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## Appendices

### A Curriculum vitae

## 1.0 Preliminary Matters

### 1.1 Name and Address

My name is Kristen Wilkes and I am a Principal of Planning and Design at Ethos Urban Pty Ltd, a town planning and urban design consultancy located at Level 8, 30 Collins Street, Melbourne.

### 1.2 Qualification and Experience

My qualifications are as follows:

- Bachelor of Planning (Urban Design), RMIT

I have over 14 years of experience in planning and urban design in both the public and private sectors, including:

- Delfin Lend Lease (2 years)
- Beca Pty Ltd (3.5 years)
- Planisphere Pty Ltd (8 years)
- Ethos Urban (previously Planisphere) (1.5 years)

I am a member of the Planning Institute of Australia (PIA).

### 1.3 Area of Expertise

I have substantial experience in strategic planning, accompanied by a good knowledge of urban design and statutory planning within the Victorian context. I have worked on numerous large masterplan projects, urban design frameworks and other strategic plans.

My curriculum vitae is provided at Attachment A.

### 1.4 Expertise to Make this Report

I was the Project Manager for the Planisphere project team that was commissioned to undertake the preparation of the Deakin Avenue Urban Design Guidelines for Mildura Rural City Council in 2015-2016. I was involved in preparing the content of the Guidelines, as well as attended project meetings and consultation events.

In 2017, Ethos Urban was commissioned by Mildura Rural City Council to prepare Amendment C95 to implement the Deakin Avenue Urban Design Guidelines. I was also the Project Manager of this amendment preparation.

I am therefore well versed in the technical and policy matters related to the development and application of the Deakin Avenue Urban Design Guidelines and the subsequent Amendment C95.

### 1.5 Instructions

Planisphere was formally engaged by Mildura Rural City Council to assist with the preparation of Amendment C95 in March 2017.

As an extension to this contract, I was asked to present expert evidence focussed on the planning and urban design outcomes of the amendment before the Panel Hearing set for 21 May 2018 in Melbourne.

## **1.6 Previous Engagement by Mildura Rural City Council**

Ethos Urban and its predecessor Planisphere, have been previously engaged by Mildura Rural City Council in regard to the following projects:

- Mildura Planning Scheme Review, 2018
- Mildura Public Toilet Strategy, 2018
- Deakin Avenue Urban Design Guidelines, 2016
- Mildura Planning Scheme Review, 2014
- Mildura Fifteenth and Deakin Structure Plan, 2010
- Mildura Irymple Structure Plan, 2010
- Mildura CBD Plan, 2007

## **1.7 Facts, Matters and Assumptions**

In preparing this statement I have had regard to:

- Deakin Avenue Urban Design Guidelines, 2016
- Mildura Planning Scheme Review, 2014
- Documentation supporting proposed Amendment C95 to the Mildura Planning Scheme

## **1.8 Other Persons Relied Upon**

Lisa Riddle (Director- Planning, Ethos Urban) and Larry Parsons (Director- Design, Ethos Urban), assisted with advice and reviewing this evidence.

Ammar Habasch (Senior Planner, Mildura Rural City Council), assisted with responses to submissions.

## 2.0 Summary Opinion

Deakin Avenue is Mildura's first point of contact and is a historic feature of the City, based on its design as a traditional American boulevard. It extends from the rural surrounds of the Mildura Airport to the built-up areas of the CBD. Over time there have been several influences and pressures that have resulted in uncharacteristic built form, segregation and conflict of land use activities, traffic congestion and decaying public realm.

Ethos Urban assisted Mildura Rural City Council with the preparation of the Deakin Avenue Urban Design Guidelines, to set out a vision for the Avenue and identify key objectives and design guidelines to ensure development is designed appropriately, responds to the Avenue's character, contributes to an attractive and functional public realm, and promotes a strong image for Mildura.

Council then drafted Amendment C95 in its current format, which aims to implement these guidelines by incorporating Design and Development Overlays for the Avenue into the Mildura Planning Scheme, along with land use objectives in the MSS.

The design objectives and design requirements outlined in the 6 proposed DDOs are mostly a direct translation of the UDG Report, which was widely accepted by the community and adopted by the Council. The mandatory provisions to influence height, setbacks and subdivision, acknowledge and protect the existing character of the Avenue, while allowing for some growth development to occur in appropriate forms and locations. Design requirements are otherwise discretionary and enable alternative design responses to satisfy the relevant design objectives.

The drafting of the 6 DDOs has resulted in some repetition of design requirements, which could be revised when redrafted to amalgamate requirements with similar intent. This may assist in shortening some of the DDOs so that they are clear and consistent.

In addition, the Amendment seeks to implement a recommendation of the Planning Scheme Review 2014, to insert an 80sqm maximum leasable floor space requirement for lots fronting Deakin Avenue. The Planning Scheme Review 2014 was prepared by Planisphere; however, I was not involved in this work. The 80sqm maximum floor area was identified to retain the fine grain and mostly residential nature of these parts of Deakin Avenue. From my understanding the specified floor area maximum was based on similar sized floor spaces in the area and the adjacent Residential Zone identifying a maximum leasable floor area of 80sqm for a 'convenience shop'. I support the approach of introducing a maximum leasable floor area for this previous B5Z land along Deakin Avenue, as the previous zoning prohibited this use. It appropriately achieves Council's objectives of avoiding large format and bulky retail uses fronting the Avenue and assists in directing most retail uses to the two main retail centres (Mildura CBD and Mildura Central).

There are some clear concerns from submitters around the 80sqm maximum leasable floor space and concerns about the level of additional controls and restrictions that are proposed to be applied to some lots. While I do not support altering Amendment C95 extensively, based on the submissions received, some inclusions and changes are recommended to create clearer and more consistent controls.

## 3.0 Background

### 3.1 Deakin Avenue Urban Design Guidelines Project

Deakin Avenue is Mildura's premier boulevard, extending from the rural surrounds of the Mildura Airport to the built-up areas of the CBD. Over time there have been several influences and pressures that have resulted in uncharacteristic built form, segregation and conflict of land use activities, traffic congestion and decaying public realm.

In recognition of these issues, Council commissioned Ethos Urban (formerly Planisphere) to undertake the Deakin Avenue Urban Design Guidelines project to develop a clear framework that will guide future land use and built form along the Avenue. The Guidelines set out a clear vision for the Avenue, established through six key themes; image of Mildura, built form, landscaping, land use, lighting and safety and access and movement. Each of these themes is supported by key objectives and design guidelines which have also been reflected throughout five precincts along the Avenue; Horticultural Edge, Residential, City Gate, Mixed Use and City Core.

The study area incorporated all land and built form fronting Deakin Avenue, up to and including the road verge. The study area did not include the centre median strip or the road pavement, although reference was made to suggestions and interrelationships with these areas.

The Urban Design Guidelines sets out a strategic vision for Deakin Avenue that aims to respond to the future changes and development along the Avenue. Specifically, the guidelines will ensure that development:

- Responds to the Avenue's unique character and sense of place;
- Is located and designed appropriately;
- Achieves a high quality-built form outcome;
- Provides a higher functional and attractive public realm; and
- Contributes to a strong and consistent image.

The Guidelines ensured that the outcomes were in-line with Victorian Government initiatives, were implementable into the Mildura Planning Scheme and provided practical outcomes for the Council and the community.

The project was undertaken in three stages, as outlined below:

Stage 1: Key Issues Report

Stage 2: Strategic Vision and Objectives

Stage 3: Urban Design Guidelines (UDG)

The development of the Guidelines involved community engagement at 3 stages of the process, including two rounds of workshops and two public exhibition periods to gather issues and ideas for the Avenue, as well as present the Final Draft Vision and Objectives Paper and the Final Draft Urban Design Guidelines Report.

