



Mildura Rural City Council

# Mildura Planning Scheme

## **Amendment C104mild**

**Implementation of Mildura Planning Scheme Review  
and Planning Policy Framework Translation**

**SUBMISSIONS RECEIVED**

**Exhibition Period**

**Fri 20 August 2021 to Mon 18 October 2021**

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## **SUBMISSION NO. 1**

**Submitter:** Roy Costa Planning for Lorwanda Developments Pty Ltd

**Affected Land (if known):** 802-814 Etiwanda Avenue, Mildura

**Issues Summary:**

- Request to rezone subject land to Residential Zone (GRZ1).



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-093  
Your Ref:

29 August 2021

Peter Douglas  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**802-814 ETIWANDA AVENUE, MILDURA  
CONSIDER REZONING TO GENERAL RESIDENTIAL ZONE (GRZ1)**

We refer to the above land for which we act on behalf of the owner of the land, being Lorwanda Developments Pty Ltd.

On behalf of our clients, we hereby request that Mildura Rural City Council seek the opportunity now to rezone the subject land and land on the eastern side of Etiwanda Avenue between Fifteenth Street and Sixteenth Street to General Residential Zone 1 (GRZ1).

Mildura Rural City Council needs to urgently begin the preparation of rezoning additional areas in this area of Mildura for new residential development.

The take up of land within the Mildura South residentially zoned areas has, as far as our investigations have determined, have all been sold except for 3-4 10-acre parcels of land.

In addition, over 50% of the area is being developed, or have permits lodged with Council for residential estates to be established.

The subdivisions are being sold out prior to the subdivisions being developed as the take up rate is well exceeding the projected forecast for Mildura.

If Council does not commence now in the rezoning process for additional land, we will be in a position that there will be no land available for residential subdivisions to occur until more land is rezoned.

This will create huge problems for Mildura and Mildura would miss out on the growth occurring at the rate it is now and also miss out on the increased number of persons moving into the regional areas from the city areas.

This area is located within the study area of the "Mildura South Urban Design Plan Precinct Structure Plan October 2014" and within the figure 3 precinct structure plan within the document it delineates residential development cells upon land on the eastern side of Etiwanda Avenue between Fifteenth Street and Sixteenth Street, which includes this land.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



Council has prepared the structure plan for this area as part of the document; therefore, should be pursuing the rezoning now.

There is only one front for residential development in the Mildura South area, which, we believe should be 2 fronts.

Land on the western side of Etiwanda Avenue between Fifteenth Street and Sixteenth Street has either been developed or sold for development, which further supports this requested area to be rezoned, with all services readily available for development.

The rezoning of this land and abutting land would provide additional residential housing in close proximity to the Centro Shopping Complex and this land is the only remaining land to be rezoned for residential purposes in the entire area bounded between Fourteenth Street and Sixteenth Street between Deakin Avenue and midway between Etiwanda Avenue and Benetook Avenue.

The rezoning is in accordance with the Victorian Planning provisions within the Mildura Planning Scheme at Clause 11.01-1S SETTLEMENT as it promotes the sustainable growth in a settlement of Victoria, focuses investment in a major regional city and provides for growth in a fast-growing region.

It is also facilitating growth of Mildura as a regional city as stipulated within the strategy at Clause 11.01-1R SETTLEMENT-LODDON MALLEE NORTH.

At 11.02-1S SUPPLY OF URBAN LAND it states that Councils should ensure a sufficient supply of land is available for residential development; and sufficient land is available to meet forecast demand.

The take up of residential land and subsequent housing is above the forecast demand stipulated within 21.04-2 URBAN RESIDENTIAL LAND SUPPLY AND GROWTH AREAS, therefore more land will need to be brought forward for residential zoning.

Council commencing the rezoning process now will provide the additional rezoning of residential land in 3-5 years, when needed or at the take up rate at present there will not be sufficient zoned land when required.

Within Clause 21.03 VISION AND STRATEGIC FRAMEWORK it states that Council is committed to implementing the Mildura South Strategic Framework Plan; therefore, we are requesting Council stay committed and seek to commence the rezoning process now of this requested area to General Residential Zone 1.

Also, at this clause it further supports this request as it states that the major concentration of population in the region will be in the main urban area, which includes this area.

The main growth areas for the municipality are clearly defined, with this land included within the defined area of Mildura South Growth Area.

At the moment the Mildura South area is reliant on one single development front; and these provisions seek growth to ensure that the Mildura South Area is not reliant on a single front; which this rezoning request would provide a different front.

As stated above, the forecast demand at clause 21.04-2 is being exceeded, and will continue to do so.

There is and will be more than 370 dwellings built per annum throughout the municipality, given that there is being developed subdivisions, approved subdivisions, and the preparation of subdivisions to be lodged for approval that will exceed this forecast.

In addition, subdivisions being developed have been sold out, or nearly sold out, and approved subdivisions have nearly all sold out off the plan.

Mildura Rural City Council needs to be prepared for this growth to continue as market forces are continuing to show and prove that it will continue.

Within Clause 21.10-1 MAIN URBAN AREA in respect to settlement, housing and economic development, Council is encouraging shorter term residential development at Mildura South in line with the Mildura South Development Plan and implement longer term development in Mildura South in line with the Mildura South Urban Design Plan Precinct Structure Plan, 2014 Incorporated Document.

This request is in line with the above strategy of Council; and given that development is exceeding forecasts Council needs to act now in the next process of zoning residential land to meet the continued growth of Mildura.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

## **SUBMISSION NO. 2**

**Submitter:** Roy Costa Planning for Vicki Airs

**Affected Land (if known):** 615 Fifteenth Street Mildura

**Issues Summary:**

- Multiple issues raised around impact of overlays on future development of subject land.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502



Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
615 FIFTEENTH STREET, MILDURA**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of Vicki Airs, being the owner of land situated at 615 Fifteenth Street, Mildura.

We have reviewed the documentation associated with the amendment, in particular the "Issues Paper Special Use Zones 8 & 9 and DDO10 & 11".

As was brought to Council's attention when this document was initially prepared, there were concerns with the small allotments within these areas that have dwellings existing upon them.

The review has acknowledged these matters and agreed that the dwellings do exist and there is little incentive for the house sites to be incorporated into development; and determined that an alternate approach is required.

The approach recognises the existing dwelling, and the objective is to encourage investment and upgrading of buildings and landscaping which in turn compliments the setbacks and landscape objectives.

The reading of the document is a bit confusing, therefore, we seek Council provide a clarification on the actual proposed changes to these zones and overlays specifically to existing dwelling sites.

In respect to this particular site at 615 Fifteenth Street, Mildura, should the proposed changes allow the development of this site on its own entity and not subject to the setbacks currently existing upon the land (which makes it prohibitive to build upon); for commercial development and/or replace existing dwelling then we support the proposed amendment.

However, if these provisions remain the same as existing then, we do not support the amendment and request that Council re-consider the proposed amendment to allow development on this particular site.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)  
Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



Whether the changes proposed as part of this document support or not support our proposal, we request that Council provide a response to this submission outlining the intentions of this Issues Paper and clearly detail how this property is affected.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

## **SUBMISSION NO. 3**

**Submitter:** Roy Costa Planning for Jessica Rix

**Affected Land (if known):** 586 Fifteenth Street, Mildura

**Issues Summary:**

- Request for review of zones and overlays as they impact future development of subject land.





**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502



Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
586 FIFTEENTH STREET, MILDURA**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of Jessica Rix, being the owner of land situated at 586 Fifteenth Street, Mildura.

We have reviewed the documentation associated with the amendment, in particular the "Issues Paper Special Use Zones 8 & 9 and DDO10 & 11".

As was brought to Council's attention when this document was initially prepared, there were concerns with the small allotments within these areas that have dwellings existing upon them.

The review has acknowledged these matters and agreed that the dwellings do exist and there is little incentive for the house sites to be incorporated into development; and determined that an alternate approach is required.

The approach recognises the existing dwelling, and the objective is to encourage investment and upgrading of buildings and landscaping which in turn compliments the setbacks and landscape objectives.

The reading of the document is a bit confusing, therefore, we seek Council provide a clarification on the actual proposed changes to these zones and overlays specifically to existing dwelling sites.

In respect to this particular site at 586 Fifteenth Street, Mildura, should the proposed changes allow the development of this site on its own entity and not subject to the setbacks currently existing upon the land (which makes it prohibitive to build upon); for commercial development and/or replace existing dwelling then we support the proposed amendment.

However, if these provisions remain the same as existing then, we do not support the amendment and request that Council re-consider the proposed amendment to allow development on this particular site.

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Whether the changes proposed as part of this document support or not support our proposal, we request that Council provide a response to this submission outlining the intentions of this Issues Paper and clearly detail how this property is affected.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

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## **SUBMISSION NO. 4**

**Submitter:** Roy Costa Planning for Garry Davison Holdings Pty Ltd

**Affected Land (if known):** 2042 Fifteenth Street, Irymple

**Issues Summary:**

- Request for review of zoning and overlays on subject land.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
2042 FIFTEENTH STREET, IRYMPLE**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of Garry Davison Holdings Pty Ltd, being the owner of land situated at 2042 Fifteenth Street, Irymple.

We have reviewed the documentation associated with the amendment, in particular the "Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11".

As was brought to Council's attention when this document was initially prepared, there were concerns with this small allotment containing an old building with an existing commercial use that could not be replaced; and the vacant residential land alongside the building that could not be built upon.

The review has acknowledged these matters and agreed that the Design & Development Overlay 11 affecting the General Residential Zone land should be removed from the land.

We agree with this proposal as part of this amendment.

However, the Design & Development Overlay 11 should also be removed from the Commercial Zone 1 land on the actual southwestern corner of Fifteenth Street and Sandilong Avenue as well.

We believe that this was an oversight in the document and should be changed accordingly.

We have reviewed the document and believe there are errors in regard to this site, which has two zonings upon it (C1Z & GRZ1) and that the proposed changes were to reflect the entire property/s known as 2042 Fifteenth Street, Irymple.

If our reading of the document is incorrect or correct, we seek Council provide a clarification of the proposed amendment in particular reference to 2042 Fifteenth Street, Irymple and what is proposed by Amendment C104.

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Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



This is important to determine our final position and submission to Council in relation to the Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11.

The enabling of development of this site/s is important to providing attractive development at this gateway entrance to Mildura.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

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## **SUBMISSION NO. 5**

**Submitter:** Roy Costa Planning for Irymple Primary School

**Affected Land (if known):** 2032 Fifteenth Street, Irymple

**Issues Summary:**

- Request for review of zoning and overlays on subject land.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

8 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502



Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
2032 FIFTEENTH STREET, IRYMPLE**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of the Irymple Primary School, being the occupier of land situated at 2032 Fifteenth Street, Irymple.

We have reviewed the documentation associated with the amendment, in particular the "Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11".

When the original Issues Paper was proposed, we lodged a submission on behalf of the school objecting to the existing DDO 11 being over the Public Use Zone Land occupied by the School.

It appears Council has not listed to the school; therefore, we request Council re-consider their position and remove this overlay from the school site as part of Amendment C104.

The school is expanding and running out of land; and requires the option of building upon the property to the east of the school's main building fronting Fifteenth Street.

The existing overlay that requires a 40 metre setback restricts the school and limits the expansion options that is necessary for the young children of or Irymple.

The main building is already built within the 40 metre setback and a new building being built to the east of the existing building with the same setback would not affect the visual amenity of this area.

Council is supporting the removal of this setback from the land at 2042 Fifteenth Street; therefore, should also support this request; as the area in question upon the school site for which the school seeks to build a new building is between the existing main school building and land at 2042 Fifteenth Street, Irymple.

Furthermore, DDO 11 specifically relates to the land between Cowra Avenue and Sandilong Avenue along Fifteenth Street that is zoned Special Use Zone 8.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)  
Rokar Pty. Ltd. ACN 087 497 665 Trading As Roy Costa Planning & Development



The school site is not zoned Special Use Zone 8; and therefore DDO 11 should not be upon the school site and should be removed as part of Amendment C104 to the Mildura Planning Scheme.

It should be noted that the removal of this overlay over the school site will not affect the intentions of this overlay associated with the Special Use Zone 8 land within this area.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

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## **SUBMISSION NO. 6**

**Submitter:** Roy Costa Planning for Alexfia Investments Pty Ltd

**Affected Land (if known):** 251 Eleventh Street, Mildura

**Issues Summary:**

- Support for removal of heritage overlay (HO17) anomaly from subject land.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502

Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
251 ELEVENTH STREET, MILDURA**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of Alexfia Investments Pty Ltd, being the owner of land situated at 251 Eleventh Street, Mildura.

We have reviewed the documentation associated with the amendment, in particular the part of the amendment relating to this property.

The amendment has acknowledged that the Heritage Overlay affecting this property is incorrect and is to be removed from the site in association with the amendment.

Heritage Overlay (HO17) relates to the St. Andrews Church located on the south-western corner of Deakin Avenue and Eleventh Street; and therefore, should not be on this property which is vacant and was in fact separated from the church site and rezoned Commercial 1 Zone.

On behalf of our clients, we hereby agree to this proposal to remove the Heritage Overlay from the property known as 251 Eleventh Street, Mildura.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,

ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)  
Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



## **SUBMISSION NO. 7**

**Submitter:** Roy Costa Planning for Colvington Pty Ltd

**Affected Land (if known):** 579-597 Fifteenth Street, Mildura

**Issues Summary:**

- Request for PAO to be removed from subject site.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
579-597 FIFTEENTH STREET, MILDURA**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of Colvington Pty Ltd, being the owner of land situated at 579-597 Fifteenth Street, Mildura.

We have reviewed the documentation associated with the amendment, in particular the "Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11".

When the original Issues Paper was proposed, we lodged a submission in respect to this land and advised that VicRoads had agreed to the removal of the PAO Overlay along the frontage of this site.

