Scheme Amendment C75 commenced in November 2014 which involved the incorporation of the Mildura South Precinct Structure Plan in the Mildura Planning Scheme along with the facilitation to rezone land at 624–682 Deakin Avenue, Mildura to Public Park and Recreation Zone to facilitate Stage 1 of the Mildura South sporting complex. The amendment also included the rezoning of land on the corner of Ontario Avenue and Sixteenth Street from General Residential Zone to Urban Growth Zone to support the development of the Neighbourhood Activity Centre. In September 2016, Amendment C75 was gazetted.
- 2.3. In June 2017 and further to formal tendering process, Hansen Partnership were engaged to prepare a greenway MasterPlan for Sixteenth Street west of Deakin Avenue, and to also prepare appropriate planning tools to provide guidance for the development along the southern side of the Street as an amendment to the Mildura Planning Scheme.
- 2.4. On the basis, Hansen assisted Council in the preparation of the draft documentation of Amendment C100. Consequently, the original DDO14 was drafted (Pre-authorisation version).
- 2.5. In October 2017, Council sought authorisation from the Minister for Planning to prepare Amendment C100 to the Mildura Planning Scheme.
- 2.6. On 23 October 2017 and in response to Council's request for authorisation to prepare Amendment C100, the Department of Environment, Land, Water and Planning (DELWP) in their letter advised that the proposed Amendment C100 requires further review. The department advised that further consideration should be given as to whether there is a need for the proposed DDO14, or whether its broad objectives can be more appropriately achieved by other means, such as the development plan, or a new schedule to the General Residential Zone.
- 2.7. Council further in its letter dated 26 October 2017 acknowledged the need to review the proposed amendment in light of the department's comments and prepared a detailed response to each of the raised points. This included a revised version (26 October 2018 version) of Schedule 14 to the Design and Development Overlay (DDO14), reflecting

measures taken to simplify the schedule and to reduce the requirements significantly, including the following:

- a) Removing application requirements for a design response and landscape plan for applications for buildings and works.
- b) Removing objectives to discourage the development of standard detached dwellings and to provide a quality design response.
- c) Removing permit triggers for a fence.
- d) Removing all of the design requirements relating to building colours and materials, service infrastructure and specific building typologies.

- 2.8. Council in its 26 October letter provided the following justification in support to its proposed measures:

As noted in your letter, the current Development Plan Overlay – Schedule 1 triggers a permit for the subdivision of the land and requires any permit issued to be generally in accordance with the development plan.

For most of the land subject to the proposed DDO14, subdivision permits have already been issued. Given that a permit is generally not required for the use and development of a dwelling in the General Residential Zone, there is no mechanism for Council, apart from a DDO schedule, to achieve the rear access and greenway interface objectives at this late stage.

Your comments regarding the use of alternative tools including a Schedule to the General Residential Zone (GRZ) were given consideration. However, please note that subdivision permits have been issued for most of the land subject to this amendment, and a single dwelling generally does not need a planning permit under the GRZ especially in Mildura's context where residential lots are generally in excess of 500sqm. As such, matters of rear access and addressing the frontage to Sixteenth Street will be left to arbitrary development decisions, which in turn will compromise the delivery of the vision for the area after years of participative structure planning.

We have reviewed the extent of DDO14 to the north-west, including the area identified by the Mildura South (Sixteenth & Deakin West) Development Plan 2014, as a combination of wetland and Public Open Space (POS). Council has not secured that land yet and it remains in the GRZ1. Given that the location of the public open space could possibly change if there is a future amended version of the development plan showing it in a different location or configuration, Council would prefer to keep the DDO on the frontage of this land. Upon securing the land by Council, DDO14 could be removed from the land, if deemed unnecessary, in any upcoming Planning Scheme Review Amendment.