The Draft Guidelines document was placed on public exhibition for a period of 4 weeks. The findings of the consultation process provided a key input into the development of the adopted Urban Design Guidelines.

The UDG responded to the Avenue's historic context and will guide its future vision, providing a clear direction for its appearance, amenity, public spaces and development. The UDG report built on the adopted vision to provide a clear set of guidelines to assist in assessment of proposals for Council staff, landowners and developers to ensure future development and public realm works contribute to the long-term vision of the Avenue.

The UDG reflected on the transition of the Avenue from horticultural and irrigated landscapes at the city's edge to its vibrant core on the Murray River, through the introduction of 5 key precincts along its nearly 8km stretch.

### 3.2 Amendment C95

The purpose of Amendment C95 is to effectively implement the findings of the Deakin Avenue Urban Design Guidelines 2016 and part of the Mildura Planning Scheme Review 2014 into the Mildura Planning Scheme. The land affected by the amendment is all lots with frontage onto Deakin Avenue, Mildura between Seventh Street and the Sturt Highway.

Ethos Urban proposed to implement the above strategic documents by:

- Modifying the Municipal Strategic Statement by updating Clause 21.02, Clause 21.07 and Clause 21.10 to include reference *Deakin Avenue Urban Design Guidelines, 2016* and updates to maps.
- Modifying the Local Planning Policy Framework by updating Clause 22.01 to discourage budget accommodation within the City Core along Deakin Avenue.
- Modifying the existing boundary of DDO1 to apply only to lots fronting Deakin Avenue and extend its application from Seventh Street to the junction of Deakin Avenue and the Sturt Highway.
- Replacing existing Design and Development Overlay, Schedule 1 with a new Schedule 1 that generally applies to lots fronting Deakin Avenue between Seventh and Fifteenth Streets.
- Modifying the existing DDO3 boundary and the map contained within the Schedule to remove lots fronting Deakin Avenue.
- Modifying the existing C1Z Schedule to insert a maximum leasable floor area requirement to all lots fronting Deakin Avenue.

Upon drafting the above Amendment documents, Council sought authorisation from the Department of Environment, Land, Water and Planning to proceed with Amendment C95. DELWP directed the Council to consider splitting the proposed DDO1 as a condition of authorisation. It was then implemented in the form of the following:

- Delete the existing Design and Development Overlay, Schedule 1
- Insert a new Design and Development Overlay, Schedule 15 to apply to all lots fronting Deakin Avenue from the junction of Deakin Avenue and the Sturt Highway to Seventh Street.
- Insert new Design and Development Overlay Schedules 16, 17, 18, 19 & 20 to apply sequentially to lots fronting Deakin Avenue from the junction of Deakin Avenue and the Sturt Highway to Seventh Street.

The revised proposed DDO Schedules 15-20 were prepared by Mildura Rural City Council.

Amendment C95 is the final step towards implementing a successful Deakin Avenue UDG. The Guidelines were generally received positively by the community, agency stakeholders and Councillors. Amendment C95 will ensure that the details of the UDG will be adequately translated into a planning scheme amendment that will give the Guidelines the mechanism to implement change along Deakin Avenue.



### **3.3 Exhibition of Amendment C95**

The Amendment was on Public Exhibition from 10 November until 18 December 2017. A total of 7 formal written submissions were received during the exhibition period. The issues raised and a response to each have been summarised by Ethos Urban with the assistance of Council and recommendations to redraft the Amendment documents to respond to some submitter concerns have been made.

The table responding to submissions is outlined in Section 5.0 of this Expert Evidence Report.

## 4.0 Analysis of Exhibited Amendment

As discussed in the Background section above, the content of the Deakin Avenue Urban Design Guidelines was translated into six separate DDO schedules and a revised MSS to provide clear and consistent tools to implement the objectives and strategies of the UDG, with some reformatting required to be consistent with the Form and Content of Planning Schemes under section 7 (5) of the Act.

Although Ethos Urban prepared one DDO Schedule to replace the DDO1 and DDO3 to implement the Deakin Avenue UDG, I accept that DELWP's advice and Council's subsequent revision of the Amendment to rationalise this into 6 DDO Schedules aims to provide clearer objectives that are relevant to each of the individual precincts and overall Avenue, rather than one very lengthy schedule.

Following is my commentary on the MSS, six DDO schedules and the C1Z schedule. As the DDO schedules are generally similar, my comments cover all schedules with any differences highlighted (e.g. DDO15, DDO16 etc).

### 4.1 Municipal Strategic Statement

Objectives and Strategies relating to Deakin Avenue in Clause 21.0-07 and Clause 21.10, have been revised and moved to a new section at Clause 21.10-2 Deakin Avenue.

The MSS provides the ideal opportunity to implement the land use and public realm objectives of the Deakin Avenue UDG that will be used to underpin and support the implementation of the DDOs, as well as provide Council with high level guidance for future works within the road reserve. It also includes the vision, which was developed with the community.

The objectives have been translated directly from the UDG in relation to Mildura's image, land use, landscaping, lighting and safety, access and movement and high level-built form. It also lists the Deakin Avenue UDG as a reference document.

In my opinion the MSS correctly focuses on the landscaping and public realm objectives for Deakin Avenue, to ensure that landscape works, community infrastructure provision, signage and lighting are consistent, safe and contribute to an overall positive image for Mildura. Creating spaces that are user friendly and safe is also a key focus, by considering pedestrian movement patterns and comfort, avoiding blank walls and areas of concealment and providing shade/shelter, wherever practical.

Access and Movement objectives provide high level guidance on allowing safe truck-movements to occur, while balancing the need to consider better pedestrian and cycle movements through the built-up areas of Deakin Avenue. Improving public transport and car parking are also objectives that all link back to the more detailed actions and recommendations for these strategies outlined in the Deakin Avenue UDG.

Land use objectives relate to the transitioning nature of Deakin Avenue and support the UDG in its intent to encourage a mix of land uses that reflect the characteristics of each precinct along the Avenue. However, the UDG's intent to avoid bulky retail uses and other commercial uses that may present as a large format to the street has not come across strongly. An objective to encourage land uses that support the 'fine grain' characteristics and subdivision patterns of the Avenue should be included.

Overall, the objectives included in the MSS are pitched at a high level aimed to support Council in its public works and in implementing detailed applications through the DDOs. I support this level of detail and the proposed MSS provisions.

## 4.2 Existing Zones

Land uses along the Avenue transition through the five precincts identified in the Deakin Avenue UDG and predominantly include:

- Farming Zone in the Horticultural Precinct with some GRZ1 lots
- General Residential Zone 1 in the Residential Precinct, with some Farming Zone identified for long term growth (which is not the subject of this Amendment)
- A mix of GRZ1, Public Use Zones and Commercial 1 and 2 Zones in the City Gate Precinct, with most commercial land centred around the Mildura Central retail area
- Public Use and General Residential Zones in the Mixed-Use precinct, along with some smaller lot Commercial 1 Zone
- Commercial Zones in the City Core precinct

Changes to the existing zoning along the Avenue is not considered necessary to implement the Deakin Avenue UDG and therefore the Amendment primarily relates to design and built form.

## 4.3 Design and Development Overlays

### 4.3.1 Design Objectives

Each of the DDOs encourages built form that reflects the ‘prestigious’ gateway nature of Deakin Avenue and addresses the street through appropriately designed and sited buildings. They each have an emphasis on landscaping and the transition between built form and the public realm, within the front setback or street treatment (i.e. shade structures, lighting, surveillance).

As Deakin Avenue is the main entrance and route through Mildura, it provides visitors with the first contact point of the city and therefore is critical in contributing to overall perceptions of the city. Given this role of the Avenue, its image is a matter that should be of concern to planners, urban designers and the Council, with the planning scheme providing the tools to manage many aspects of this image. DDO15 in its objectives, seeks to provide a consistent quality to this image of the City by controlling vital visual aspects of the Avenue, such as signage, landscaping, built form, colours, active frontages, safety and sustainable design. Therefore, the Design Objectives’ emphasis on these matters is considered important.