However, this paper has still included the Public Acquisition Overlay 1 (PAO1) along the frontage of the site.

This is not required, therefore we again request that as part of this amendment the PAO be removed from the subject site.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Roy Costa', written over a blue horizontal line.

ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)  
Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



## **SUBMISSION NO. 8**

**Submitter:** Roy Costa Planning for Estate of the Late June Gebhart

**Affected Land (if known):** 205 Sixteenth Street, Mildura

**Issues Summary:**

- Request for removal of overlay from subject land.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

7 September 2021



Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
205 SIXTEENTH STREET, MILDURA**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of the owner of the land situated at 205 Sixteenth Street, Mildura.

On behalf of our client, we hereby request Council to remove the existing Design & Development Overlay 14 (DDO14) from the subject site.

This request is made due to the following:

- The allotment cannot meet the requirements of DDO14 in order for the construction of a dwelling upon the land.
- The DDO 14 requirements require access to the site via the rear of the land.

However, there is no access to the site from the rear of the land; and there is no opportunity to do so.

- The land is 36 metres wide and 45.77 metres in depth and an area of 1654m<sup>2</sup>.

To meet the requirements of the DDO14 overlay provisions the dwelling should only be setback between 1 metre and 3 metres from the front boundary.

In addition, the dwelling should be built to side boundaries with no setbacks, to allow for maximum use of the land.

If a side setback is deemed necessary, only one should be provided, with a minimum setback of 1 metre.

- This would require the dwelling to be of a very large size along the nearly entire width of the site and no access from Sixteenth Street, therefore no garage, no vehicle access.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



- It should be noted that a dwelling exists upon each lot either side of the subject land, with existing accessways via Sixteenth Street.
- Mildura Rural City Council has created this problem, as Council issued Planning Permit P15/293 to create this allotment on 26 November 2015.

Council placed a condition 1 upon the permit requiring a Section 173 Agreement to be entered into that allowed access to this lot via Sixteenth Street until the development of the adjoining allotment (rear land).

Once the adjoining allotment is developed the access to this allotment via Sixteenth Street is to be removed and access provided with rear access.

However, Mildura Rural City Council decided to approve the Planning Permit P16/403 for the creation of a residential subdivision at the rear of this site with no access to this subject allotment.

Therefore, vehicle access to this land cannot be provided.

- To provide orderly planning for this area and the existing developed abutting allotments, DDO 14 should be removed from this allotment.

It is clear from the above that Council should support this request to remove DDO 14 from this allotment, known as 205 Sixteenth Street, Mildura.

Should Council not support this request then Council has approved and created a landlocked parcel of land that cannot be built upon, with no vehicle access.

The only common-sense approach to resolve this situation is for the removal of the DDO 14 from the subject site.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

## **SUBMISSION NO. 9**

**Submitter:** Roy Costa Planning for Alexfia Pty Ltd ATF Alexfia Family Trust

**Affected Land (if known):** 678 Riverside Avenue, Mildura

**Issues Summary:**

Bike Path DCP Contribution Works - Permit P18/349 (394 Lot Residential Subdivision)





**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

17 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502



Dear Peter,

**AMENDMENT C104 TO MILDURA PLANNING SCHEME  
BIKE PATH DCP CONTRIBUTION WORKS  
678 RIVERSIDE AVENUE, MILDURA (PLANNING PERMIT P18/349)**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of the owner of the land situated at 678 Riverside Avenue, Mildura.

The subject land has a Planning Permit (P18/349) for the creation of a 394 Lot Residential Subdivision.

The owner/developer is currently seeking to finalise stage 1 of the subdivision, being 77 lots.

Through the subdivision process it was always advised by Council that the bike path to be constructed along Sixteenth Street was a project within the DCP Contributions and therefore be claimed as In Kind Works (IKW) Credits.

However, Council has recently now advised that the Sixteenth Street Bike Path is not listed as a project within the Development Contributions Plan Overlay 1 Provisions of the Mildura Planning Scheme, and therefore cannot be credited.

This is a major error and needs to be urgently rectified as part of this amendment by Mildura Rural City Council.

This bike path is required to be used for the connection of bike paths from Cabarita to Benetook-Riverside Avenue to Ontario Avenue, which is the project list within the projects within the DCPO1 table of the Mildura Planning Scheme.

The developer has factored these costs being contributed by Council in their overall development costs of the project; and therefore, Council needs to include this project within the DCP Project Number list within the Development Contributions Plan Overlay 1 provisions of the Mildura Planning Scheme.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 067 497 685 Trading As Roy Costa Planning & Development



It should be noted that Amendment C112 to the Mildura Planning Scheme recently came into operation on 27 August 2021 which affected the Development Contributions Plan Overlay Provisions of the Mildura Planning Scheme.

Our clients would have definitely made a submission to Amendment C112 if they knew that the bike path along Sixteenth Street was not included as a project name in DCPO1.

In addition, our clients have advised that they were not notified of Amendment C112, and therefore we request Council provide evidence that the developers of the district were specifically notified of Amendment C112 to the Mildura Planning Scheme.

It is clear from the above that Council should support this request as lodged.

This is the common-sense approach to resolve this situation.

We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

+

### **SIXTEENTH STREET SUBDIVISION (LARRY DIMASI)**

- This subdivision is creating a 394-lot residential estate, being Planning Permit 005.2018.00000349.003.
  - As required by Council there is a 3 metre wide 150mm thick bike path being constructed along the total length of Sixteenth Street from Ontario Avenue to Riverside Avenue.
  - In addition, there is also a 2.5 metre wide 150mm thick bike path being constructed on both sides of the roadway within the subdivision main road.
  - Furthermore, there is also a 2 metre wide 150mm thick footpath being constructed along Sixteenth Street and 1.8 metre wide 150mm thick footpath being constructed along both sides of the roadway within the subdivision.
  - Since the commencement of the subdivision, it has always been the understanding that the bike path along Sixteenth Street was included within the DCP contributions; thus, the cost would be attributed to the DCP charges (IKW credits).
  - Larry received emails from Council that this was the case.
  - Now, suddenly Council has found some plan that details that the bike path along Sixteenth Street is not included within the DCP projects, therefore cannot be IKW credits.
  - The cost of the bike path along Sixteenth Street to date exceeds \$270,000; for which Council is now saying is at the total cost of the developer.
  - This does not make sense as the bike path now referred to by Council is located within the Council Reserve on the northern side of Sixteenth Street; and does not connect to anything in Sixteenth Street.
  - This issue will be the same for all developments along Sixteenth Street that were advised that the Sixteenth Street bike path was part of the DCP Contributions (IKW Credits), however now not.
  - In addition to the above, it should be noted that Amendment C112 to the Mildura Planning Scheme was recently approved by the Minister for Planning and came into operation on 27 August 2021 which affected the Development Contributions Plan Overlay Provisions of the Mildura Planning Scheme.  
  
Developers have advised that they were not specifically notified of the proposed amendment, which if they knew that the Sixteenth Street bike path was not included, would definitely lodged submissions, and made sure such was included as part of the IKW Credits.
  - Due to this, a submission has now been required to be lodged to Amendment C104 to the Mildura Planning Scheme seeking the Sixteenth Street bike path works to be included as a project name within the Development Contributions Plan Overlay provisions of the Mildura Planning Scheme.
  - The Council officers associated with the DCP Contributions and IKW Credits were all believing that the Sixteenth Street bike path was included
-

- This matter affects Developers budgets, and urgently needs to be addressed by Council.

Council needs to write to all Developers affected by this specific matter and advise that even though the Sixteenth Street bike path is not included within the DCP Contributions, thus IKW Credits that Council will still re-imburse the developers for the cost of the Sixteenth Street bike path.

- Finally, all Councillors should go and see the development, as the amount of concrete is enormous and does not suit the Mildura climate or the provision of trees and greening of Mildura.



**Admin @ Roy Costa**

---

**From:** David Arnold - [REDACTED]  
**Sent:** Tuesday, 7 September 2021 10:33 AM  
**To:** Admin @ Roy Costa; Helpdesk - Planning Services; Mike Mooney; Jason Kane; Damien Sutton [REDACTED]; Peter Douglass  
**Subject:** RE: P18/349 - 678 Riverside Avenue Mildura  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning Roy,

Sorry for the delayed response to this request, as I have been investigating the DCP project details to ascertain the inclusion and location of bike path projects within the DCP.

I have had conversations relating to the possible bike path inclusion as inkind works in good faith, with an understanding that was passed on from Lee Jones, however it have uncovered some more information in relation to the DCP Bike path project locations and inclusion in the DCP that clarifies the Bike Path project list.

There were a lot of project proposed for the DCP but not all of them were included into the DCP when it was finalised after the consultation process.

It would appear that the bike paths included in the DCP were all Off Street bike paths and did not include the bike path along 16<sup>th</sup> street. It indicates that when the developers choose to have the road widening removed from the DCP (to deliver this component themselves), that this also included the bike paths as none of these bike path projects are included in the DCP.

I have included a map to demonstrate the location of the Bike paths proposed in the DCP and the list of projects that were actually included in the DCP and charged for this development and you will notice that there was only a single bike path listed against the DCP charges for this development.

For DCP credits to be given, it MUST be credited to the construction of a DCP project.

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DCP Project Number	Project Description
DQ001	Midura South Drainage Scheme DQ001
OS001	Playgrounds OS001
OS002	Stormwater Retention - Midura South OS002
OS004	Recreation & Community Centre Land OS004
OS005	Linear Reserves & Parks OS005
<b>BP211</b>	<b>Cabarita to Benetook - Riverside Avenue to Ontario Avenue BP211</b>
RB001	Bus Stop Shelters RB001
R002	Sixteenth Street / Riverside Avenue Intersection Treatment R002
R005	Sixteenth Street / Ontario Avenue Intersection Treatment R005
RR005	Riverside Avenue - Fifteenth Street to Sixteenth Street (2nd half - about 660m) RR005
RR006	Riverside Avenue - Sixteenth Street to Seventeenth Street (1st half, PU Zone - about 660m) RR006
RR113	Sixteenth Street - Riverside Avenue to Ontario Avenue RR113
RR114	Sixteenth Street - Ontario Avenue to Walnut Avenue RR114
ED003	Midura South PreSchool

Given this information, it is apparent that the bike path construction along 16<sup>th</sup> street is not eligible for DCP credits, since this section is not included in the Gazetted DCP and not being charged to the developer.

If you have any further queries, feel free to contact me.

Regards

**David Arnold**  
DCP Officer



## **SUBMISSION NO. 10**

**Submitter:** Bob Karaszkewych, Urban Synergistics for Tony and Maria Malais

**Affected Land (if known):** 104 Cureton Avenue, Nichols Point

**Issues Summary:**

- Planning Consultant is acting for Tony Malais on behalf of his mother Maria Marlais (landowner)
- Multiple Issues and reference to Mildura East Growth Area study boundary excluding land parcel on Cureton Ave.

## Copy of Submission 10

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From: [urbansynergetics@bigpond.com](mailto:urbansynergetics@bigpond.com) <[urbansynergetics@bigpond.com](mailto:urbansynergetics@bigpond.com)>

Sent: Tuesday, 14 September 2021 9:28 PM

To: Peter Douglas [REDACTED]

Cc: Leesa Marlais [REDACTED]; Martin Haviso [REDACTED]; Mark Jenkins [REDACTED]

Subject: Mildura East Growth Area Strategic Framework Plan Community Consultation - Invitation to Participate 13\_09\_21.pdf

Good evening Peter

I represent Tony Marlais making enquirers on the behalf of his mother. How does amendment C104mild specifically affect their land as you mention a zoning anomaly?

As for the framework plan for future land use planning the client requires to be kept informed on progress and opportunities to participate in discussions leading to the formulation of intended planning outcomes for the study area.

On a related matter why did you decide that the study area not include the strip of land on Cureton Avenue between the bridge and Cowra Avenue as we had previously discussed to correct an anomaly in existence for more than 10 years.

Note change of address! For quick response to correspondence please ensure emails are sent to my email address not postal address.

Regards

Bob Karaszewych  
Director  
Urban Synergetics  
U4, Forestdale,  
125 Santa Cruz Boulevard  
Clear Island Waters 4226  
Qld

[REDACTED]

Sent from my iPhone

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## **SUBMISSION NO. 11**

**Submitter:** Keith & Zena Stewart

**Affected Land (if known):** 13 Dal farra Rd Irymple

**Issues Summary:**

- Support for the amendment.

**Copy of Submission 11**

RECEIVED 22 SEP 2021

Keith & Zena Stewart



Email: [Redacted]

11/9/2021

Mr Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural city Council  
PO Box 105  
Mildura 3502

Re: Mildura Planning scheme Amendment C104 mild

Dear Sir

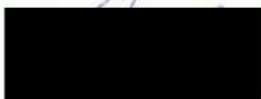
We support the amendment C104 mild in relation to the rezoning of 13 Dal farra Rd Irymple. We own and farm this property but find ourselves hemmed in by nearby residential properties.

We are farming in a corner of a residential estate. As the houses are built increasingly closer to our vineyard it is becoming more difficult to continue farming without coming into conflict with residents over noise and sprays etc. We already have youngsters riding motorbikes through our property which is quite hazardous. A small pocket of farming in a residential area is incompatible.

There is now major housing development around us. This amendment will allow us to develop this land to residential, thereby completing this area.

We support the amendment to rezone our property to low density residential.

Kind regards



Zena & Keith Stewart

## **SUBMISSION NO. 12**

**Submitter:** Goulburn Murray Water

**Affected Land (if known):** Local Government Authority

**Issues Summary:**

- No objection.



GMW Ref: PSA-21-00010  
Doc ID: A4148997

Mildura Rural City Council  
Planning Services  
planning.services@mildura.vic.gov.au

30 September 2021

Dear Sir and/or Madam,

**Planning Scheme Amendment - C104MILD**

Thank you for your letter and information received 25 Aug 2021 giving Goulburn-Murray Water (GMW) the opportunity to consider this Planning Scheme Amendment.