Finally, it is worth noting that throughout the preparation process of the Mildura South Precinct Structure Plan 2014 and the Mildura South (Sixteenth & Deakin West) Development Plan 2014, land owners and the general community have been extensively consulted including about the content reflected in the proposed DDO14. In addition, the success of the Sixteenth Street Streetscape MasterPlan (currently work in progress) is heavily reliant on the content of Amendment C100, which will bring about the envisaged

greenway abutting the proposed DDO area including success of the protected bicycle path.

I hereby stress the need for Amendment C100 to bring about community and Council's expectations and achieve best practice planning after years of studies for the area that have been prepared in consultation with the community.

2.9. The Minister for Planning (in a short turnaround), on 31 October 2017, authorised the preparation of the Mildura Planning Scheme Amendment C100 - Authorisation A03658, in accordance with a slightly modified version of Council's 26 October 2018 version of DDO14.

2.10. Amendment C100 then was placed on public exhibition from 10 November 2017 to 18 December 2017. Any person who may be affected by the amendment was given the opportunity to provide a written submission to Council about the amendment.

2.11. Amendment C100 remained consolidated until March's Ordinary Council Meeting after which Council resolved to split the amendment into two parts in the following manner:

- a) C100 (Part 1) - comprising the inclusion of Council land in the Public Park & Recreation Zone (PPRZ)
- b) C100 (Part 2) - comprising the remainder of Amendment C100 (DDO 14 Sixteenth Street)

2.12. This Panel Hearing of 21 May 2018 concerns only Amendment C100 (Part 2).

3. CHRONOLOGY OF EVENTS

DATE	EVENT	DETAILS
21 July 2005	C28 – Gazettal	Mildura Planning Scheme Amendment C28 rezoned land in Mildura South (Sixteenth Street and Deakin West) to Residential 1 Zone (R1Z) and applied the Development Plan Overlay – Schedule 1 (DPO1) to the land.
January 2007	Mildura South Framework Plan	Council engaged consultant team consisting of David Lock Associates, Applied Development Research, PBAI Australia and GHD to prepare the Mildura South Strategic Framework Plan
13 December 2007	Mildura South Framework Plan	Adoption of the Mildura South Strategic Framework Plan 2007 - A Development Plan for the South West of Mildura
March 2011	Mildura South Urban Design Plan	Work commenced by Hansen Partnership along with Aurecon, James Golsworthy Consulting, HillPDA and Capire Consulting to review the 2007 MSSFP and prepare the Mildura South Urban Design Plan.

November 2013	Mildura South Recreation Assessment	Council adopted the Mildura South Recreation Assessment (MSRA) which confirmed the location of the future Mildura South sporting facilities on the south side of the Deakin Avenue/Sixteenth Street Junction
August 2014	Mildura South DP	Council adopted the Mildura South (16 th & Deakin West) Development Plan
September 2014	Mildura South PSP	Council adopted Mildura South Precinct Structure Plan
22 June 2015	C75 – Panel Hearing	Mildura Planning Scheme Amendment C75 – Panel Hearing combined with Amendment C89
31 August 2015	C75 – Panel Report	Mildura Planning Scheme Amendment C75 – Panel Report
22 September 2016	C75 – Gazettal	Gazettal of Mildura Planning Scheme Amendment C75 - Mildura South Precinct Structure Plan as incorporated document
28 June 2017	C100 & 16 th St Greenway MP preparation	Further to formal tendering process, Hansen Partnership were engaged to prepare a greenway MasterPlan for Sixteenth Street west of Deakin Avenue, and to also prepare appropriate planning tools to provide guidance for the development along the southern side of the Street as an amendment to the Mildura Planning Scheme.
6 October 2017	C100 – Authorisation Request	Authorisation request sent to the Minister for Planning
20 October 2017	C100 – Pre-Authorisation Review	DELWP letter advising that proposed Amendment C100 requires further review.
26 October 2017	C100 - Revised Amendment Documentation	Council's response to the DELWP's letter regarding the review of Amendment C100 including a revised DDO14 Schedule and a revised Explanatory Report.
31 October 2017	C100 – Authorisation	Minister authorised the preparation of the Mildura Planning Scheme Amendment C100 - Authorisation A03667
10 November to 18 December 2017	C100 – Exhibition	Public Exhibition of the Amendment & Receipt of Submissions
6 February 2018	C100 – Response to Submissions	Mildura Amendment C100 Response to Submissions Table by Hansen Partnership
28 March 2018	C100 – Response to Submissions C100– Split into Pt1 & Pt2	Council Resolution: <ul style="list-style-type: none"> • Adopt the response to the submissions received to Amendment C100 • Split Amendment C100 into two parts • Refer submissions received in relation to Amendment C100 (Part 2) to an Independent Panel • Adopt Amendment C100 (Part 1) as exhibited
26 April 2018	C100 (Part 2)– Panel Directions	Amendment C100 Panel Directions Hearing was held in Mildura
21 May 2018	C100 (Part 2)– Panel Hearing	Amendment C100 Panel Hearing to be conducted in Melbourne