DDOs 16-20 apply to the five separate precincts along the Avenue, as outlined in the UDG including:

- DDO16 – Horticultural Edge Precinct
- DDO17 – Residential Precinct
- DDO18 – Gateway Precinct
- DDO19 – Mixed Use Precinct
- DDO20 – City Core Precinct

These five DDOs outline specific objectives relating to the built form outcomes of the individual precinct. Separating these precincts into individual DDOs is supported, as the neighbourhood character and preferred built form outcomes vary significantly between each precinct. However, the overall objective of presenting a high-quality image and perception of the city remains critical. These objectives again have an emphasis on landscaping and streetscape character with a focus on the individual elements that contribute to the precincts’ identity and significant sites, where appropriate.

### 4.3.2 Permit Requirements

Each DDO identifies that a permit is not required for works within the GRZ if the works are ancillary to a dwelling (incl. an open-sided verandah or deck less than 800mm above ground) and within the identified height and setback requirements.

A permit is required to construct a fence of any height within the front setback. I support this requirement, as the existing and preferred character of Deakin Avenue is contributed by its wide open 'boulevard' feel and it being a green 'oasis'. Front fencing would detract from these characteristics.

DDOs 16-20 provide mandatory requirements related to building height (only DDOs 16, 19 and 20), setbacks and subdivision (DDO16) that cannot be varied with a permit. Removing the ability to grant a permit that does not meet these requirements is the best approach to achieve the objectives and UDG vision for each precinct. DDO 15 requires an applicant to prepare an Urban Context Report and Design Response, which must consider only the discretionary design responses outlined, in addition to considering the appropriate DDO 16-20.

Mandatory building heights for residential uses are consistent with the Zone in all cases except DDO16. It is vital that GRZ land within the DDO16 area be limited to a low-scale (no more than 2 storeys), along with a minimum subdivision size of 2,000sqm to avoid any further growth of this land. These GRZ lots are inconsistent with the preferred rural character of the Horticultural Precinct and are outside Mildura's long-term growth area.

### 4.3.3 Buildings and Works Requirements – DDO15

The buildings and works requirements outlined in DDO15 predominantly relate to the need for an Urban Context Report and Design Response that shows how the development achieves the Design objectives of DDO15 and the relevant Schedule 16-20 which apply to the land. It identifies several design requirements and advertising sign requirements.

#### Design Requirements

The design requirements provided in DDO15 are a direct translation of relevant strategies in the Deakin Avenue UDG Report that apply to the whole of the Avenue and can be implemented by the DDO. It is considered all these discretionary design requirements can and should be identified in a Design Response for any development, as they each contribute to the character and sustainability of Deakin Avenue.

Several design elements have been identified by the Deakin Avenue UDG that are vital to achieve the preferred character and vision for the Avenue, including: landscaping, the planting of large canopy trees, avoidance of bold/primary colours, rear vehicular access, ESD principles and cooling measures, as well as water sensitive urban design and other sustainability measures appropriate to the Mildura climate. These are all appropriate to be addressed in DDO15 as design requirements that must be considered as part of any Design Response to a site or development along the Avenue.

Three design requirements have been listed that refer to vehicular access and/or rear parking, including:

- Provide vehicular access (including car parking and loading facilities) from the rear of all sites wherever possible, and limit new vehicular crossings.
- Minimise driveways and vehicle access from the Avenue and provide car and loading access to buildings from the rear of the site where possible.
- Avoid the dominance of hard surfaces including concrete and car parking structures. Car parking to be provided at the rear of the building.

The intent of these requirements is supported; however, it is unnecessary to be repetitive. It is recommended that these points be consolidated to one requirement.

### Advertising signs requirements

Due to the significant role that the whole of Deakin Avenue plays as the gateway and historic gallery of Mildura, along with its predominantly residential nature, it is important that advertising signage does not dominate the streetscape. Even in areas such as the City Core Precinct, where commercial usage is much more prominent, dominant signage would detract from the heritage and landscape qualities that the Avenue provides.

The advertising signs requirements seek to manage the design and provision of signage such that it remains a non-dominant part of the streetscape, sitting within the building envelope wherever possible. It is supported that signs along Deakin Avenue are minimised into single signs per development and avoid visual clutter such as bold colours or text and flashing or animation.

The signage requirements reinforce that Deakin Avenue should be treated with consistent, high-quality designs that do not detract from the city's image. While pockets of Commercial Zoned land are also available between Eleventh and Fifteenth Street, given the strategic corridor location and proximity to residential areas, advertising signs clearly warrant greater guidance and limitations.

Additionally, it is considered appropriate that the DDO15 puts Deakin Avenue into a Category 3 at Clause 52.05, as overall Deakin Avenue is a High Amenity Area with many residential and community uses. Allowing pockets of Commercial land along the Avenue to have minimal signage limitations as a Category 1, would create an inconsistent image for the Avenue and detract from the preferred character identified.

#### 4.3.4 Buildings and Works Requirements – DDO16-20

The building requirements outlined in DDOs 16-20 include mandatory provisions for building heights and setbacks, along with discretionary provisions around landscaping, access and building design, as relevant and outlined in the Deakin Avenue UDG.

##### Building Height and Setbacks

###### Horticultural Precinct – DDO16

As discussed at Section 4.2.2, DDO 16 relates to the Horticultural Precinct and requires that built form not exceed 9 metres and 2 storeys. It also requires setbacks of 15 metres from the street with a 3-metre recess for second storey forms.

The Horticultural Precinct is characterised by spacious rural land, including vineyards, large front setbacks and a rural edge to the city. Houses are well spaced out and views of farm land are present between buildings, such that landscape is the dominant feature. The justification for this mandatory maximum height and setback is based on the existing and preferred character of this area of Deakin Avenue. The open and rural feel of the streetscape would not support development of more than 2 storeys and higher built forms would significantly detract from the surrounding horticultural and farming landscapes. The GRZ is present on a handful of large residential lots, which allows heights up to 11.5m. This maximum cannot be varied within the zone, so a DDO is the appropriate mechanism to introduce this control.

The setback requirements reflect the existing streetscape character and siting patterns of the Horticultural Precinct. These setbacks are derived from the Deakin Avenue UDG and aim to ensure appropriate front setbacks are provided for significant landscaping and tree provision.

###### Residential and Mixed-Use Precincts – DDOs 17-18

DDOs 17 and 18 both encourage built form to not exceed 9 metres and 2 storeys. The City Gate Precinct is predominantly built up with single and occasional double storey dwellings, commercial buildings and

community uses. The Residential precinct is Mildura's growth area that is currently semi-rural, earmarked for standard lot size residential growth. This height requirement is discretionary and to be consistent with the GRZ, development of up to 11.5m could be considered if the design of the building is high quality and provides a positive contribution to the Deakin Avenue streetscape. Buildings in these precincts are predominantly single storey dwellings, with occasional two storey forms, so three storeys would potentially detract from the rhythm of the streetscape and the low scale boulevard character of Deakin Avenue. The exception to these areas are the strategic sites identified in DDO18 and land subject to the requirements of DDO12. These sites predominantly relate to large corner sites fronting the Fifteenth Street intersection, land adjacent to the Mildura Central shopping centre and large vacant parcels of land. It is considered appropriate that in relation to height, these parcels are subject to the requirements of the zone (or DDO12) and Council discretion. Especially in relation to the corner sites on Fifteenth Street, allowing building form and design that is more prominent and presents as a feature within the streetscape, will add value to creating a gateway entrance statement at this major intersection.