GMW's areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

Based on the information provided, GMW has no objection to Planning Scheme Amendment C104MILD.

If you require further information please e-mail [planning.referrals@qmwater.com.au](mailto:planning.referrals@qmwater.com.au) or contact 1800 013 357.

Yours sincerely

*(originals signed by Ranine McKenzie)*

Ranine McKenzie  
SECTION LEADER STATUTORY PLANNING

## **SUBMISSION NO. 13**

**Submitter:** Roy Costa Planning for Various Unnamed Developers

**Affected Land (if known):** DDO1 (Between Fifteenth & Sixteenth Streets)

**Issues Summary:**

- Request for change to provisions of DDO1



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: reception@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

23 September 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104 TO MILDURA PLANNING SCHEME  
DESIGN & DEVELOPMENT OVERLAY 1 (DDO1)  
BETWEEN FIFTEENTH STREET & SIXTEENTH STREET**

We refer to the above proposed planning scheme amendment currently on public exhibition.

We act on behalf of residents/developers between Fifteenth Street & Sixteenth Street, Mildura.

We hereby submit that Council needs to urgently change these DDO1 provisions affecting this area as part of this amendment.

In particular the subdivision provisions at clause 3.0 of the overlay does not enable Council to issue a planning permit to subdivide unit developments in this area.

This area is ideal for urban consolidation given its location in proximity to the Centro Shopping Complex and the Mildura South Sporting Precinct.

Many of the allotments are 2000m<sup>2</sup> in area and should be able to be subdivided.

In accordance with these provisions the allotments cannot be subdivided into a number of allotments as subdivision must ensure that all buildings can visually address Deakin Avenue.

Units can be built directly behind each other; however then cannot be subdivided as the subdivision does not meet these provisions.

Given the above, we request Council amend these provisions as part of Amendment C104 to the Mildura Planning Scheme.

This is the common-sense approach to resolve this situation.

We request that we be included in the future processes of this amendment going forward.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'RC', is written over the typed name.

ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

## **SUBMISSION NO. 14**

**Submitter:** Evette & Shane Turlan

**Affected Land (if known):** 16 Cooke Street, Nichols Point

**Issues Summary:**


- Changes to HO130, Map 32 Nichols Point.



## Copy of Submission 14

File Message Content Manager Tell me what you want to do... C104mild Enquiry - 16 Cooke Street Nichols Point - Message (HTML)

Wed 15/09/2021 4:10 PM

 Evette Turlan - Mulcahy & Co Mildura [REDACTED]  
C104mild Enquiry - 16 Cooke Street Nichols Point

To: [daniel.gehan@mildura.vic.gov.au](mailto:daniel.gehan@mildura.vic.gov.au)

Cc: [Jacqueline Mannes](#); [Shane Turlan](#)

---

Hi Daniel,

Thanks for you email to Shane earlier this week. He has forwarded to me as I had a question regarding the proposed Amendment.

Can you confirm in writing that the overlay HO130 to the land at Cooke Street Nichols Point on Map 32, as shown in shading, is correct and the overlay only impacts the **heritage building** and **not the entire title** that the heritage building is situated.

Kind Regards

**Evette Turlan**  
[REDACTED]

**Lending Specialist**

Evette Turlan is a credit representative (486057) of BLSSA Pty Ltd ACN 117 651 760 (Australian Credit Licence 391237)

## **SUBMISSION NO. 15**

**Submitter:** Bob Karaszewych, Urban Synergistics for Anna Callipari

**Affected Land (if known):** 310 Cowra Ave, Nichols Point (HO175)

**Issues Summary:**

- Request for removal of heritage overlay HO175 Villa Marguerite (House) from property. Refer to Mildura Heritage Study Part B Stage 1 Key Findings and Recommendations.

## Copy of Submission 15



Thu 16/09/2021 2:27 PM

urbansynergistics@bigpond.com

Re: Mildura East Growth Area Strategic Framework Plan Community Consultation - Invitation to Participate 13\_09\_21.pdf

To Daniel Gebert

Follow up. Start by Thursday, 16 September 2021. Due by Thursday, 16 September 2021.

---

Hi Daniel

Please check that the particular heritage listing on Callipari property is removed and reinstated on the actual property but I understand that that property was destroyed by fire several years ago.  
Bob

Sent from my iPhone

## 2.5.2 Review of existing heritage controls

### Heritage Overlay anomalies

The existing heritage places in the Schedule to the Heritage Overlay were reviewed against mapping data in Mapshare (VicPlan), Nearmap aerial imagery software and Google Streetview/Maps to confirm that HO listing and mapping was relevant and accurate. The citations for all existing heritage places and precincts were also reviewed to check addresses, comprehensiveness, and consistency with the requirements of PPN1.

Through this process, the following issues were identified, including:

- The need to review and update all existing heritage citations to correct minor errors such as addresses, but also to align with guidance in Planning Practice Note 1 'Applying the Heritage Overlay' (August 2018) (PPN1), which requires:
  - the assessment of the heritage value of the heritage place to use the recognised heritage criteria.
  - the documentation for each heritage place to include a Statement of Significance that clearly establishes the importance of the place (using the format of 'What is significant?'; 'How is it significant?'; and 'Why is it significant?').
  - all heritage place citations to be securely stored within the Hermes database.
- The need to review the HO curtilage and boundaries of some places to ensure all significant elements of the site are protected.
- The need to review existing HO precincts to confirm that boundaries and gradings of properties are still relevant.
- The need to remove some places from the HO as they have since been demolished or substantially altered, including:
  - HO20 Former Law Courts, 62 Deakin Avenue, Mildura
  - HO31, Residence, 46 Lemon Avenue, Mildura
  - HO32, Residence, 48 Lemon Avenue, Mildura
  - HO34 Residence, 61 Lemon Avenue, Mildura
  - HO35 Residence, 70 Lemon Avenue, Mildura
  - HO36 Residence, 117-117a Magnolia Avenue, Mildura
  - HO37 Residence, 65 Ninth Street, Mildura
  - HO38 Residence, 172 Ninth Street, Mildura
  - HO48, Aree Araam, Ellswood Crescent, Mildura
  - HO153 Morkalla Rail Station, Morkalla

**Context**

- HO175 Villa Marguerite (House), 310 Cowra Avenue, Nichols Point
- HO211 *Chamaedorea elegans*, 16 Kurrajong Avenue, Mildura

•

## **SUBMISSION NO. 16**

**Submitter:** Trevor Willcock for Mildura Airport Pty Ltd (MAPL)

**Affected Land (if known):** Mildura Airport, Alan Mathews Drive, Mildura

**Issues Summary:**

- Residential development near the airport.

## Copy of Submission 16

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Mon 20/09/2021 8:53 AM

Trevor Willcock [REDACTED]

RE: Amendment C104mild - Exhibition

To: Daniel Gebert

Cc: Jacqueline Murnane

**f** Follow up. Completed on Monday, 4 October 2021.  
You replied to this message on 28/09/2021 12:10 PM.

---

Hi Daniel

A quick question:

If residential development happens in and around the airport precinct (within the noise contours etc) are there any noise attenuation requirements for these houses? ie H-Vac, Double glazing etc

Most cities have this requirement when any residential development takes place near the airport.

Regards

**Trevor Willcock** Chief Executive Officer  
Mildura Airport Pty Ltd.  
PO Box SM 356 Mildura South VIC 3501  
[REDACTED] [www.milduraairport.com.au](http://www.milduraairport.com.au)



## **SUBMISSION NO. 17**

**Submitter:** Roy Costa Planning for Various Landowners and Land Parcels

**Affected Land (if known):** Wells Drive, Fifth Street and River Avenue Merbein

**Issues Summary:**

- Request to designate land for future rezoning.





**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: admin@roycosta.com.au

Our Ref: 21-001A  
Your Ref:

11 October 2021

Peter Douglas  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104 TO MILDURA PLANNING SCHEME  
WELLS DRIVE, FIFTH STREET & RIVER AVENUE, MERBEIN  
CONSIDER REZONING TO A RESIDENTIAL ZONE**

This submission is lodged on behalf of the owners of the following properties:

- Lot 2 LP 208619 Wells Drive Merbein
- PC 351523 Wells Drive Merbein
- Lot 2 PS 619154 Wells Drive Merbein
- PC 351524 Wells Drive Merbein
- Lot 3 PS 625490 Fifth Street Merbein
- Lot 2 PS 819466 River Avenue Merbein

A plan delineating the location of the land is attached.

On behalf of our clients, we hereby request that Mildura Rural City Council seek the opportunity designate the subject land for future rezoning to the most suitable residential zone seen by Council.

Within the Merbein area, residentially zoned land is nearly all developed; thus, Council needs to now determine the next suitable areas for residential development.

There is not a Fifteen year supply of residential land available in Merbein; therefore, Council needs to commence the process now in order to provide the land rezoned for residential purposes and available for development as soon as the remainder of the residential land in Merbein is totally developed.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)  
Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



The process to undertake the necessary strategic work that will lead to land being rezoned to residential, then development plans completed is approximately a 5 year process; therefore, Council needs to seriously consider this request; and commence the rezoning of this land to a residential zone.

If Council does not commence now the process for determining the next areas for residential zoning in Merbein there will be a strong possibility that no land will be available for residential subdivisions to occur once the current residential zone land is completed development.

This will create problems for Merbein, with the township missing out on growth occurring; thus, missing out on the increased number of persons moving into the regional areas from the city areas.

The subject properties are most suitably located for a residential zoning due to the following:

- The land is in one large holding/ownership.
- There is no other option for residential land to be expanded within this immediate area as all land on the north-eastern side of the railway line is zoned and developed for residential purposes.
- Land on the north-eastern side of the railway line is zoned General Residential Zone 1, Low Density Residential Zone 1, and Rural Living Zone 1.
- The expansion of either or a mixture of the existing residential zones upon this land is most suitable and seen to be orderly and proper planning for the expansion of the residentially zoned land in this area of Merbein.
- The rezoning is in close proximity to the Central Business District of Merbein.
- The rezoning is not "leap frogging".
- The residential land north-east of the land has been very popular and as can be seen developed, with no remaining residential zoned land for any future development.

This rezoning request is seen to be in accordance with the Victorian Planning provisions within the Mildura Planning Scheme at Clause 11.01-1S SETTLEMENT as it promotes the sustainable growth in a settlement of Victoria, focuses investment in a major regional city and provides for growth in a fast-growing region.

In particular it is providing additional residential growth in a township of a major regional city to support the main commercial area of the township of Merbein.

It is also facilitating growth of Mildura as a regional city; within a township of the city, being Merbein; as stipulated within the strategy at Clause 11.01-1R SETTLEMENT-LODDON MALLEE NORTH.

At 11.02-1S SUPPLY OF URBAN LAND it states that Councils should ensure a sufficient supply of land is available for residential development; and sufficient land is available to meet forecast demand.

The take up of residential land and subsequent housing is above the forecast demand stipulated within 21.04-2 URBAN RESIDENTIAL LAND SUPPLY AND GROWTH AREAS, therefore more land will need to be brought forward for residential zoning.

Council commencing the strategic justification rezoning process now will provide the additional rezoning of residential land in 5-10 years, when needed or at the take up rate at present there will not be sufficient zoned land when required within the Merbein area.

Within Clause 21.03 VISION AND STRATEGIC FRAMEWORK it states that Council is committed to implementing their Strategic Framework Plans.

At this clause it states that the major concentration of population in the region will be in the main urban area; however, growth will still occur within the township areas; therefore, Council needs to ensure that sufficient land will be available and rezoned for residential purposes in Merbein; with this land being seen to suitable for such rezoning.

As stated above, the forecast demand at clause 21.04-2 is being exceeded, and will continue to do so.

There is and will be more than 370 dwellings built per annum throughout the municipality, given that there is being developed subdivisions, approved subdivisions, and the preparation of subdivisions to be lodged for approval that will exceed this forecast.

In addition, subdivisions being developed have been sold out, or nearly sold out, and approved subdivisions have nearly all sold out off the plan.

Mildura Rural City Council needs to be prepared for this growth to continue as market forces are continuing to show and prove that it will continue.

Therefore, Council needs to ensure that sufficient zoned residential land is available, not just in Mildura, but also in surrounding townships like Merbein.

At Clause 21.10-5 MERBEIN it states that the identity of Merbein needs to be strengthened as a separate well serviced township, close and accessible to Mildura, for those seeking an alternative to living in the larger settlement of Mildura.

This request is meeting the provisions associated with Clause 21.10-5 by way of the following:

- Provide the additional land required to be rezoned to residential to supply the additional housing allotments to meet the needs of people seeking an alternative to living outside of Mildura itself.
- This land being rezoned will support the continued development of low density residential areas to the south-east of the town of Merbein.
- One option of rezoning the land to Rural Living Zone would provide additional larger allotments in this area, where the existing Rural Living Zone has been very popular and additional RLZ1 land is required.
- This supports the main intention of these provisions which state that in the longer term support the growth of Merbein's urban area to the south of Channel Road when existing zoned land has been developed. (It should be noted here that the existing land has been developed).

This request is in line with the above strategy of Council; and given that development is exceeding forecasts Council needs to act now in the next process of zoning residential land to meet the continued growth of Mildura; and in particular surrounding townships like Merbein.

Mildura Rural City Council has commenced the strategic work for the Mildura East Growth Area and should also commence the strategic work for the Merbein Residential Growth Areas, which is seen required now due to the land take up rate occurring in Merbein's residentially developed areas.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT

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## **SUBMISSION NO. 18**

**Submitter:** Ms Maria Riedl

**Affected Land (if known):** 759-777Cowra Avenue, Mildura

**Issues Summary:**

- Multiple Issues

**Submission to Mildura Planning Scheme Amendment C104**  
**18 October 2021**

Please email me any of your responses as well as hard copy.