4. STRATEGIC CONTEXT AND ASSESSMENT

- 4.1. Numerous planning documents (referenced in the Mildura Planning Scheme) confirm a strategic vision for the creation of a Greenway along Sixteenth Street. These documents have been prepared alongside with the community through extensive consultation.
- 4.2. The Greenway is to form a high quality landscape corridor which will facilitate and encourage walking and cycling, reducing an overall reliance on the motor car and increase social interactions between residents of this new growth area.
- 4.3. As discussed previously in this report, parallel to the Amendment process, Council in collaboration with Hansen Partnership has prepared the Sixteenth Street Greenway MasterPlan 2018 which builds on the cross-section concept outlined in the adopted Mildura South (Sixteenth & Deakin West) Development Plan 2014.



Figure 1: Extract of the Sixteenth Street Greenway MasterPlan, MRCC May 2018

- 4.4. Key concept of the prepared MasterPlan is to facilitate the creation of a safe and uninterrupted bike and pedestrian paths along the southern side of Sixteenth Street. The success of the MasterPlan as such is heavily reliant on planning mechanisms to prevent/minimise intrusions on the pedestrian and cycle experience along this important corridor.
- 4.5. Given the land is already zoned GRZ1 and the development has already been prepared. Council has responded to subdivision permits affecting the subject land. However in anticipation of greenway master-planning process, conditions on these permits have been secured to ensure the type of subdivision allowed is consistent with the type of development envisaged along this stretch of Sixteenth Street.
- 4.6. However, the use and development of a single dwelling generally does not trigger a planning permit under the General Residential Zone especially in Mildura's context where residential lots can be in excess of 500sqm. As such, matters of rear access and addressing the frontage to Sixteenth Street will be left to arbitrary development decisions.

- 4.7. The new DDO Schedule (DDO14) therefore will be essential to ensure that there is a permit trigger for development to ensure it visually addresses the Sixteenth Street Greenway and to prevent the establishment of vehicle crossovers along this frontage to facilitate a protected bicycle path in the Greenway corridor. It will further provide Council with a clear set of design requirements to facilitate assessment of planning applications in this area. The amendment as such will bring about Community and Council's expectations and achieve best practice planning after years of studies for the area prepared alongside with the community.



Figure 2: Artist impression of the envisaged development of 16th Street Greenway, MRCC May 2018

- 4.8. It is worthy to note that the concept of rear access via back lane is well established in the Mildura region and stems back to the original cadastre (circa 1880s). This includes established residential areas in what forms now the fringe of Mildura CBD, including parts of Lemon Avenue, Pine Avenue and Magnolia Ave...etc.