The setbacks are:

- Residential/ DDO17 – Between 6 and 10 metres from the street with a 3-metre recess for second storey forms, and a 1 metre minimum side setback (to one side).
- City Gate/ DDO18 - 5 metres from the street and a 1 metre minimum side setback (to one side). This does not apply to land within DDO12.

Like the heights, the setback requirements reflect the existing streetscape character and siting patterns of Deakin Avenue and uses the overall averages for each precinct. These setbacks are derived from the Deakin Avenue UDG and aim to ensure appropriate front setbacks are provided for landscaping and tree provision, where required. Spacing is required between buildings to continue the rhythm of spacing along the Avenue.

#### Mixed Use and City Core Precinct – DDOs 19-20

DDO19 and part of DDO20 (between Tenth and Eleventh Street) require building heights that do not exceed 12 metres and 3 storeys. This is reflective of the existing and preferred character of the Mixed Use and City Core Precincts, as it slowly transitions from a low-scale residential boulevard to a more built-up 'CBD' nature, with iconic heritage buildings in landscaped settings. While the 3 storey elements on this stretch are limited, the requirement supports the transition of built form to the City Core and recognises the increase in building density and activity.

The remainder of DDO20, between Seventh and Tenth Streets, requires building heights that are 12 metres and 4 storeys to allow for moderate growth, while being considerate of the existing heritage buildings that characterise the City Core Precinct. However, it is considered that the Draft DDO20 has an error in this measurement, as it should read 16 metres and 4 storeys, consistent with the Deakin Avenue UDG. This recognises the existing shift in built form to historic civic and commercial buildings that are generally 3-4 storeys, with flat roofs. This also supports the preferred urban character for the town centre.

The setbacks are:

- Mixed Use/ DDO19 - 5 metres from the street with a 1-metre recess for built form above 9 metres.
- City Core/ DDO20 – 0 metre setback for all lots fronting Seventh Street and between Seventh and Tenth Streets, along with lots identified in Figure 1 (based on existing 0-metre setbacks). Between 3 and 5 metres for all lots fronting Tenth Street and between Tenth and Eleventh Streets. In addition, DDO20 seeks to *retain the large historic site and wide setbacks, where they contribute to Mildura's historic fabric.*

The setback requirements reflect the existing streetscape character and siting patterns of the precinct. Side setbacks are usually minimal in these areas unless in relation to large historic site (such as Churches).

#### Upper level setbacks

Upper level setbacks are included at DDOs 16, 17 and 19 to recognise where lower built forms are the dominant built form fronting the avenue and to allow landscaping and large canopy trees to continue to be the overriding characteristic of the streetscape.

Setbacks allow for a consistent rhythm and spacing of development and for landscaping, where this is an existing characteristic.

### **Building Design**

Design requirements in relation to building design are predominantly only outlined in DDO20 (in addition to the overall guidelines at DDO15) and refer to enhancing and protecting heritage buildings, as well as improving the pedestrian environment where buildings are required to be built to the front boundary.

It is important to guide the design of building facades in the City Core such that they are open and transparent to increase visual surveillance, light spillage and to create a welcoming pedestrian environment. Incorporating kerb-side dining has been identified as a strategy in the UDG, as is improving continuous shade through awnings and structures. Both are key to the success of the City Core precinct, given the Mildura climate and the identified need to improve the interaction of buildings with the public realm.

Incorporating requirements around respecting heritage buildings and repurposing historic buildings/facades to increase interaction with the public realm, provide opportunities for the applicant to demonstrate how heritage elements will be considered. It also provides Council greater guidance to ensure any new developments are appropriately responding to their context, in addition to meeting Heritage Overlay requirements.

### **Landscaping**

Landscaping and especially the retention/planting of large canopy trees is an important characteristic to Deakin Avenue, not only for its aesthetic values but its environmental cooling effects. Each of the DDOs implement the UDG by requiring:

- DDOs 16-18 to plant canopy trees within the front setbacks
- DDO17 to plant a canopy tree within a minimum height of 10m in the rear setback
- DDO19 to plant canopy trees between buildings, where space permits
- DDO19-20 to incorporate vertical gardens, planter boxes, rooftop gardens and other low-scale gardens, where space permits
- A 10m minimum for a canopy tree in a rear setback is considered necessary to ensure the tree contributes to the character of the streetscape, by being visible over the rooftop of a 2-storey dwelling. Measurables are otherwise not provided to define the appropriate height of a medium or large canopy tree. These requirements are discretionary and decision on appropriate size/species should be consistent with the character of the precinct and their contribution to the streetscape.

The incorporation of alternative gardens, such as green walls, planter boxes and rooftop gardens are considered a good design outcome for Mildura, where the harsh climate can have a significant impact on pedestrian comfort in the public realm. It also allows blank walls and laneways the ability to contribute aesthetically to the streetscape.

Additionally, DDO16 requires the consideration of planting vines, olive trees and citrus trees, in addition to indigenous species. From an aesthetics perspective, this would enhance the existing display of horticulture and promote Mildura's economic vitality, contributing to the City's image. However, it is understood that these species are not indigenous to the Mallee area and are not supported by DELWP to be provided in the verge of Deakin Avenue. This requirement could be removed to support consistency of indigenous planting along the whole Avenue.

## Access

Consistent to all DDOs, except for DDO16 (Horticultural Precinct), the design requirements for access arrangements along the Avenue has been to avoid any carparking within the front setback and to provide rear car parking wherever possible, as an addition to on street car parking if needed. Providing rear access to lots is also a design requirement that is to be considered wherever rear access can be achieved. This includes the Residential precinct up to the City Core. In the Agricultural, Residential, City Gate and Mixed-Use Precincts, where rear access is not available (this is especially relevant to DDO16), one single vehicle crossover is to be provided per lot. DDO20 (City Core) aims to avoid front access altogether. These requirements provide greater opportunity for built form and landscaping to be the prominent characteristics of the Avenue, without being dominated by car parking structures, hard surfaces and accessways. Many of the existing commercial buildings already provide these rear access/parking arrangements. So, it is considered that through good design and siting, development sites could achieve these objectives appropriately.

## Key Opportunity Sites

Both DDO18 and DDO20 identify strategic opportunity sites that have extra requirements. These sites are generally either large vacant sites or located on prominent corners that should be carefully designed to promote the overall vision for Mildura.

DDO18 repeats and emphasises several requirements for these key sites that are provided elsewhere in DDO18 or in DDO15, such as planting canopy trees, contributing to the greening of the Avenue, avoiding hardscapes, rear access and orientating towards the street. However, in addition to these requirements, key sites are permitted to be built to 12 metres or 3 storeys (1 storey higher than the remainder of the precinct), with a minimum 2m setback. It also requires high quality architecture that creates an iconic landmark at the Fifteenth Street intersection to enhance this as a gateway site. Considering the prominence and size of the intersection and the opportunity sites, as well as the fact that this intersection signifies the transition from a semi-rural area of Mildura to a more active and built-up boulevard, these built form allowances are important to create a strong visual gateway that frames the Avenue and welcomes visitors. It also contributes to identifying this location as the secondary retail centre for Mildura.

DDO20 is subtler in its approach to key opportunity sites, as the sites are on less prominent locations, but their development is still vital to enhancing the City Core aesthetically and functionally. These vacant sites must adhere to the same measurable requirements as the remainder of the precinct, however they will be assessed for contemporary expressions of the region through creative and innovative architectural forms. This will require the Council to consider the design of these sites more carefully to ensure that they contribute positively to the streetscape and character of Deakin Avenue.

### 4.3.5 Subdivision

DDO15 requires any permit to subdivide land along the Avenue incorporates rear vehicle access and car parking wherever possible and a lot orientation that ensures all buildings address Deakin Avenue. As outlined above under Access, this supports the overall vision for Deakin Avenue and prioritises the built form and landscaping as the key characteristics for the street.