Maria I E Riedl

I seek changes to SUZ8 and adjacent areas as they must be rezoned to regular density residential both sides of 15th street between Cowra, Sandilong and even to Karadoc Avenue due to educational facilities abutting this area (and further on Cowra from 11<sup>th</sup> to 16<sup>th</sup> streets).

I ask that SUZ9 not be further compromised and no access onto Cowra Avenue be allowed from SUZ9 area.

I ask for infill regular high quality residential between Irymple and Mildura 11<sup>th</sup>-16<sup>th</sup> streets.

I would like to point out that when we said we needed a break between Irymple and Mildura we meant that from a green-wedge that this area was considered, the proposal appeared to us, that council wanted a solid march of B4 buildings all the way from Deakin Avenue along 15<sup>th</sup> Street to Red Cliffs. We were adamant that we wanted no more B4 in the area between Benetook and Sandilong so we got SUZ8 and SUZ9. **We did not require a double depth useless zone**, with blocks at the back zoned SUZ8, in different ownership being left in limbo bc of the ridiculous double depth of this zone, both sides of 15<sup>th</sup> street between Cowra and Sandilong.

I am stating the same thing over and over again without much result and am like Eileen getting sick of all this as you simply don't listen and the result is bad planning: regular residential near schools and infill residential between Irymple and Mildura is a priority before other areas are opened up. The infrastructure is there and let's not waste it!!!

1. Next to educational facilities, and there are 3 directly in this area, there must be regular density residential housing like on Sandilong Avenue. (Shops etc don't have students!)
2. The excuse that this cannot be so because it is on a highway is a furphy. There are houses all along 15th street; the Calder highway all the way to the edge of Red Cliffs, there are houses all along Deakin Avenue nearly to the airport, which is also a highway.
3. The fact is: Irymple Primary School is on a highway.
4. Fact: the speed limit in that area is 60km for everyone, and not 110kms, as on a highway, that speed is not available until well past Red Cliffs, neither are there any 100km speed limits until you reach the area past the bend at Irymple between there and Red Cliffs. During school hours that speed limit should be reduced to 40km anyway.

5. Fact is; increased traffic on Cowra Avenue with trucks using that road now; the roundabout at Cowra Avenue is dangerous right now with trucks taking up both lanes as they try to negotiate it; and hoons use that roundabout at night doing uncontrolled speeds; as do trucks. Cars have been sidelined by trucks in the roundabout with trucks pushing them out. So that has to be altered anyway. This is a serious safety issue and noise and pollution issue.
6. A set of lights on Cowra and 15th, coordinated with the Sandilong lights is the safest both short and long term option for the safety of the future residential area on the Sutherland and Zalec lands because students of all ages will want to cross the road to schools on the other side of 15th street.
7. Trucks will be rerouted onto a proper truck route (as per council's forgotten plans) instead of spewing cancer-causing diesel in town and near schools and residential areas and even businesses. **The World Health Organisation (WHO) only recently reiterated that diesel fumes are carcinogenic. Mind you the MRCC is allowing trucks on all streets in Mildura as from earlier 2017!** Makes sense, does it really??
8. Planning must be for neighbourhood areas and these are usually based around educational facilities and there are three in the IMMEDIATE vicinity.
9. We are offering a clear delineation between Irymple and Mildura: we are offering a 'community' with houses and lots of trees and greenery, which is both healthy and visually pleasing and cuts down on those GHG emissions from cars and trucks.
10. Angel Grove must be opened up from Sandilong to Cowra Avenue to allow access.
11. As per the State Planning scheme if an area has infrastructure and service ability because it is already there; LDRZ is to be at 1/2 lots or regular density and NOT limited to 1 acre lots. Absolutely ludicrous to have 1 acre lots not regular density or 1/2 acre lots next to schools and also this fails to utilise that infrastructure to its capacity! Waste of money and certainly not good planning, considering the location.
12. Why on earth is there a double depth of SUZ8 on the Irymple Primary school side, encompassing fine houses as well as an area we own, which we have asked to be housing for families who can walk their kids to school. Irresponsible. This must be altered to 1/2-acre housing lots immediately. The infrastructure and services are there; use them, as you are required to. Do not waste them, as you seem intent to.
13. What is the idea of that ridiculous triple depth SUZ8 on the other side, right next to Henderson College? Surely it too must be altered to residential.
14. We have schools within walking and cycling distance: St Paul's, La Trobe University, Kode, TAFE, Henderson College, Irymple Primary, Irymple Secondary to name a few.
15. The Irymple shopping precinct is now firmly established in the IGA, POST OFFICE, Chemist precinct as well as the Hotel and Cafe and some smaller offices across the road as well as an older shopping area further along. No need for more shops, more offices etc. There certainly must not be any more B4 or that type of building from Cowra Avenue until well past Irymple.
16. The gateway treatment to Mildura AND Irymple with this small area of well designed,



and well managed residential area (good short and long-term planning) along 15th street and behind it can reflect what we the community care about: neighbourhoods that support their educational facilities, also reflects council's vision stated above. Surely Mildura is not about shops; it is about people, about community, about neighbourhoods.

17. It is time that this planning department actually listened to their community, not ignore us for over ten years and certainly not to some consultant they bring in, who refuses to listen to the local community and implement planning that corresponds to their needs and wants, who just do their own thing. We are tired of being ignored and given pat answers by the CEO and planners that make no sense to us. This council surely wants residential around schools, surely.

18. If this council wants to stand by a healthy, safe, happy thriving community, neighbourhoods, then housing around schools (NOT more SHOPS or offices which can go elsewhere) is an imperative and the only way this area must proceed. Residential both sides of 15th street half way from Benetook, taking in Cowra avenue all the way to Karadoc avenue. Have a look around Deakin Avenue and the schools there and all those residential housing areas around them!

**19. Importantly: We do not deserve planning in this area that puts protection of a truck route as it priority** because that will be moved to a ring road outside the residential areas, as it must. Trucks must not be allowed on ALL streets in this city. That ruling earlier this year was ill informed and **must be rescinded immediately.**

We live here, the truck route will move once council seriously pushes trucks and B-doubles out of residential areas and this city, as they supposedly have a 'truck by-pass' plan, I have a copy of one from the 1990s. The school won't move, and around schools there must be high quality residential areas to satisfy council's vision of the "Most people friendly place in ALL of Australia". All we are demanding is good planning with liveable neighbourhoods in mind.

20. The Irymple multipurpose/library building must go ahead. There is absolutely no excuse not to have a library multi purpose room in Irymple. Irymple is growing by leaps and bounds for goodness sake. What are the Irymple DCP payments going to be used for if not for a multi purpose area, which includes a modern library like Merbein has? Mildura and Red Cliffs have libraries too, so why not Irymple community. Why can't people in Irymple be encouraged to walk, talk and use a facility like this like the other townships, what is your reason? A 2006 promise is a promise Councillors!!!!

21. What about a proper visitors welcoming centre somewhere in Irymple with enough parks for caravans and other vehicles?

**In conclusion:** I believe that the SUZ9 zone has been compromised. The SUZ8 zone which is Irymple must be altered to reflect the 3 major educational facilities that Irymple has in the immediate vicinity and this can only be done via residential housing, instead of some artificial double depth, ill-considered zone that is never going to work in that area. The IGA complex is the modern working hub in Irymple, so doctors offices, and other facilities will go around there, not to some artificially constructed expensive land along 15<sup>th</sup> street. They are along Deakin Avenue and near the hospital. Wasting land next to the 3 schools is simply an ill-conceived idea. It will not work. Different people own the land on the front SUZ8 block to the second SUZ8 block behind 15<sup>th</sup> street in every instance. (Illogical double SUZ8 blocks!) This means that the one behind will be landlocked. In two instances 20 and 30 acre blocks have had 10 acres each chopped off and stuck into this artificial SUZ8 zone, which makes no

sense. Residential housing on 20 acres next to Henderson College should go to regular density residential housing like in Sandilong between Irymple Secondary and Irymple Primary. The 10 plus acres next to the Irymple Primary School on Cowra should be regular density residential or LDRZ at ½ acre lots to feed all those schools and Irymple Township not at ridiculous 1 acre lots. There has also been uniformed comments by a Hansen consultant last month that the schools are hemmed in and therefore implied that regular density housing cannot happen, but she was totally misinformed as land is available to all schools in the area! She also stated that our area was flat!

The infrastructure and services are there now, so Cowra Avenue from 11<sup>th</sup> to 16<sup>th</sup> both sides of 15<sup>th</sup> street can go ahead now, not in some dark distant future. In fact this is stated to be the next front. Since the other fronts are taken up and majority sold, (talk to the real estate agents) it can happen now. It makes sense and it is a logical infill next to schools and between Irymple and Mildura. Mildura is one side of Cowra Avenue and Irymple is the other side. Referring to them both, as Mildura East is misleading and incorrect. It has always been this way and even garbage collection has been on different days for both sides of the street. Yet you seem to be calling this area East Mildura! Please correct this.

My proposal is clear: Residential in SUZ8 Irymple town for the reasons I have already stated. All areas are to be regular density and those next to the Irymple School to be altered from LDRZ 1-acre lots to regular density or ½ acre lots in compliance with the State Planning provisions. You have done this already at MacArthur Way or even more logically regular density housing. This means that the infrastructure that is available is not wasted. See attached photos. Last but not least: think of all that rate money that council will be dragging in that can further Council's ambition for a multipurpose room/library for Irymple!!!! This is a huge opportunity economically sound and socially brilliant. Let's see you go for it please.

Thank you for the opportunity, please keep me informed about this the entire time. We might have a vested interest but we have always had a vision of residential around schools and this completely supports Council's own vision which is being hijacked by developers. How can Cowra to Sandilong the SUZ8 zone not be Irymple when Irymple Primary is there but is left out of Irymple??!!!

I agree totally with Eileen and Dante Pica that this area simply cannot be left in limbo to satisfy some arbitrary notion of a break between the two town when it is clear that the next area to be opened up for residential we have been assured by Peter Douglas will be Cowra Avenue between 14<sup>th</sup> and 15<sup>th</sup>. Why on earth is council not prioritising residential at regular density primarily (before more residential near the airport and on crap land) now when we know that the services are there and in fact 3 schools are already there and this means that kids can walk and ride to these schools from their homes vs being driven. According to planning rules residential development must be on more than one front and it is not. Developers are forcing council planners to build residential far from schools and on salt, termite infested land near the airport at Mildura South!!! What on earth are they thinking. Infill is a priority and closeness to shops and schools such as the Irymple IGA hub area and Irymple high school and Primary and Henderson College and even the swimming pool and associated pre school and kindergartens surely?!