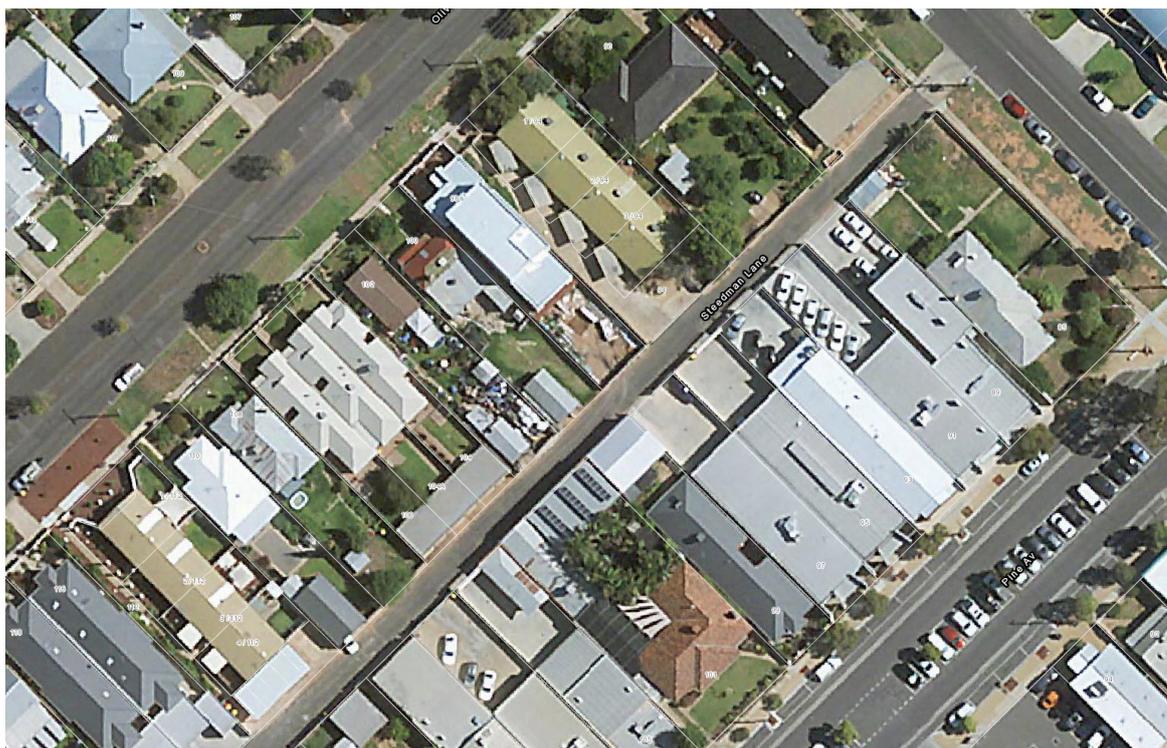


Figure 3: Back access through Steadman Lane to properties fronting Lime & Pine Avenues

5. INTERACTION BETWEEN ELEMENTS OF THE PLANNING FRAMEWORK

- 5.1. The Amendment seeks to apply the Design and Development Overlay – Schedule 14 to provide guidance for the development of land located on the south-western side of Sixteenth Street, Mildura and to facilitate the implementation of the *Mildura South Strategic Framework Plan, 2007* and the *Mildura South Precinct Structure Plan, 2014* and the *Mildura South (Sixteenth & Deakin West) Development Plan, 2014*. The Amendment will ensure that objectives within those documents for pedestrian and cycling priority environment along the key spine of Sixteenth Street is achieved.
- 5.2. The Amendment seeks the following changes to the Mildura Planning Scheme:
 - a) Amend Clause 21.03 (Vision and Strategic Framework) to include reference to the Sixteenth Street Greenway.
 - b) Amend Clause 21.10 (Local Areas) to include reference to the Sixteenth Street Greenway.
 - c) Insert a new Schedule 14 to Clause 43.02 Design and Development Overlay for residential land located on the southern side of Sixteenth Street between Deakin Avenue and Riverside Avenue.
- 5.3. **Planning and Environment Act 1987**
 - 5.3.1 The amendment seeks to achieve the objectives of planning in Victoria as set out in Section 4 (1) of the *Planning and Environment Act 1987* including:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- b) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- c) to balance the present and future interests of all Victorians.