DDO16 requires a minimum subdivision size of 2,000sqm and a permit cannot be granted to vary this requirement. This minimum lot size has been identified due to a portion of the lots in this precinct being zoned General Residential Zone. It is important that the Horticultural Precinct is retained for its rural character that showcases the horticultural vitality of the region and as the first point of contact for visitors entering Mildura.

The 2,000sqm minimum ensures that residential lots cannot be subdivided further, and I support this requirement to retain the overall character of the Horticultural Precinct.



#### 4.3.6 Decision Guidelines

DDO15 contains a list of high-level responses to general context, interfaces, landscaping, safety and design. Apart from overshadowing, the decision guidelines do not introduce any new measurable parameters and for the most part respond to the objectives identified.

However, the guideline that requires the responsible authority to determine 'whether there are any adverse overshadowing impacts on the landscaped median' should be removed from DDO15. The proposed built form requirements adequately guide preferred built form outcomes and overshadowing of the median is unlikely. This strategic investigation did not form a part of the Deakin Avenue UDG and should not be introduced as a decision guideline.

#### 4.4 Commercial 1 Zone Schedule

The amendment seeks to modify the existing schedule of the C1Z to insert an 80sqm maximum floor space requirement for lots fronting Deakin Avenue. Amendment VC100 introduced in July 2013, rezoned land formerly within the Business 1, 2 and 5 Zones to the C1Z and consequently was applied to most commercial land fronting Deakin Avenue, as a result increasing the number of discretionary uses.

This meant that retail premises became an as-of-right use whereas Shop were previously prohibited within the Business 5 zone. This change was not supported by Council's vision for the Avenue. This intention to prohibit retail uses along parts of the Avenue was lost with the change in the zone controls. In 2014, the Planning Scheme Review recommended that in recognition of the previous prohibition on Shop within this previous B5Z land, a limit on the leasable floor area for shop be imposed to reinstate some of this intention for the Avenue, without prohibiting shops completely.

The 80sqm maximum floor area was identified to retain the fine grain and mostly residential nature of these parts of Deakin Avenue. At the time of the Planning Scheme Review, much of the land surrounding the B5Z, was zoned Residential 1 Zone. The previous Residential 1 Zone allowed the use of a 'Convenience Shop' with the condition that 'the leasable floor area be no more than 80sqm'. Therefore, it is likely that the 80sqm limit was chosen to be more no more restrictive than the adjoining residential land.

I support the approach of applying a maximum leasable floor area for the previous B5Z land along Deakin Avenue and that it achieves Council's objectives of:

1. Avoiding large format and bulky retail uses fronting the Avenue, without prohibiting the use completely as it was previously.
2. Directing most retail development to the two major retail centres; Mildura CBD and Mildura Central (City Gate)

The capping of floor area for lots fronting Deakin Avenue will ensure that retail activity and development is not drawn away from core retail centres, while still allowing for fine grain and smaller format retail land uses.

Upon further review, it is noted that the previous B5Z land did not include all existing C1Z land along the Avenue. Therefore, it is recommended that the amendment be altered to apply the 80sqm limit on C1Z land to only apply to C1Z land where it was previously B5Z (ie. only between Thirteenth and Fifteenth Streets and not including the Mildura Central site). See attached map below identifying previous B5Z land to be recommended for an 80sqm leasable floor area limit.

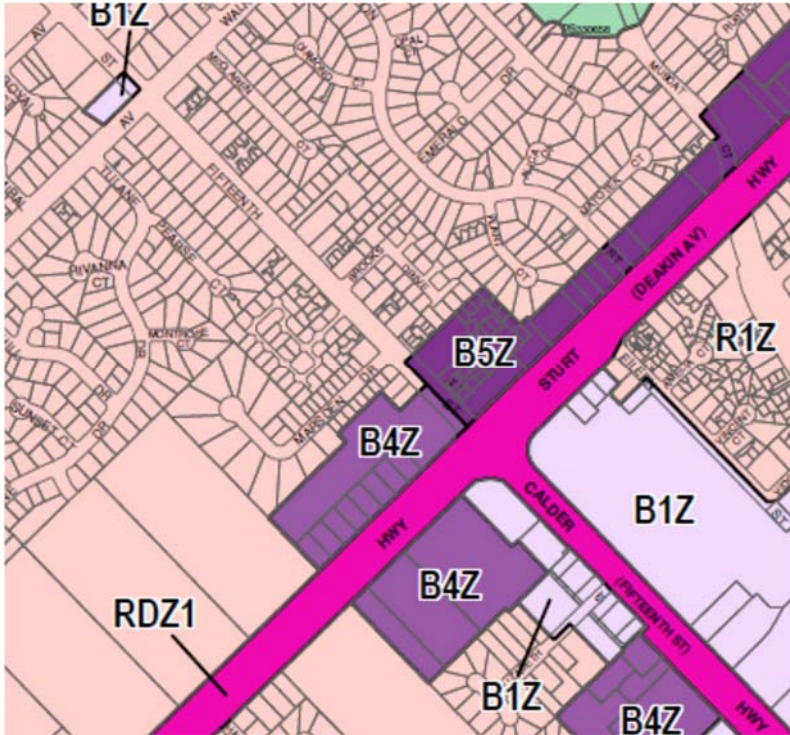


Figure 1 - Part of Planning Map No. 28 as of 14/5/2013 depicting former Business 5 Zone B5Z along Deakin Avenue.

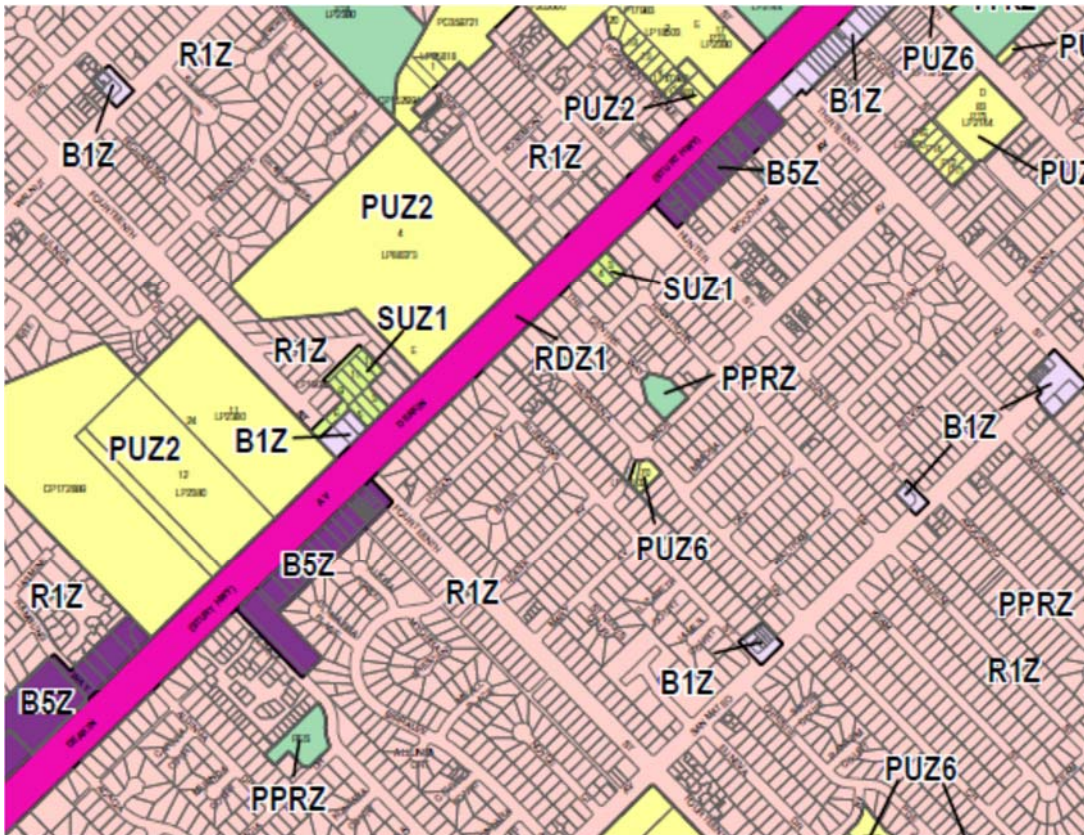


Figure 2 - Part of Planning Map No. 29 as of 14/5/2013 depicting former Business 5 Zone B5Z along Deakin Avenue.