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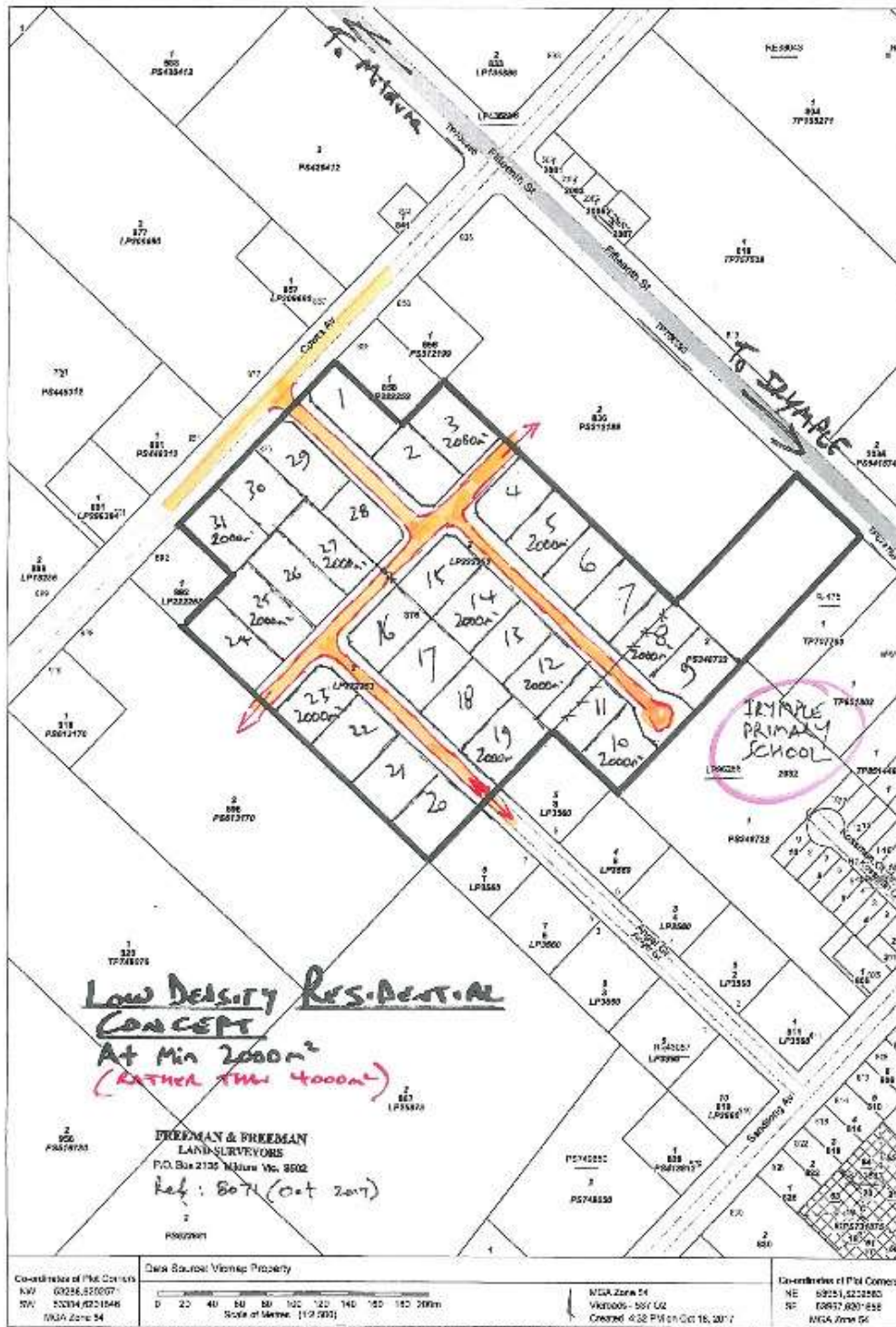
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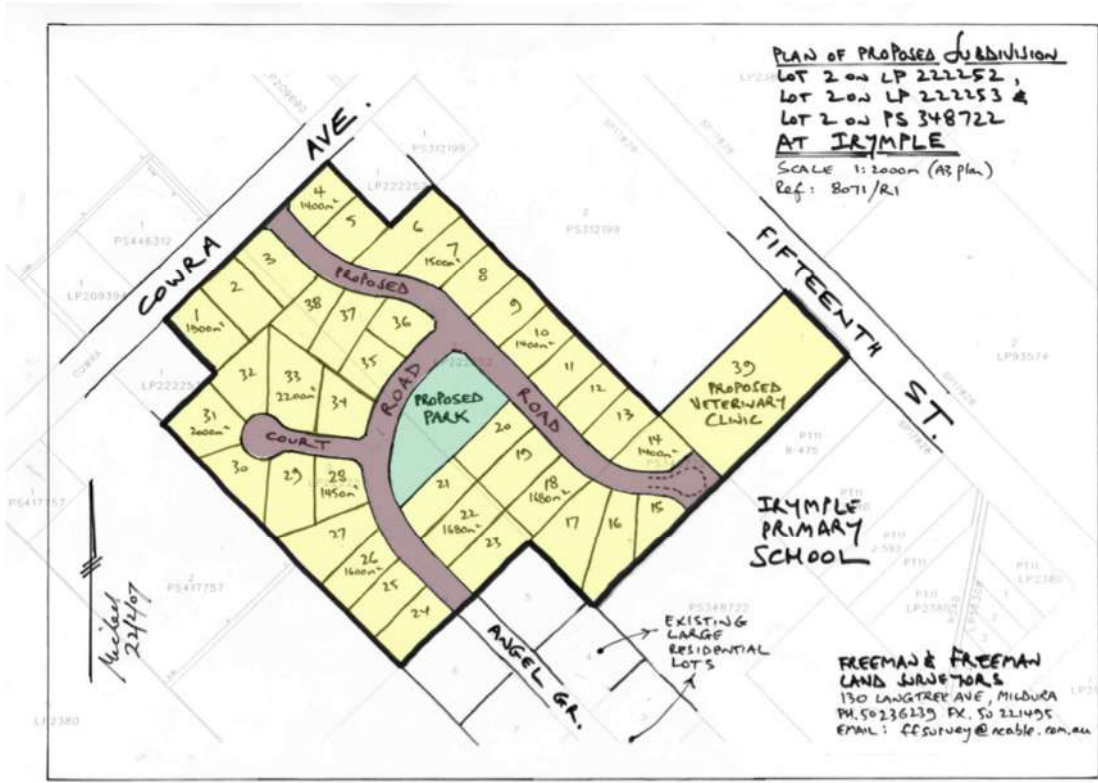
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Cowra Avenue between 11<sup>th</sup> and 14<sup>th</sup> street behind INDZ1 on Benetook Avenue.

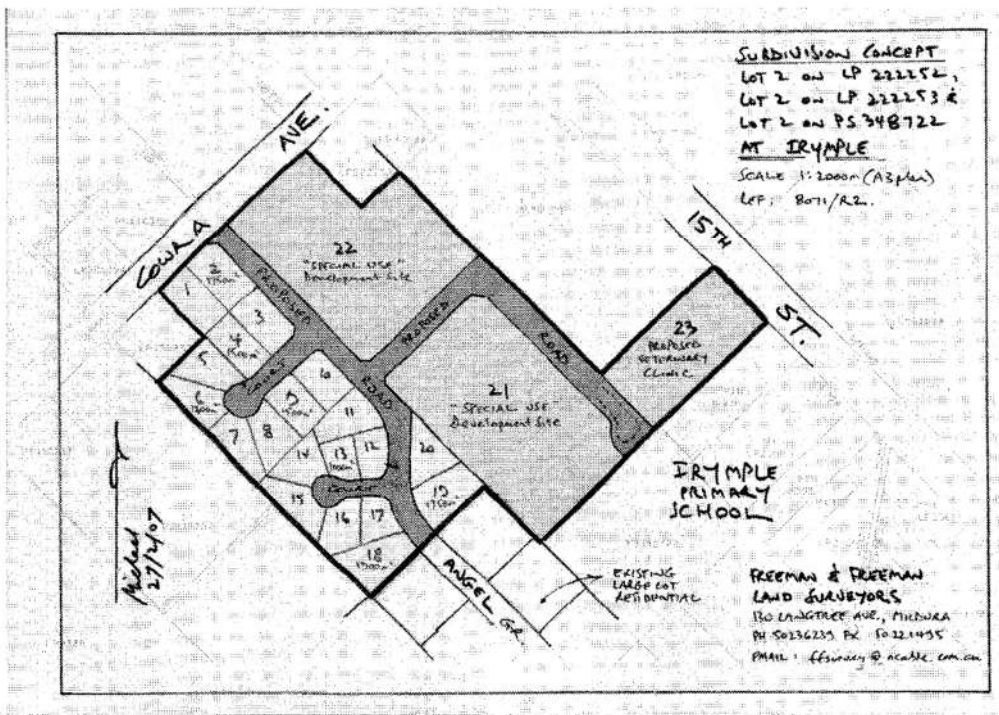




This is our vision for lands right next to the Irymple Primary School at LDRZ ½ acre lots and no funny SUZ8 at double depth! **Regular density residential next to schools please. NOT 1 acre lots!**

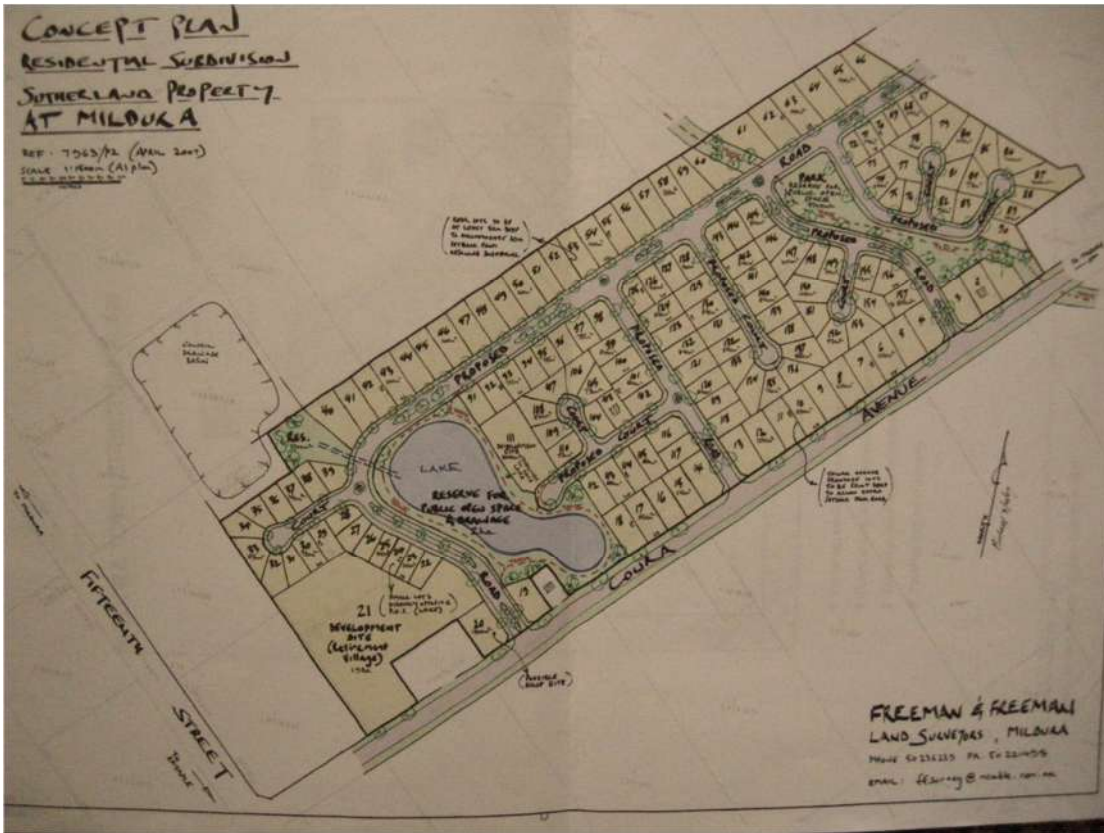


An older version of the same! The clinic will no longer go there as we have expanded where we are on Benetook Avenue. Available for school to purchase or since it is 4 acres can be 8 x 1/2 acre lots with entry from Cowra Avenue or Regular Density preferably to support the schools in the direct area!

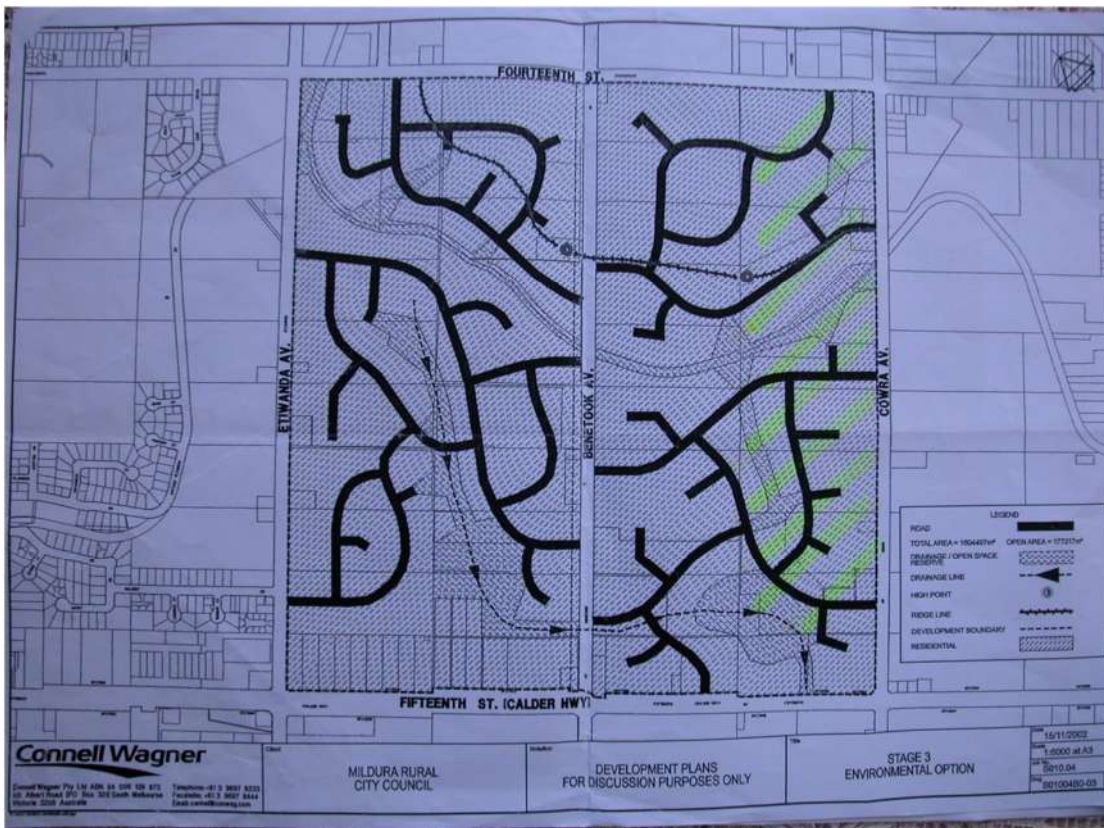


What it was rezoned to: double depth SUZ8! A waste of land that is prime residential land next to the Irymple Primary School.

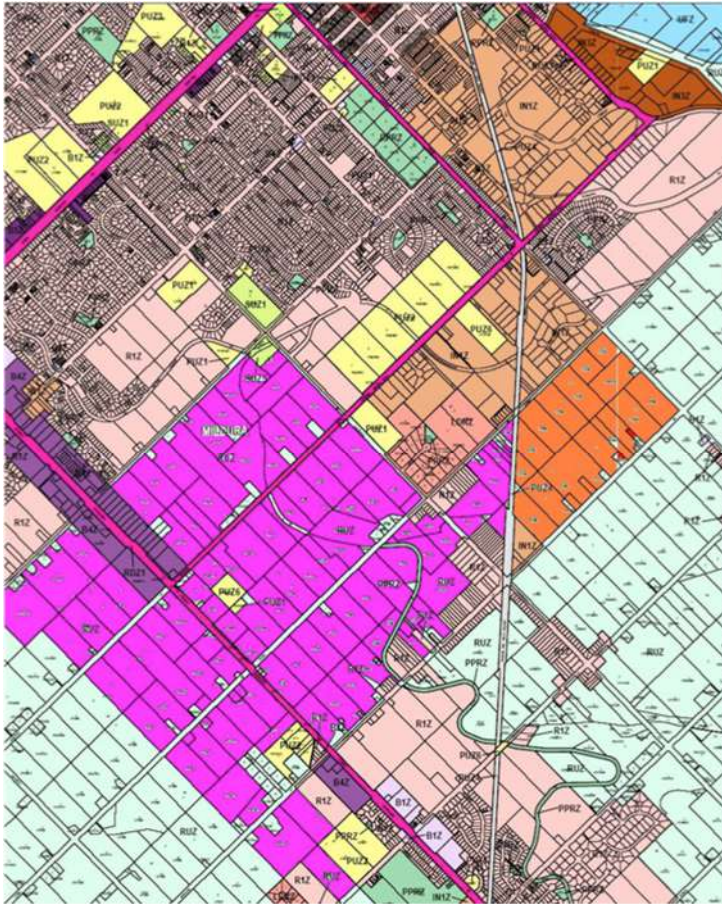




2007 a residential plan (by Michael Freeman for us) for land across from Henderson College on Cowra Avenue.