5.3.2 The Amendment achieves the above objectives by implementing a long standing vision for the Mildura South Growth Area, ensuing that this area provides a diversity of housing and that built form outcomes support a range of recreational opportunities, and the encouragement of sustainable personal transport.

5.4. **Compliance with the Minister's Directions**

The amendment is consistent with the following Ministerial Directions:

- a) Minister's Direction No. 11 – Strategic Assessment of Amendments under Section 12 of the Planning and Environment Act 1987
- b) The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act
- c) The preparation of the amendment is consistent with the Ministerial Direction No. 15 Planning Scheme Amendment Process under Section 12(2)(a) of the Act.

5.5. **State Planning Policy Framework**

The proposed amendment will support the relevant objectives of the State Planning Policy Framework (SPPF). The amendment will assist in achieving objectives in relation to the following clauses

5.5.1 Clause 11 Settlement

Clause 11 sets out the framework for planning in Victoria and identifies objectives to manage future growth and development. Specifically it identifies Mildura as a key regional centre where growth and investment should be supported. Clause 11 contains objectives related to ensuring the orderly development of residential land and increasing residential densities in proximity to activity centres.

The Amendment supports this Clause by allowing for increased residential density in close proximity to a future activity centre along Sixteenth Street.

5.5.2 Clause 15 – Built Environment and Heritage

Clause 11.07 seeks to ensure the creation of urban spaces that are safe, functional and have a sense of place and cultural identity. Urban design and architectural outcomes are to contribute positively to the urban character and enhance the public realm.

The Amendment will help to ensure new development on the south-western side of Sixteenth Street responds to a long term vision which defines Sixteenth Street as a Greenway as in the development plan. This Greenway will become the focal point for the local community and assist with creating a 'neighbourhood' and associated 'sense of place'.

5.5.3 Clause 18 Transport

Clause 18 supports the development of integrated sustainable transport networks that provide access to social and economic opportunities.

In providing guidance for the future development of the south-western side of Sixteenth Street, the Amendment will help to create an urban environment compatible with the street's designation as a pedestrian and cycling prioritised environment.

5.6. Local Planning Policy Framework

The Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement:

- 5.6.1. In helping to implement the *Mildura South Strategic Framework Plan, 2007*, *Mildura South Precinct Structure Plan, 2014* and the Mildura South (Sixteenth & Deakin West) Development Plan, 2014 all of which are reference documents within the Mildura Planning Scheme in clause 21.
- 5.6.2. In allowing for a diverse housing typology in the form of medium density development as defined by Clause 21.04 (Settlement and Housing).
- 5.6.3. In accordance with Clause 21.07 (Built Environment and Heritage) the Amendment will encourage 'healthy living' through the creation of a neighbourhood design that supports active transport.
- 5.6.4. By seeking to create a safe and efficient transport system and pedestrian network in accordance with Clause 21.09 (Transport and Infrastructure).
- 5.6.5. The Amendment will also amend the LPPF by amending the LPPF at Clause 21.03 and Clause 21.10 to recognise the role of the Sixteenth Street Greenway.

5.7. Victoria Planning Provisions

The Amendment makes use of the Design and Development Overlay which is specifically designed to control design and built form outcomes on private land. While no specific Practice Note exists for the Design and Development Overlay, Planning Practice Note 28 (Using the Neighbourhood Character Provisions in the Planning Scheme) notes that the Design and Development Overlay is most appropriately used for when specific urban design outcomes are desired for a site or area. The Design and Development Overlay is therefore the most appropriate for ensuring a positive interface with the Sixteenth Street Greenway.