## 5.0 Evaluation of Submission Points

### 5.1 Submissions Table

A total of 7 formal written submissions were received during the exhibition period. The issues raised and a response to each have been summarised in the table below.

No.	Issue/Theme	Response/Recommendation
1	<p>Emergency Vehicle Access</p> <p>As Deakin Avenue is a major thoroughfare for traffic in and around Mildura, it provides vital access for emergency services vehicles. Future design of the street carriageway and surrounding properties should ensure emergency vehicle access is not compromised.</p> <p>Accordingly, all roads and associated infrastructure should be Clause 56 compliant.</p>	<p>Noted.</p> <p>Amendment C95 does not propose to cause any changes to roads or accessways that may impact on the appropriate access of emergency vehicles.</p> <p>No changes to Amendment C95</p>
2	<p>Reduction in the allowable leasable floor area of shop/restaurant to 80sqm. Believes that a Shop is a key use and purpose for the Commercial 1 zone and believes schedule 15 to the DDO is not consistent with the current zoning of commercial shops fronting Deakin Avenue. Submitter states that the design objectives of the proposed DDO can be met without limiting the shop size.</p> <p>Believes amendments to the schedule of Clause 34.01 C1Z are aimed at food outlets such as fast food being limited along Deakin Avenue, however does not see substantial reasoning behind this amendment change.</p> <p>Submitter states that drive-through retail venues are required to promote Mildura as a 'leading place for services and retail' and that they will 'enhance the attractiveness of the boulevard' in line with the aims promoted in the amendment.</p>	<p>The introduction of the reformed Commercial Zones in 2013 meant that retail premises became an as-of-right use, which was not supported by Council's vision for the Avenue. Previously much of the C1Z land along the Avenue was within the Business 5 Zone, which prohibited Shops. This intention to prohibit retail uses along that part of the Avenue was lost with the change in the zone controls. In 2014, the Planning Scheme Review recommended that this previous B5Z land limit the leasable floor area for shop to reinstate some of this intention for the Avenue, without prohibiting shops completely.</p> <p>The recent review of the Mildura Retail Strategy has also supported this direction.</p> <p>The DDO seeks to add another level of detail to the built form controls along Deakin Avenue, to ensure future development meets minimum design standards. It is not inconsistent with the C1Z.</p>

No.	Issue/Theme	Response/Recommendation
	<p>The UDG does not have any objectives that relate to or are impacted by the size of leasable areas.</p> <p>Submitter states that existing use rights should apply for the use and development of land, including leasable floor areas.</p> <p>Submitter believes there is a legal argument around the Planning Scheme taking priority over an as-of-right entitlement.</p>	<p>The limit to leasable floor area within the C1Z was not a recommendation of the Guidelines, as land use cannot be controlled through a DDO. Rather the Guidelines are concerned with the form of development.</p> <p>Upon further review, it is noted that the previous B5Z land did not include all existing C1Z land along the Avenue. Therefore, it is recommended that the 80sqm limit on C1Z land be revised to only apply to C1Z land where it was previously B5Z (this zone was only located between Thirteenth and Fifteenth Streets but did not include the Mildura Central site). See attached maps identifying previous B5Z land to be recommended for an 80sqm leasable floor area limit.</p> <p>Furthermore, the Deakin Avenue Urban Design Guidelines seek to avoid land uses that interrupt the streetscape due to their typically poor built form outcomes, such as fast food outlets, service stations, car sales yards, industrial/manufacturing uses and big box retail outlets and warehouses. This does not mean that these uses (e.g. large format retail or drive-through premises) would not be acceptable in other parts of Mildura, in its role as a Regional Activity Centre.</p> <p>An 80sqm limit on leasable floor area would assist in achieving a fine grain presentation of the Avenue by avoiding bulky single-occupation retail buildings in the future. However, these types of larger format uses could be considered acceptable on other C1Z land along the Avenue (where the 80sqm limit does not apply) if a fine-grain presentation to the street can still be delivered through building design.</p> <p>Under Clause 63 of the Planning Scheme a previously approved use may continue to operate under existing use rights. Amendment C95 will not allow the Council to discontinue a permit for any existing building, use or business based on the proposed Planning Scheme changes.</p> <p>However, existing use right provisions do not automatically require the Council to approve a change of use and alternative prohibited uses are at the discretion of the Council.</p> <p>Existing uses with leasable floor areas that are more than the proposed maximum 80sqm, will continue to operate under existing use rights. A change of use that proposes more than 80sqm leasable floor area will also be at the Council's</p>

No.	Issue/Theme	Response/Recommendation
		<p>discretion (as outlined in Clause 63.08 and 63.09). Clause 63.09 states that a permit must not be granted for a leasable floor area greater than 500sqm.</p> <p>Recommendations:</p> <p>Remove the proposed 80sqm limit on leasable floor area from C1Z land that was not previously zoned B5Z.</p>
3	No issues	<p>Noted.</p> <p>No changes to Amendment C95</p>
4	No issues	<p>Noted.</p> <p>No changes to Amendment C95</p>
5	<p>Supportive of use of native vegetation for landscaping and the retention of mature trees.</p> <p>Not supportive of planting of vines, olives or Citrus on verges. Submitter notes a preference for indigenous plantings that are native to the Mallee area.</p>	<p>Noted.</p> <p>The Deakin Avenue UDG seeks to enhance verges and median strips with indigenous vegetation and plants that highlight Mildura’s traditional horticultural pursuits. This planting would be undertaken and maintained by Council and/or VicRoads.</p> <p>The planting of vines, olive trees and citrus trees is identified as a consideration for landowners within front setbacks and not within verges. However, it is agreed that this is a guide only within the UDG and should be removed from the proposed DDO16.</p> <p>Recommendations:</p> <p>Remove reference to considering the planting of vines, olive trees and citrus trees from DDO16</p>
6	<p>Submission recommends the following changes:</p> <p>DDO Schedule 3: change in wording to promote preferred bicycle network outcomes such as protected bicycle lanes versus edge line treatments or sealed shoulders.</p>	<p>Agree to include an additional dot point in DDO3 under ‘Cycling’ that says – ‘Support the implementation of the Deakin Avenue Urban Design Guidelines – Principle 6 Access and Movement’</p>