We have consistently wanted residential around schools and this was council's own plan years ago. You altered it and put in the Benetook Truck route going past 7,000 student educational facility!



Joining Irymple and Mildura

I would also like to point out that Strategic Planners talk about a so-called ‘transition zone’ behind the double depth of SUZ8 next to the Irymple Primary School in Cowra Avenue between 15<sup>th</sup> and 16<sup>th</sup>. They seem to have this unassailable conviction that this is why that area must be zoned as LDRZ at 1 acre lots NOT as per the State Planning provisions which state that this should be ½ acre lots or regular density. If you look at what they have zoned LDRZ at 1 acre lots it is a huge swathe of land on that side of 15<sup>th</sup> street right next to the school. This is NOT what we call a ‘transition’ it is simply a huge block of unintelligible 1 acre lots. Their reason is that it transitions into the farming zone next to it. Well this is not the case. Surely they understand that a transition means a variety. This is NOT a variety but an example of ‘bulky goods’ and one size will do!

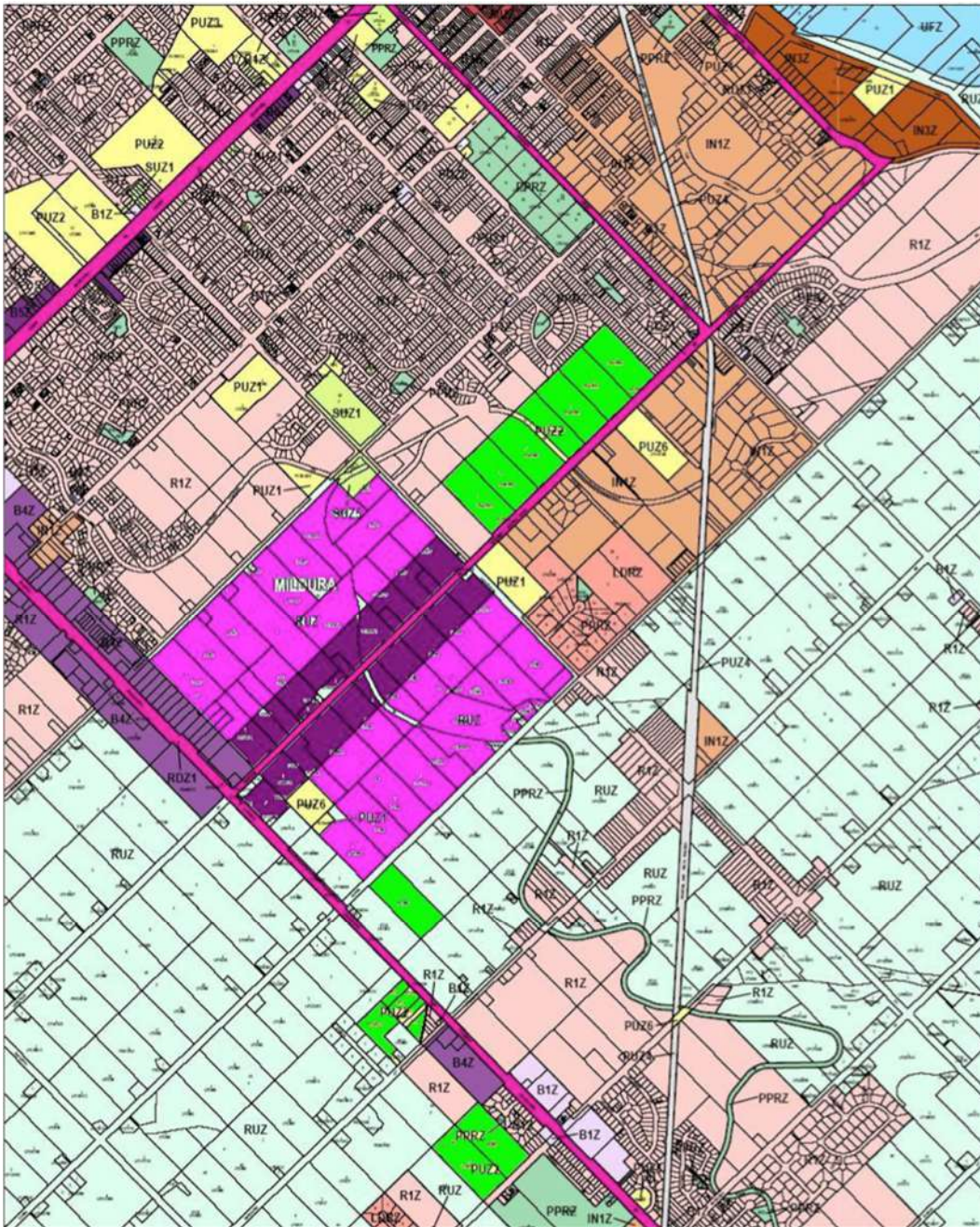
We request that they look at and understand that a transition means ‘steps to’ and this means that it is much better planning to have either regular density then LDRZ at ½ acre lots then LDRZ at 1 acre lots but this is not what we have! The lands next to the school and a bit further must logically be rezoned as ½ lots but preferably to regular density high quality residential (as found on Sandilong Avenue) and further towards the farming zone those areas be zoned as 1 acre lots if they are serious about a transition area. **Anything else defeats their argument that ALL OF THIS AREA MUST BE LDRZ at 1 acre lots.** Also I would like an assessment of actually how much land past that C89 rezoned LDRZ2 area is actually farmed. Economically, socially, it makes absolutely no sense to do a huge bulk zone and then call it a “transition” area!





Our lands in blue and schools in green with some changes due to our land sales.





Schools in the area are in bright green

I had to yet again object to a massive 18 building looonngggg B4 style development on the corner of Cowra and 15<sup>th</sup> Street next to the massive non-compliant car yard recently that proposed NO access to Benetook Avenue and instead proposed access solely to Cowra Avenue basically a residential street that would compromise FUTURE residential abutting the Irymple Primary School. I raised the following points yet again and again and again!!

1. Council developed a 'Vision for the year 2025' that includes: 'Making this the most liveable, people friendly community in Australia' and makes a mockery of this through its continual planning boggles which produce the opposite result.
2. The way development is expanded Fifteenth Street on precinct from Benetook to Cowra Avenue it won't be developed as smaller scale restricted retailing within a landscaped setting to maintain difference in identity between Mildura and Irymple; a shift in character; appropriate uses; avoid ad hoc; a fine urban entry; boulevard with double row of canopy trees; passing to and

thru Irymple. Instead we see an illegal massive loooooonnnng building which is a car yard and many many signs and flags and pathetic greenery which has totally ignored SUZ9 and DDO10 requirements! See the following few photos and it is worse now with even more flags etc and how can this be called a “transition” zone when it actually does the opposite, continues the B4 elongated box development that is from Benetook to Etiwanda? It compromises council’s own vision and what was agreed to under SUZ9 with DDO10 and makes a mockery of the whole ‘transition’ zone!







3. Benetook Avenue won't have established its role as the major heavy vehicle internal bypass route around the township of Mildura, because trucks of all sizes use Cowra Avenue already and this has/will increase

4. The design of neighbourhoods (especially next to the Irymple Primary School) won't facilitate and support healthy lifestyle choices and social interaction because they are not well-planned residential neighbourhoods and instead adhoc 1 acre LDR areas which does not comply with the State Planning Scheme which states that if there are services LDR must be ¼ acre lots or regular density to stop the waste of services!

5. **Major road entrances to each of these towns aren't well designed and landscaped, and are failing to reflect the character and charm of these communities. Instead we have a massive car yard on 15<sup>th</sup> Street in SUZ9 DDO10 that totally fails to comply with the zone= ILLEGAL!** This type of development was I believe **PROHIBITED** and as stated in the Draft Issues Paper 2018 on this area; 'DDO10 will deliver a lower density development, lower density urban development', 'present as a good gateway urban design', 'will be the gateway to Mildura', 'with consistency in treatment of the interface', with a permit 'a pole sign' (and others) given 15<sup>th</sup> Street is the gateway to Mildura, treated consistently and have regard to gateway objective', 'this area is intrinsically linked to the future growth of Mildura'!!!! **What a lot of pretty words that signify nothing!!!**



6. The towns aren't maximising the use of infrastructure and services in a staged and orderly manner avoiding out of sequence development and avoiding development in environmentally sensitive or prime agricultural areas. **The land on Cowra Avenue between 11<sup>th</sup> and 16<sup>th</sup> must be residential to make use of infrastructure plus support the educational facilities in the direct area!**

7. There is a failure to rezone an appropriate amount of land in Mildura East to provide a second growth front for Mildura and ensure that the rezoning of additional land for residential development provides an appropriate balance between supply of land and diversity of development fronts. A diverse range of lot sizes can assist in future adaptability. Ensure a diversity of lot sizes within growth areas in preference to density targets. Require that new residential areas are designed to facilitate attractive, safe and legible connections for pedestrians and cyclists between key areas of activity and within neighbourhoods.

8. Entry/exit onto Cowra Avenue only for this massive development would limit the location of sensitive land uses such as residential, next to educational facilities in the vicinity of industries or other activities with significant off-site effects such as noise, traffic and residual air emissions. Main entry/exit must be onto the Calder Hwy (15<sup>th</sup> street) as intended.

9. Though the 2006 Mildura-Irymple Interface Study final report identifies land abutting Fifteenth Street between Benetook Avenue and Cowra Avenue as the preferred location for restricted retail expansion there would be a failure to ensure that commercial development along Fifteenth Street between Benetook Avenue and Cowra Avenue is consistent with adopted urban design guidelines for the area.

10. The local community value Irymple's identity and support the need to maintain physical separation from Mildura within the Mildura-Irymple urban transition area; however, this has clearly been eroded over time by incremental development and this proposed massive development will be the nail in the coffin

11. Implementing SUZ9 would ensure the orderly development and staging of residential developments nearby as efficient and equitable drainage and other infrastructure already exists so nothing is preventing residential next to schools other than lack of good planning.

To ensure a consistent interface with Fifteenth Street, it needs to be confirmed in the overlays that building setbacks must respect the PAO as part of the road and that whether the acquisition proceeds or not, the setback should be measured based on the outcome of the acquisition taking place

12. Surely requiring built form along Fifteenth Street between Mildura and Irymple to support a sense of transition between settlements will only occur if planning requirements are met.

13. I was a member of the Cowra Avenue group and we had to pay our great lawyer \$10,000 to ensure that a non compliant planning application on this exact piece of land that was approved by council, was defeated, because it was as this one is, non-compliant with the existing zone.

14. We also played a major role in ensuring that C38 put a stop to B4 big box developments marching all the way to Red cliffs promoting what C38 panel called “mish mash” development that was already occurring.

15. The visual clutter of signage, two long joined buildings, cars, trucks, lighting, noise, no sidewalk will be a hinderance for residential and educational facilities in this area. Look at the massive non complaint car yard. Look at development on 15<sup>th</sup> street from Benetook to Deakin Avenue and you will see that from Cowra to Benetook is no different, in fact, actually is an intensification of buildings which is totally against SUZ9. DDO10 makes it clear that there is to be no clutter of signage and it has to apply to the usage-not like the car yard to every make of car!



16. Surely council and planners agree that kids should be able to walk and ride to school safely from their homes?

17. The intention is surely to have residential near and next to schools creating safe and healthy neighbourhoods?

18. Our 10 plus acre of land on Cowra Avenue abuts the Primary School and though it was zoned LDRZ 1 acre lots it should be 1/2 acre maximum or regular density as per State Planning laws because infrastructure is available. We believe that this will occur eventually but applications on the Cowra avenue and 15<sup>th</sup> street sides cross from the school definitely would prevent orderly development by their access not being onto 15<sup>th</sup> Street, the main thorough fare. This creates further “mish mash” development that does not comply with the SUZ9 zone and Interface Strategy etc. We want it regular density due to schools.

19. The clear intent of named supporting planning documents is; that the new development application before planners for this block does not fit with them and can't be mediated or ameliorated therefore I ask the decision-makers to request that the proponent goes back to the drawing board because the impacts have serious ramifications.

20. The massive imposing/over the top car yard and its numerous signs as well as lack of greenery and its width certainly, are obscene, and do not comply and I am very very fearful that this new permit application uses the approval for the massive car yard to spring off of mucking up further neighbouring residential next to two schools and fails to ensure development in this zone on Fifteenth Street with smaller scale restricted retail and associated business services within a landscaped setting,

well setback from the road. Setback and landscape requirements cannot be varied by a permit. All buildings and works must comply and they don't and haven't as in the case of the car yard!

21. Approval of this car yard failed to establish Fifteenth Street between Benetook and Cowra Avenue as an area of smaller scale restricted retailing within a landscaped setting, in fact it is the opposite.

22. It fails to provide a different built form environment than that further to the west on Fifteenth Street. The main building frontage should be no more than 30m wide facing the street. Further building setbacks should be applied to provide a generous building return of at least 50m from the street boundary. The planting of native shade trees in association with car parking areas at a rate of one canopy tree per 3 car spaces and the landscaping plan must be submitted with any application for buildings and works and should provide which it isn't.