6. ISSUES RAISED IN SUBMISSIONS

- 6.1. As required by the *Planning and Environment Act 1987*, the amendment was placed on public exhibition from 10 November 2017 to 18 December 2017. Any person who may be affected by the amendment was given the opportunity to provide a written submission to Council about the amendment.
- 6.2. The amendment exhibition notice appeared in the Victorian Government Gazette (gazetted) on 16 November 2017 and was advertised by:

- a) Advertisement in the local newspaper
 - b) Council’s website and Facebook page
 - c) Direct notification via mail out to affected land owners and occupiers (a total of 1645 letters)
 - d) Direct notification to Government Authorities and past consultation/workshop attendees (a total of 108 letters).
- 6.3. During public exhibition, the amendment and any documents that support the amendment were made available for inspection, free of charge, at various locations across the Municipality, this has included:
- a) Council’s Madden Avenue and Deakin Avenue Service Centres
 - b) Mildura Library
 - c) Mildura South Post Office.
- 6.4. The amendment was also made available for inspection, free of charge, at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.
- 6.5. A combined drop-in session was held for residents to find out more about the proposed changes through Amendment C95 and Amendment C100 and to have the opportunity to speak to Council staff. The session was held on 30 November 2017, from 3.30pm-7.30pm in the Alfred Deakin Centre on Deakin Avenue. A total of nine people attended the session.
- 6.6. At the conclusion of the public exhibition period Council received a total of six formal written submissions including one objection. The submissions received relate only to part of the amendment which proposes the application of Schedule 14 to the Design and Development Overlay DDO14 to a stretch of Sixteenth Street.
- 6.7. All submissions to the amendment were accepted by Council and are responded to accordingly as outlined in the *Response to Submissions Table 6 February 2018 by Hansen Partnership*. Feedback from five submitters has been generally positive with no issues that require further consideration. The issues raised in the only objection cannot however be supported.
- 6.8. Submissions Table
The issues raised and a response to each have been summarised in the table below.

No.	Submitter	Issue/s	Response	Recommendations
1	CFA	Need to consider interface issues in relation to bushfire and buildings should not have direct interfaces With grasslands. Roads need to consider Emergency access.	n/a The DDO will be applied as land transitions to urban uses and no grassland interface is considered likely to be retained, given primary current use of the land is for viticulture. The DDO does not apply to the roadway.	No change required to Amendment C100 (Part 2).

2	EPA	No concerns.	n/a	No change required to Amendment C100 (Part 2).
3	Goulburn Murray Water	Requests that a 5m exclusion zone be implemented around the Lake Ranfurly East – Rising Main Pipeline.	n/a The amendment does not affect land within 5m of the identified asset.	No change required to Amendment C100 (Part 2).
4	DEDJTR	Supports amendment. Welcomes any opportunity to advance proposed by-pass route.	Support noted. n/a	No change required to Amendment C100 (Part 2).
5	Freeman & Freeman	Does not believe the amendment is required. Identifies that existing documents do not identify the need for a DDO. Believes that applying a DDO to residential land is “going too far”.	The amendment is required in order to trigger a planning permit which allows Council to consider the built form of development fronting Sixteenth Street. In particular, to consider the impacts of such development on the amenity and safety of the Sixteenth Street Greenway which has been a strategic objective of the Mildura Planning Scheme for a significant period of time. This Greenway is to form the central spine linking the ‘new’ and ‘old’ areas of Mildura South and a walking and cycling link between key destinations in the area. A pattern of development which results in numerous individual crossovers along this frontage would compromise the functionality and safety of this active transport corridor. The Development Plan for the area also highlights the importance of building frontages to this Greenway providing an attractive and engaging edge with low front fencing and opportunities for passive surveillance. Furthermore, all strategic documents highlight the importance of development along this frontage providing a density of development above the ‘typical’ suburban outcomes seen on the northern side of Sixteenth Street in recognition of future commercial, community and recreational facilities that will establish in the area. Without a	