No.	Issue/Theme	Response/Recommendation
	<p>Amend 'Support the implementation of the Mildura Strategic Bicycle Plan 2013' to 'Support the implementation of the Deakin Avenue Urban Design Guidelines – Principle 6 Access and Movement'</p> <p>DDO Schedule 16 &amp; 17: Proposed wording of landscape treatments, and regard to road safety infrastructure. It is noted that VicRoads Tree Policy (May 2016) states that on 80km/h roads approved safety treatments such as wire rope barriers or guard rail should be used to protect trees or speeds will need to be reduced (this applies to landscaping treatments in the Horticultural Edge and Residential Precincts).</p> <p>Consider incorporating 'Ensure the placement of tree plantings, hard landscaping areas and access crossings have regard to road safety infrastructure and any applicable tree policy in the road reserve'.</p> <p>DDO Schedule 18: proposed wording to have regard to truck movements at Fifteenth Street intersection.</p> <p>Amend 'Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable' to 'Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable, and having regard to truck movements'.</p> <p>Supplementary comment that Council will be responsible for all permeable and hard surface landscaping maintenance in the road reserve.</p> <p>The importance of advocating for the relocation and construction of underground powerlines to achieve the objectives of the UDG is highlighted as important and recommends that the priority of this direction be elevated.</p>	<p>Retain reference to the Mildura Strategic Bicycle Plan 2013, as it applies to other areas of Mildura also.</p> <p>It is understood that all landscaping and works along Deakin Avenue will be subject to VicRoads approval and safety treatments.</p> <p>An action of the Deakin Avenue UDG is to continue consulting with VicRoads to implement any public realm works along the Avenue.</p> <p>It is agreed that DDO16 and 17 could be amended to incorporate a requirement to consider road safety and tree policies, as identified.</p> <p>From an Urban Design perspective, truck movements will have no impact on the design and development of the corner sites of Deakin Avenue and Fifteenth Street.</p> <p>From a planning perspective and to satisfy the referral authority, it is agreed that under Key Opportunity Sites in the proposed DDO Schedule 18, the strategy regarding an iconic landmark at Fifteenth Street, could be amended to have regard to truck movements. However, it is unlikely that this will impact on the objectives or outcomes for these sites.</p> <p>Noted.</p> <p>Noted.</p> <p>Recommendations:</p> <p>Include an additional dot point in DDO3 under 'Cycling' that says – 'Support the implementation of the Deakin Avenue Urban Design Guidelines – Principle 6 Access and Movement'</p>

No.	Issue/Theme	Response/Recommendation
		<p>Amend DDO16 and 17 to include a requirement that considers road safety and tree policies - 'Ensure the placement of tree plantings, hard landscaping areas and access crossings have regard to road safety infrastructure and any applicable tree policy in the road reserve'.</p> <p>Amend DDO18 Key opportunity sites requirements, dot point 3 – 'Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable, and having regard to truck movements.'</p>
7	<p>Submitter is unsure how the proposed amendment will provide clear guidance for the planning outcomes sought; for example, how the land use vision would translate into built form outcomes:</p> <p>'Deakin Avenue will highlight the economic successes of the Mildura region and present an enhanced image of the town that welcomes visitors and increases opportunities for tourism'</p> <p>Believes that the proposed policy additions to Clause 21.10 introducing Deakin Avenue as a Local Area requires more focussed commentary, to determine which of the outcomes is the most important to Council.</p> <p>Believes many comments under Land Use are inappropriate given the commercial zoning of the land in the City Gate Precinct. As an identified sub-regional centre, retail activity should be encouraged at Mildura Central as well as to the city centre. E.g.: <i>'Direct land use that require higher built forms, or retail activity to the city centre'</i>.</p> <p>Does not support the following commentary:</p> <p>'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.'</p>	<p>It is proposed that implementation of DDOs 15-18 will clearly implement the UDG, as the objectives outlined within each DDO Schedule have been translated directly from the UDG and seek to implement the overall vision for Deakin Avenue. The design guidelines and built form requirements seek to translate these objectives into built form outcomes.</p> <p>Ethos Urban believe that the proposed Clause 21.10 provides a focussed commentary of the Deakin Avenue Urban Design Guidelines (2016) to identify all the land use and public realm outcomes that are important to Council.</p> <p>It is understood that land within the City Gate Precinct is identified as a sub-regional centre where retail activity is encouraged. However, it is not agreed that this sub-regional centre should encourage the same heights or density as the City Centre Precinct, which is the major Activity Centre of Mildura.</p> <p>It is Council's position to avoid any land uses that present as a large format or bulky built form along Deakin Avenue and instead encourage finer grain opportunities. It is also important to note that the land use objectives only apply to the small grain lots fronting Deakin Avenue, not along Fifteenth Street or other areas zoned C1Z away from Deakin Avenue.</p>

No.	Issue/Theme	Response/Recommendation
	<p>Submitter believes it does not reflect the uses which are permissible in the current zoning regime. Believes there shouldn't be a blanket ban on such uses and should instead provide some design suggestions.</p>	<p>As mentioned above at submission no. 2, the introduction of the reformed Commercial Zones in 2013 meant that retail premises became an as-of-right use, which was not supported by Council's vision for the Avenue. Previously much of the C1Z land along the Avenue was zoned Business 5 Zone, which prohibited Shops. This intention to prohibit retail uses along parts of the Avenue was lost. In 2014, the Planning Scheme Review recommended that this previous B5Z land limit the leasable floor area for shop to reinstate some of this intention for the Avenue, without prohibiting shops completely.</p> <p>Furthermore, the Deakin Avenue Urban Design Guidelines seek to avoid buildings that might accommodate large format retail and bulky uses that may detract from the image of Mildura along the Avenue</p> <p>Such land use policy in the MSS is discretionary and therefore up to Council discretion based on quality design outcomes and presentation to Deakin Avenue, by implementing the proposed DDO schedules.</p>
	<p>Supports consistency of infrastructure, facilities and landscaping.</p>	<p>Noted.</p>
	<p>Sees a contradiction in the policy that seeks to use indigenous and native species and maximise the use of low maintenance and climate appropriate species, that also supports green nature strips and medians and lawn/grasses.</p>	<p>Landscaping objectives have been determined based on existing valued neighbourhood character (as identified through community consultation) and the Deakin Avenue Landscape Masterplan. For further details see the Deakin Avenue Landscape Masterplan, July 2006. The balance between green nature strips and medians with the use of indigenous tree species will be closely considered by Council over time and may vary for each individual Precinct along the Avenue.</p>
	<p>Due to the nature of the proposed DDOs capturing all lots fronting Deakin Avenue, there are controls that cover the entire 'Mildura Central' site rather than just the portion that fronts Deakin Avenue. Submitter requests that the documentation be amended to apply only to the frontage of the site. It is deemed inappropriate that DDO controls for the Deakin Avenue frontage be applied to areas of the site 300m away from the avenue frontage.</p>	<p>Agreed. In this instance it is agreed that the proposed DDO maps be revised to only cover the portion of the Mildura Central site that fronts the Avenue. It is recommended that this portion be in-line with existing adjacent lots.</p>



No.	Issue/Theme	Response/Recommendation
	<p>Does not support the statement found in DD015 that for commercial land uses it is a design requirement for 'car parking to be provided at the rear of the building' as this does not respond to commercial realities of development.</p>	<p>Ethos Urban disagrees with this statement. Commonly new retail development is designed to front and address the street with car parking to the rear of buildings. A large-scale development of this nature can still provide a retail / built component at the corner to improve the urban design outcome.</p>
	<p>Submitter requests a review of the signage requirements and wording. It suggests that as per the DDO, the Reference Document (UDG Report) say 'should' in relation to additional signage requirements. For example: Signage controls on pg. 25 of UDG nominates 'standalone signs must not be of an area larger than 2sq.m, and no higher than 1.8 sqm'. Despite a control applying to C1Z areas where signage already has a minimum limitation.</p>	<p>The proposed DDO implements the Deakin Avenue UDG and its signage objectives. The DDO is discretionary in its wording around additional advertising sign limitations and therefore this decision lies with the Council. It is unnecessary to amend the adopted UDG to be in-line with the proposed and preferred DDO wording.</p>
	<p>Also concern that the DDO seeks to apply Category 3 signage to all land within DDO15, despite large portions of the land being impacted by the DDO being commercially zoned. Also sees the following DO15 statement regarding signage as limiting as it is already prohibited under category 3: <i>'Discourage the use of flashing or animated signs or the use of coloured neon lighting'</i></p>	<p>Additional signage requirements that have been prepared for DDOs 15-18 recognise the importance and high amenity values along Deakin Avenue, especially as a mixed-use strip that includes residential and community uses. The proposed controls also reflect the intentions of the advertising signs requirements at Section 3.0 of DDO12. Therefore, the proposed Category 3 signage requirements in DDOs 15-18 would not impose greater restrictions than what is already present on the Mildura Central site.</p>
		<p>Further to this, recent Amendment VC144, has reduced control over Category 3 signage, which now allows electronic signs. On this basis, the signage requirements in addition to the Category 3 designation, is considered appropriate for the proposed Deakin Ave DDOs.</p>
	<p>DDO15 includes <i>'whether there is likely to be any adverse overshadowing impacts on the landscaped median from any development'</i>. Whilst a consideration for Council, this is not detailed in any other documentation. If this is to be included, there should be a standard by which overshadowing is acceptable or not.</p>	<p>It is recommended that the decision guideline relating to overshadowing the median be removed from Amendment C95. The proposed built form requirements adequately guide preferred built form outcomes.</p>
	<p>Sees there is a fundamental problem with the drafting of controls, due to the Mildura Central Shopping Centre site needing to respond to nine design</p>	<p>The proposed Amendment C95 seeks to introduce design objectives that relate only to built form fronting Deakin Avenue, not the entirety of the Mildura Central Shopping site, which is covered by DDO12. Whilst it is understood that Vicinity would need to consider several objectives, it is considered that this level of detail</p>