23. It fails to ensure that development is located back from the street frontage behind a generous landscape setback.

24. It fails to locate car parking and landscaping between buildings to reduce hard surface areas.

25. It fails to provide open space breaks between buildings to form landscape spaces to connect with the open space network.

26. The impacts on me and the surrounding areas are huge, as we and the community worked really hard to ensure that this area had residential as its main focus because of the schools in this area and here the applicant just demands egress and ingress onto a rural road, Cowra Avenue onto the main thoroughfare (15<sup>th</sup> Street) as required.

27. I would add here that Bill Sutherland has also submitted that any entry/exit must not be onto Cowra Avenue as it impacts on our future residential and it makes no sense to stuff this up.

28. Entry/exit onto Cowra Avenue is clearly NOT the intention as there is a Public Acquisitions Overlay

#### Background

Fifteenth Street, between Benetook and Cowra Avenue has a road reservation that is variable in width. To ensure a consistent road width and ability to provide the cross sections envisaged through the DDO, a Public Acquisition Overlay (PAO) has been put in place to acquire additional land from some properties adjoining Fifteenth Street (refer Fig 8).

The PAO, on the north side of Fifteenth Street does not align with adjoining property boundaries. Ideally any acquisition should ensure that a consistent street width is admitted.

The objective is to have the setbacks of any building fronting Fifteenth Street respect the PAO as a road reservation as upon acquisition it will become part of the road.

While acquisition has not, at the time of writing, yet occurred and in the interim, setbacks to the actual road pavement will be greater than where the road is wider, land owners will be compensated for the acquisition when it occurs and will ultimately not be giving up any additional land.

While Vicroads are not compelled to acquire everything in the overlay (subject to assessment with the affected land owner) it would be appropriate that on the north side of Fifteenth Street, any acquisition fuse with the adjoining street boundaries.

**If SUZ9 and DDO10 are not adhered to, as well as relevant supporting documents, then development will be ad hoc and this will impact not just me but all of us in the Irymple Mildura Interface Area well into the future as we have only one chance to get this right:**

1. Council developed a Vision for the year 2025 that includes: *Making this the most liveable, people friendly community in Australia*
2. The expanded Fifteenth Street precinct from Benetook to Cowra Avenue won't be developed as smaller scale restricted retailing within a landscaped setting to maintain difference in identity between Mildura and Irymple; a shift in character; appropriate uses; avoid ad hoc; a fine urban entry; boulevard with double row of canopy trees; passing to and thru Irymple



3. Benetook Avenue won't have established its role as the major heavy vehicle internal bypass route around the township of Mildura, because trucks of all sizes use Cowra Avenue already and this will increase
4. The design of neighbourhoods won't facilitate and support healthy lifestyle choices and social interaction.
5. Major road entrances to each of these towns won't be well designed and landscaped, and will fail to reflect the character and charm of these communities.
6. The towns won't maximise the use of infrastructure and services in a staged and orderly manner avoiding out of sequence development and avoiding development in environmentally sensitive or prime agricultural areas.
7. There is a failure to rezone an appropriate amount of land in Mildura East to provide a second growth front for Mildura and ensure that the rezoning of additional land for residential development provides an appropriate balance between supply of land and diversity of development fronts. A diverse range of lot sizes can assist in future adaptability. Ensure a diversity of lot sizes within growth areas in preference to density targets. Require that new residential areas are designed to facilitate attractive, safe and legible connections for pedestrians and cyclists between key areas of activity and within neighbourhoods.
8. Entry/exit onto Cowra Avenue only for this massive development will limit the location of sensitive land uses such as residential, next to educational facilities in the vicinity of industries or other activities with significant off-site effects such as noise, traffic and residual air emissions. Main entry/exit must be onto the Calder Hwy (15<sup>th</sup> street) as intended.
9. Though the 2006 Mildura-Irymple Interface Study final report identifies land abutting Fifteenth Street between Benetook Avenue and Cowra Avenue as the preferred location for restricted retail expansion there would be a failure to ensure that commercial development along Fifteenth Street between Benetook Avenue and Cowra Avenue is consistent with adopted urban design guidelines for the area.
10. The local community value Irymple's identity and support the need to maintain physical separation from Mildura within the Mildura-Irymple urban transition area; however, this has clearly been eroded over time by incremental development and this proposed massive development will be the nail in the coffin
11. Implementing SUZ9 would ensure the orderly development and staging of residential developments nearby as efficient and equitable drainage and other infrastructure already exists so nothing is preventing residential next to schools other than lack of good planning. To ensure a consistent interface with Fifteenth Street, it needs to be confirmed in the overlays that building setbacks must respect the PAO as part of the road and that whether the acquisition proceeds or not, the setback should be measured based on the outcome of the acquisition taking place
12. Surely requiring built form along Fifteenth Street between Mildura and Irymple to support a sense of transition between settlements will only occur if planning requirements are met.
13. I was a member of the Cowra Avenue group and we had to pay \$10,000 to ensure that a non-compliant planning application on this exact piece of land that was approved by council, was defeated, because it was as this one is, non-compliant with the existing zone.
14. We also played a major role in ensuring that C38 put a stop to B4 big box developments marching all the way to Red cliffs promoting what C38 panel called "mish mash" development that was already occurring.
15. The visual clutter of signage, two long joined buildings, cars, trucks, lighting, noise, no sidewalk will be a hinderance for residential and educational facilities in this area. Look at the massive non complaint car yard. Look at development on 15<sup>th</sup> street from Benetook to Deakin Avenue and you will see



that this planning application is no different, in fact, actually is an intensification of buildings which is totally against SUZ9. DDO10 makes it clear that there is to be no clutter of signage and it has to apply to the usage-not like the car yard to every make of car!

16. Surely council and planners agree that kids should be able to walk and ride to school from their homes?
  17. The intention is surely to have residential near and next to schools creating safe and healthy neighbourhoods?
  18. Our 10 plus acre of land on Cowra Avenue abuts the Primary School and though it was zoned LDRZ 1 acre lots it should be ¼ acre maximum as per State Planning laws because infrastructure is available. We believe that this will occur eventually but the proponent's application definitely would prevent orderly development by their access not being onto 15<sup>th</sup> Street, the main thoroughfare. This creates further "mish mash" development that does not comply with the SUZ9 zone and Interface Strategy etc
  19. The clear intent of named supporting planning documents is; that this development does not fit with them and can't be mediated or ameliorated therefore I ask the decision-makers to request that the proponent goes back to the drawing board because the impacts have serious ramifications.
  20. I am reluctant to attend this "mediation" because this application obviously does not adhere to SUZ9 and DDO10 and I shouldn't have to repeat myself again and again. The debacle massive imposing/over the top car yard and its numerous signs as well as lack of greenery and its width certainly, are obscene, and do not comply and I am very very fearful that this application uses that approval to spring off of mucking up further neighbouring residential next to two schools and fails to ensure development in this zone on Fifteenth Street with smaller scale restricted retail and associated business services within a landscaped setting, well setback from the road. Setback and landscape requirements cannot be varied by a permit. All buildings and works must comply and they don't and haven't as in the case of the car yard!

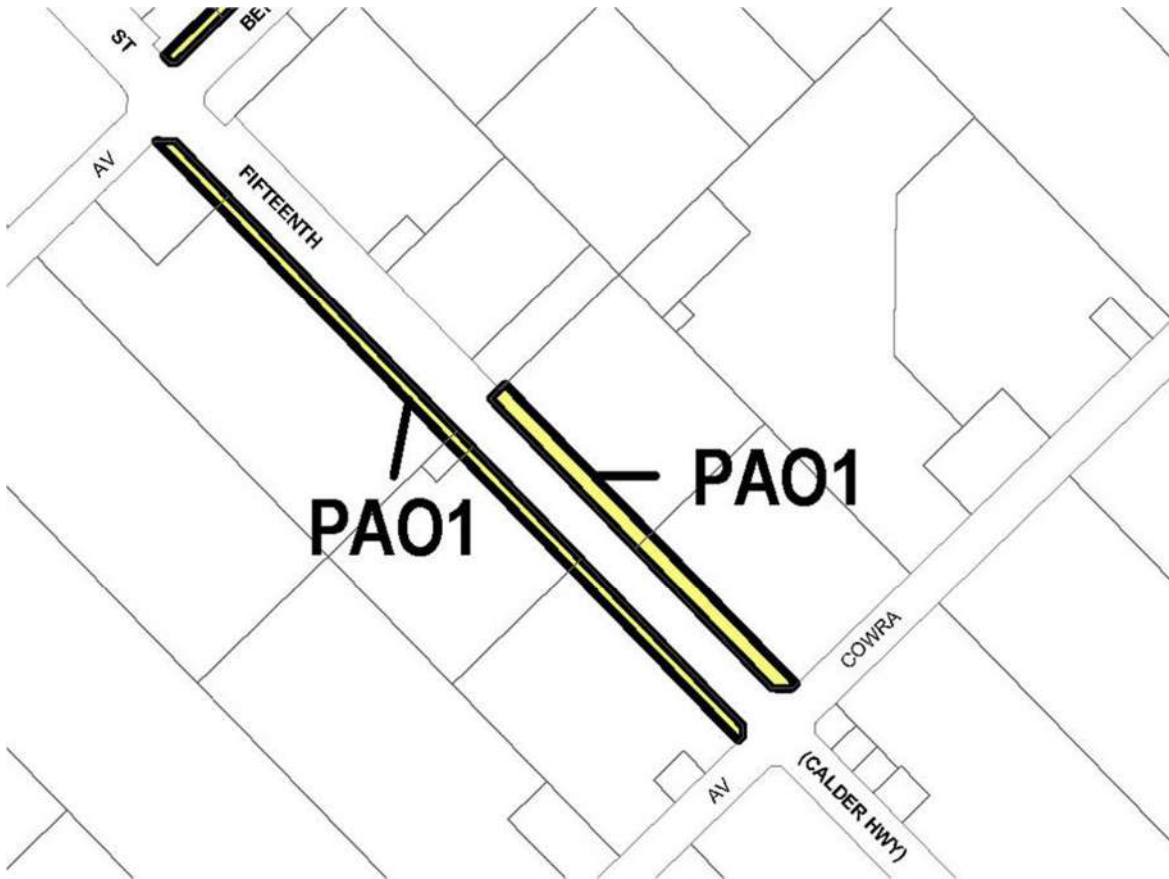
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  22. It fails to provide a different built form environment than that further to the west on Fifteenth Street. The main building frontage should be no more than 30m wide facing the street. Further building setbacks should be applied to provide a generous building return of at least 50m from the street boundary. The planting of native shade trees in association with car parking areas at a rate of one canopy tree per 3 car spaces and the landscaping plan must be submitted with any application for buildings and works and should provide which it isn't.
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Entry/exit onto Cowra Avenue is clearly NOT the intention as there is a Public Acquisitions Overlay



## **Background**

Fifteenth Street, between Benetook and Cowra Avenue has a road reservation that is variable in width. To ensure a consistent road width and ability to provide the cross sections envisaged through the DDO, a Public Acquisition Overlay (PAO) has been put in place to acquire additional land from some properties adjoining Fifteenth Street (refer Fig 8).

The PAO, on the north side of Fifteenth Street does not align with adjoining property boundaries. Ideally any acquisition should ensure that a consistent street width is admitted.

The objective is to have the setbacks of any building fronting Fifteenth Street respect the PAO as a road reservation as upon acquisition it will become part of the road.

While acquisition has not, at the time of writing, yet occurred and in the interim, setbacks to the actual road pavement will be greater than where the road is wider, land owners will be compensated for the acquisition when it occurs and will ultimately not be giving up any additional land.

While Vicroads are not compelled to acquire everything in the overlay (subject to assessment with the affected land owner) it would be appropriate that on the north side of Fifteenth Street, any acquisition fuse with the adjoining street boundaries.

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### **Implications for Design and Development Overlay setbacks**

1. To ensure a consistent interface with Fifteenth Street, it needs to be confirmed in the overlays that building setbacks must respect the PAO as part of the road and that whether the acquisition proceeds or not, the setback should be measured based on the outcome of the acquisition taking place.
- 

## **SPECIAL USE ZONE 31/07/2018**

### **VC148**

Shown on the planning scheme map as **SUZ** with a number.

#### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

### **SCHEDULE 9 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ9**.

### **MILDURA – IRYMPLE URBAN TRANSITION AREA**

#### **Purpose**

To ensure that design and development is in accordance with the *Urban Design Guidelines – Mildura Urban Transition Area (April 2008)*.

To reinforce Fifteenth Street as the ‘public face’ of the urban transition between Mildura and Irymple.

To develop Fifteenth Street with smaller scale restricted retail and associated business services within a landscaped setting, well setback from the road.

## **SCHEDULE 9 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ9**.

### **MILDURA – IRYMPLE URBAN TRANSITION AREA**

#### **Purpose**

To ensure that design and development is in accordance with the *Urban Design Guidelines – Mildura Urban Transition Area (April 2008)*.

To reinforce Fifteenth Street as the ‘public face’ of the urban transition between Mildura and Irymple.

To develop Fifteenth Street with smaller scale restricted retail and associated business services within a landscaped setting, well setback from the road.

#### **1.0 Table of uses**

**30/10/2008 C38**

#### **Section 1 - Permit not required**

#### **Use**

**Apiculture**

**Carnival Circus**

**Electoral office**

**Equestrian supplies**

**Informal outdoor recreation Lighting Shop**

**Mail center**

**Mineral Exploration**

**Mining**

**Minor utility installation Natural systems**

**Party supplies**

## **MILDURA PLANNING SCHEME**

### **Condition**

Must meet the requirements of the Apiary Code of Practice, May 1997.

Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.

May be used for only 4 months before an election and 2 weeks after an election.

The combined leasable floor area for all

restricted retail premises must not exceed any amount specified in the schedule to this zone.

Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 500 square metres.

The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone.

Must meet the requirements of Clause 52.08-2.