		Existing single dwelling developments fronting Sixteenth Street and the subdivision opportunities of those properties should retain flexibility, which the DDO is removing.	<p>permit trigger, Council's ability to assess the form of development fronting this important corridor is severely compromised.</p> <p>The need for planning controls often emerges over time as issues or patterns of development develop and it is not considered that the lack of identification of a specific control is problematic, provided there is a clear link between the strategic objectives and the application of any such control. In this case there is.</p> <p>The single dwellings referred to in this submission are contrary to the strategic objectives identified for Sixteenth Street, particularly relation to their provision of crossovers, typology and engagement with the street. The proposed control will allow Council to provide clearer direction to future applicants to ensure that these objectives are prioritised and that development is in keeping with the <i>Mildura South Framework Plan</i>, <i>Mildura South Precinct Structure Plan</i> and <i>Mildura South (Sixteenth & Deakin West) Development Plan</i>, all of which form part of the Mildura Planning Scheme.</p>	No change required to Amendment C100 (Part 2).
6	DELWP	No comment.	n/a	No change required to Amendment C100 (Part 2).

7. POST EXHIBITION – PROPOSED CHANGES TO AMENDMENT C100

- 7.1. Further to the public exhibition period, and having examined all of the submissions received it was not recommended to alter Amendment C100.
- 7.2. The submissions received relate only to part of the amendment which proposes the application of Schedule 14 to the Design and Development Overlay DDO14 to a stretch of Sixteenth Street.

- 7.3. It was therefore recommended, to divide the amendment into two parts to expedite the approval of Part 1 of the amendment which proposes the inclusion of Council owned land in the Public Park and Recreation Zone (PPRZ) along Deakin Avenue.
- 7.4. At the March 2018 ordinary meeting, Council endorsed the position taken in response to the submissions received to Amendment C100 as detailed in the *Response to Submissions Table 6 February 2018* by Hansen Partnership, and resolved to:
- a) *having examined all submissions received regarding Amendment C100, notes that no objecting submissions were received for the Council land part of the amendment;*
 - b) *split Amendment C100 into two parts being:*
 - *C100, Pt 1, comprising the inclusion in the Public Park & Recreation Zone (PPRZ) of land described as Lot1/TP108783 (as exhibited) and Lot1/LP92247 (Council land Deakin Avenue); and*
 - *C100, Pt 2, comprising the remainder of Amendment C100 (DDO 14 Sixteenth Street);*
 - c) *adopt Amendment C100, Pt 1, as exhibited and with the inclusion of Lot 1/LP92247 and submits the amendment documentation when finalised to the Minister for Planning requesting approval; and*
 - d) *endorse the position to be taken in response to all submissions received pertaining to Amendment C100, Pt 2, as detailed in the Response to Submissions Table 6 February 2018 by Hansen Partnership (attached to this report); and*
 - e) *refer the submissions received in relation to Amendment C100 – Part 2 to an Independent Panel appointed by the Minister for Planning.*
- 7.5. On the basis of the above, Amendment C100 (Part 2) is now proposed in the version provided to the Planning Panel Victoria on the 17 May 2018.
- 7.6. The Panel has already heard from Mrs Jane Keddie of Hansen Partnership in relation to:
- a) Background to planning for Mildura South & the Sixteenth Street corridor
 - b) Drafting of Amendment C100 (Part 2)
 - c) Analysis of Exhibited Amendment (Part 2)
 - d) Response to Submissions.

8. CONCLUSION

- 8.1. In conclusion the Council respectfully requests that given the strategic justification for the Amendment and with the proposed complying with all technical requirements for a planning scheme amendment, after consideration of all relevant matters before it, the Panel in due course recommends the adoption of the Amendment, as put forward.
- 8.2. Ammar Habasch
Strategic Planner
Mildura Rural City Council

14 May 2018