No.	Issue/Theme	Response/Recommendation
	<p>objectives across DDO15 and DDO18, plus zone objectives, plus the Fifteen and Deakin Structure Plan DDO which has another 11 design objectives.</p>	<p>is adequate for Deakin Avenue, considering its high value and vision for the future. It is not considered that this will require an applicant considerably more work in preparing a quality-built form proposal for any site.</p> <p>The number of DDO schedules developed for Deakin Ave to implement the UDG has been considered with input from DELWP to conform with the Ministerial Direction for the form and content of planning schemes amendments.</p>
	<p>Does not support the proposed changes to the C1Z leasable floor area, which will require a planning permit for a reconfiguration of existing tenancies to meet 80sqm shop sizes, which previously did not require a planning permit. Sees this as against the spirit of the control which seeks to support commercial uses.</p>	<p>Disagree that the 80sqm limit for leasable floor area should be removed from the majority of Deakin Avenue, as the vision for the Avenue seeks to create and retain a fine grain nature along this boulevard. However, it is agreed that this limitation should not apply to the Mildura Central shopping.</p> <p>As noted above at Submission no.2, the previous Business 5 Zone prohibited Shops and therefore it was the intention of Council that this land not be used for retail purposes. However, the B5Z became C1Z when the reformed Commercial Zones came in 2013. The Planning Scheme Review in 2014 recommended that the previously zoned B5Z limit leasable floor areas for retail to 80sqm.</p> <p>Upon further review, it is noted that the previous B5Z land did not include all existing C1Z land along the Avenue. Therefore, the 80sqm limit on C1Z land will be revised to only apply to C1Z land between Thirteenth and Fifteenth Streets (not including the Mildura Central site). See attached maps identifying previous B5Z land to be recommended for an 80sqm leasable floor area limit.</p> <p>Recommendations:</p> <p>Review proposed DDO15 and 18 maps 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.</p> <p>In DDO15, remove Decision Guideline dot point 4 regarding overshadowing.</p> <p>Exclude the Mildura Central site from the 80sqm leasable floor space requirement in the Schedule to the C1Z.</p>

## 6.0 Conclusion

### 6.1 Overview

It is my opinion that Deakin Avenue warrants greater guidance for its future protection and development in the Mildura Planning Scheme. While the exhibited provisions of the Design and Development Overlay Schedules 15-20, along with amendments to the Commercial 1 Zone Schedule do provide this guidance, the recommendations outlined below aim to refine the Amendment and respond to some submitter concerns.

### 6.2 Recommendations

The recommended refinements to the exhibited Amendment, as discussed in Section 4.0 and outlined in the table at Section 5.0, are summarised below:

- Review the DDOs for repetition of design requirements and consolidate points as appropriate to avoid duplication.
- Amend the building heights in DDO20 between Seventh and Tenth Streets to 4 Storeys and 16m, to fix this error.
- Remove reference to considering the planting of vines, olive trees and citrus trees from DDO16.
- Include an additional dot point in DDO3 under 'Cycling' that says – 'Support the implementation of the Deakin Avenue Urban Design Guidelines – Principle 6 Access and Movement'
- Amend DDO16 and 17 to include a requirement that considers road safety and tree policies - 'Ensure the placement of tree plantings, hard landscaping areas and access crossings have regard to road safety infrastructure and any applicable tree policy in the road reserve'.
- Amend DDO18 Key opportunity sites requirements, dot point 3 – 'Create an iconic landmark at the Fifteenth Street intersection with high quality architecture, where applicable, and having regard to truck movements.'
- Review proposed DDO15 and 18 maps 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.
- In DDO15, remove Decision Guideline dot point 4 regarding overshadowing.
- Exclude all C1Z land that was not previously zoned B5Z (prior to the reformed Commercial Zones in 2013) including the Mildura Central site, from the 80sqm leasable floor space requirement in the Schedule to the C1Z.
- Provide greater clarity in Amendment C95 to accurately reflect the UDG's objectives to enhance the 'fine grain' presentation of buildings to Deakin Avenue by:
  - Adding an objective in DDO15 that refers to the preferred fine grain presentation of buildings, e.g. "To maintain the fine grain presentation of buildings reflecting the regular standard lot subdivision pattern of each precinct along Deakin Avenue, through building articulation and avoiding large, bulky forms and facades".
  - Amending a strategy within the Mildura MSS Cl.21.10-2 (dot point 5 under Land Use) that seeks to avoid large bulky goods and 'big box' retail on the Avenue, by clarifying that fine grain-built form is encouraged to enhance the image of the Avenue.

- Including the City Gate Precinct's land use objectives that were not translated clearly into the MSS.

### 6.3 Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



**10 May 2018**

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## Kristen Wilkes

Principal, Planning — BAS(Planning/Urban Design), MPIA



Kristen has 14 years' experience as a versatile strategic planner and urban designer with a strong emphasis on project management and implementation. She has a keen interest in the built environment and using the planning system to improve social sustainability, especially creating healthy and safe neighbourhoods.

She has undertaken and managed a range of planning projects including urban design frameworks, infrastructure plans and master plans, healthy by design guidelines, LPPF reviews, neighbourhood character assessments, housing strategies and local planning policies. She has the rare ability to translate her built form recommendations into exhibition-ready, planning scheme amendments.

Kristen has worked with various levels of government, as well as private firms both in regional areas and in the inner region of Melbourne. Her experience working with major residential developers has provided her with valuable insight into market drivers and development imperatives. She therefore understands client and community needs.

Kristen's main areas of experience include project management, urban design guidelines, neighbourhood character assessments, housing strategies, outline development plans and master plans, Healthy by Design projects, planning scheme amendment preparation and documentation, planning policy review and

development, and statutory planning implementation and process.

Some of Kristen's projects include:

**Casterton Structure Plan** – Preparation of a Structure Plan for the regional town of Casterton, within the Glenelg Shire, to guide future development and growth.

**Monbulk Structure Plan** – Preparation of a Structure Plan for the township of Monbulk, within the Yarra Ranges, to guide housing growth, identify redevelopment options and develop town centre design guidelines.

**Regional Housing Design Guidelines** – Preparation of regional housing design guidelines for the Municipal Association of Victoria, to assist Councils in guiding appropriate housing growth in regional towns.

**Whitehorse Tree Controls** – Research, analysis and recommendations around appropriate controls and mechanisms to better protect tree canopy cover on private land within the Whitehorse municipality.

**Deakin Avenue Urban Design Guidelines (Mildura)** – Preparation of urban design guidelines to appropriately manage the growth and change of land and buildings fronting Deakin Avenue in Mildura.