The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone.

### **Use**

### **Condition**

Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 1000 square metres.

The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone.

Must not be costeaning or bulk sampling.

Buildings and works must meet the requirements of Clause 52.19.

The combined leasable floor area for all trade supplies must not exceed any amount specified in the schedule to this zone.

## **MILDURA PLANNING SCHEME**

### **Railway**

### **Restricted retail premises (other than Equestrian supplies, Lighting shop, and**

**Party supplies)**

**Road**

**Search for stone Telecommunications facility Trade supplies**

**Tramway**

**Section 2 - Permit required**

**Use**

**Agriculture (other than Apiculture and Intensive animal husbandry) Caretaker's house**

**Convenience shop Education Centre**

**Industry (other than Material recycling)**

**Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)**

**Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone.**

**Motel**

**Office (other than Electoral office)**

**Place of assembly (other than Carnival and Circus) Retail premises (other than Shop and Trade supplies)**

**Service station**

**Utility installation (other than Minor utility installation and Telecommunications facility)**

**Warehouse (other than Mail center and Shipping container storage) Any other use not in Section 1 or 3**

**Condition**

Must not be a primary or secondary school.

The leasable floor area must not exceed 500 square metres.

**Section 3 -Prohibited**

**MILDURA PLANNING SCHEME**

**Use**

**Accommodation (other than Caretaker's house and Motel) Adult sex bookshop  
Extractive industry  
Hospital**

**Intensive animal husbandry**  
**Major sports and recreation facility**  
**Materials recycling**  
**Motor racing track**  
**Shipping container storage Shop (other than Convenience shop, and Restricted retail premises)**

## **2.0 Use of land**

**30/10/2008 C38**

### **Amenity of the neighbourhood**

#### **Application requirements**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

Transport of materials, goods or commodities to or from the land.

Appearance of any building, works or materials.]

Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### **Application requirements**

An application to use land must be accompanied by the following information, as appropriate:

Transport of materials, goods or commodities to or from the land.

The likely effects, if any, on nearby land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and **light spill**, solar access and **glare**.

The means of maintaining areas not required for immediate use.

If an industry or warehouse:

- – The type and quantity of goods to be stored, processed or produced.
- – Whether a Works Approval, or Waste Discharge Licence is required from the Environment Protection Authority.
- – Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- – The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

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## **MILDURA PLANNING SCHEME**

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The effect that existing uses may have on the proposed use. The drainage of the land.  
The availability of and connection to services.  
The effect of traffic to be generated on roads.

The interim use of those parts of the land not required for the proposed use.

If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008) The Mildura Irymple Interface Study (2006)  
The provisions of Design and Development Overlay (Schedule 10).

### **3.0 Subdivision**

**.13/06/2014 GC8**

#### **Permit requirement**

A permit is required to subdivide land.

#### **Exemption from notice and review**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Commercial 2 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

Any natural or cultural values on or near the land.

Streetscape character.

Landscape treatment.

The interface with adjoining zones, especially the relationship with residential areas. The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008) The Mildura Irymple Interface Study (2006)



The provisions of Design and Development Overlay (Schedule 10).

## 4.0 Buildings and works

13/06/2014 GC8

### Permit requirement

A permit is required to construct a building or construct or carry out works. This includes the internal rearrangement of a building if the maximum leasable floor area specified in the schedule to this zone is exceeded.

This does not apply to:

The installation of an automatic teller machine.

An alteration to an existing building façade provided:

- – The alteration does not include the installation of an external roller shutter.
- – At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.

An awning that projects over a road if it is authorised by the relevant public land manager.

### Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

A plan drawn to scale which shows:

- – The boundaries and dimensions of the site.
- – Adjoining roads.
- – The location, height and purpose of buildings and works on adjoining land.
- – Relevant ground levels.
- – The layout of existing and proposed buildings and works.
- – All driveway, car parking and loading areas.
- – Proposed landscape areas.
- – All external storage and waste treatment areas.
- – Areas not required for immediate use.

Elevation drawings to scale showing the colour and materials of all buildings and works. Construction details of all drainage works, driveways, vehicle parking and loading areas.

A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

### Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Commercial 2 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## **MILDURA PLANNING SCHEME**

The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

The provision of car parking.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, **protecting active frontages to pedestrian areas**, the treatment of the fronts and backs of buildings and their appurtenances, including outdoor advertising structures, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The availability of and connection to services.

Any natural or cultural values on or near the land.

Interface with non industrial areas.

Outdoor storage, lighting and storm water discharge.

The design of buildings to provide for solar access.

The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008) The

Mildura Irymple Interface Study (2006)

The provisions of Design and Development Overlay (Schedule 10).

### **Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

## **5.0 Advertising signs**

### **30/10/2008 C38**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

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### 21.10-3 Fifteenth Street and Mildura-Irymple urban transition area

09/05/2019 C095mildura

The *Land Use Vision and Urban Design Framework for the Mildura – Irymple Interface Area 2005* provided Council with a long-term vision to guide future planning scheme policy and controls, subdivision, development and use in this important area of Mildura for the area generally bounded by Benetook, and Sandilong Avenues and Fourteenth and Sixteenth Streets.

The study supported urban uses within the study area in the future subject to demand and evolution of the land as an ‘urban transition’ area between Mildura and Irymple. The overall vision for the urban transition area sought ‘to support an appropriate mix of uses throughout the urban transition area ....while articulating a clear identity for the two towns through a transition in building form, scale, use, landscape and urban design treatments throughout the precinct, particularly along Fifteenth Street.’

The key objectives that underpin the vision are:

To maintain a difference in identity between Mildura and Irymple through a transition in urban form and activity across the precinct that reflects a shift in character from the open rural areas to Irymple towards a more intense urban focus to Mildura.

To reinforce Fifteenth Street as the key public expression of the ‘urban transition’ between Mildura and Irymple.

To support an appropriate and compatible mix of uses within the urban transition that responds to, and does not undermine, the existing and future supply scenario of Mildura and Irymple.

To provide for the sequencing and consolidation of development fronts throughout the urban transition, particularly along Fifteenth Street, in order to avoid a situation of ad hoc, fragmented development which will have a detrimental impact on the amenity and presentation of this area.

To reinforce the role of Fifteenth Street as the core peripheral sales precinct of Mildura and consolidate this through the gradual expansion of this area over time as demand arises.

### **Built environment**

Reinforce Fifteenth Street as the 'public face' of the 'urban transition' between Mildura and Irymple.

Develop Fifteenth Street (between Benetook Avenue and Sandilong Avenue) as an urban strip incorporating a diversity of uses and forms that are underpinned by a strong landscape presence that maintains a notion of transition in identity between the two adjoining towns.

Establish Fifteenth Street between Benetook and Cowra Avenue as an area of smaller scale restricted retailing within a landscaped setting.

Establish Fifteenth Street between Cowra and Sandilong Avenue as an area displaying an identity that can be associated with Irymple through a transition in the scale of activity in this area that builds on the existing sense of openness and low-profile development.

Encourage the development of community-based uses along the road frontage to Fifteenth Street between Cowra and Sandilong Avenues accommodating uses that can support the existing and new community in this area in the future.

Encourage the development of a range of education, health, tourism and community uses within the "Urban Transition Area" on Fifteenth Street (between Sandilong Avenue and Cowra Avenue) that achieves the following design outcomes:

Buildings of a low scale appropriately setback from the road; Significantly landscaped frontages;  
Car parking at the rear of the specified building setback; and Breaks between buildings.

### **MILDURA PLANNING SCHEME**

Encourage the development of a range of smaller scale restricted retail premises and commercial activities within the "Urban Transition Area" on Fifteenth Street (between Benetook Avenue and Cowra Avenue) that achieves the following design outcomes:

Buildings of a low scale appropriately setback from the road; Significantly landscaped frontages;  
Car parking within the landscaped front building setback; and Breaks between buildings.

Recognise the western end of the "Urban Transition Area" as the urban edge of Mildura.  
Recognise the eastern end of the "Urban Transition Area" as the urban edge of Irymple.

Ensure that there is a gradual shift in use, form and image in the private realm through the transition area.

Ensure that there is a sense of exit and entry to and from Mildura and Irymple in the public realm through the transition area.

Ensure Irymple maintains its own identity by facilitating development in the Mildura – Irymple urban transition area that is consistent with the Land Use Vision and Urban Design Framework for the Mildura – Irymple Interface Area 2005.

## Implementation

Apply the Public Park and Recreation Zone to land on the north side of Fifteenth Street between Benetook Avenue and Cowra Avenue.

Require that any proposed use and development within Fifteenth Street, including the Mildura-Irymple transition area, is consistent with the Fifteenth & Deakin Structure Plan (City Gate Precinct Structure Plan and Fifteenth Street Precinct Structure Plan) and the Urban Transition Area Structure Plan.

## Reference documents

Vision for the Mildura-Irymple Interface, Mildura-Irymple Interface Study (2006) Mildura-Irymple Urban Transition Area – Urban Design Guidelines (2008) Fifteenth & Deakin Structure Plan (2012)

## SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

### FIFTEENTH STREET SPECIAL USE (BUSINESS) PRECINCT

#### 1.0 Design objectives 30/10/2008 C38

To provide a different built form environment than that further to the west on Fifteenth Street.

To ensure that development is located back from the street frontage behind a generous landscape setback.

To locate car parking and landscaping between buildings to reduce hard surface areas.

To provide open space breaks between buildings to form landscape spaces to connect with the open space network.

To implement the design and development guidelines for the Fifteenth Street Special Use (Business) Precinct in accordance with the *Urban Design Guidelines – Mildura Irymple Urban Transition Area (April 2008)*.

#### 2.0 Buildings and works

##### 30/10/2008 C38

The setback and landscape requirements cannot be varied by a permit. All buildings and works must comply with the following requirements:

#### Setbacks

In accordance with the Fifteenth Street Special Use (Business) Precinct Concept Plan at Clause 7:

- – buildings must be setback a minimum of 25 metres from the Fifteenth Street boundary;
- – buildings must be setback a minimum of 10 metres from the Benetook Avenue boundary;

- – buildings must be setback a minimum of 10 metres from the Cowra Avenue boundary;
- – buildings must be setback a minimum of 10 metres from the rear boundary;
- – for those sites in excess of 1.5ha, buildings must be setback a minimum 10 metres from both side boundaries; and
- – where vehicular access is provided to the rear of the site, there must be a minimum 3 metre setback from the side boundary to allow for the provision of a landscaped edge.

### **Landscape**

In accordance with the Fifteenth Street Special Use (Business) Precinct Concept Plan at Clause 7:

- – there must be a minimum 3 metre landscape buffer along the front boundary to Fifteenth Street.
- – there must be a minimum 4 metre landscape buffer provided along the side and rear boundaries.

**All buildings and works should comply with the following requirements:**

### **Height**

Buildings should not exceed a maximum height of 10 metres above ground level.

## **MILDURA PLANNING SCHEME**

### **Fences**

Any front fencing onto Fifteenth Street should be permeable and should be recessed in from the front boundary.

Side fences should be consistent with front fences and should be co-ordinated with neighbouring properties to allow any cross movement.

### **3.0 Design guidelines**

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### **30/10/2008 C38**

#### **General**

All applications must be generally consistent with the *Urban Design Guidelines – Mildura Trymple Urban Transition Area* (April 2008).

#### **Subdivision and Site Layout**

Existing lots exceeding 1.5 hectare may be subdivided to accommodate no more than two building forms fronting Fifteenth Street.

Existing lots below 0.5 hectare may be amalgamated with larger lots to accommodate new business forms.

Vehicle access and connectivity is encouraged to occur at the front and rear accessways of the property with adjacent properties to form a network of internal connected streets.

All buildings should have an address towards the street. Backs or sides of buildings should not face any street.

Allotments abutting the future 'green space corridor' should have regard to this interface and may incorporate street frontage that wraps around towards the 'green corridor'.

## **Building Design**

Buildings and associated works should be attractively designed, contemporary in style and be progressive in design, concept and finish.

The main building frontage should be no more than 30m wide facing the street. Further building setbacks should be applied to provide a generous building return of at least 50m from the street boundary.

Façade design should continue to all external elevations of the building. Building frontages are encouraged to have a light weight appearance.

Ground levels of buildings should incorporate a high degree of glazing to encourage pedestrian identity.

Buildings should incorporate a clear legible entrance defined by strong building elements such as porticos, verandahs or awnings.

Buildings should not exceed a width of 100m.  
Entrances should have well defined pedestrian access to car parking and street footpaths.

Long blank walls to the frontage and side elevations are discouraged by use of different material, finishes and colours.

Encourage vertical division to all elevations to provide visual interest to expansive elevations. High pitched roof forms are discouraged.

Encourage a range of materials to be applied to all elevations. These buildings should be highly glazed to allow visual interplay with the street and internal access ways.

Monotonous repetition of material or colour is to be avoided.

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## **MILDURA PLANNING SCHEME**

Building materials should incorporate non reflective materials. Metal roof finishes must be Zinalume or Colourbond.

Tilt up concrete slabs are discouraged other than at the loading or 'back of lot' area and should be articulated using three dimensional imprint relief, or window fenestration in appropriate areas.

A mixture of building materials is encouraged including masonry, timber, stone, some tilt concrete and contemporary light weight materials.

Insulation is encouraged to the rear/or sides parts of the building to limit noise emanating to potential residential interface areas.

Variation in colours should be kept to a minimum and shall be in subdued tone. Accent colours may be used to express corporate identity.

Extensive use of primary colours on walls should be avoided.

All roof-mounted mechanical equipment must be screened from view by parapet walls or screening which should complement the building form and present as an integrated component.

### **Sustainability**

Rain water harvesting from roof areas into integrated collection tanks should be provided to encourage the use of recycled water for industrial purposes and maintenance of required landscaping.

Hard surface car-parks should drain to the swale system, providing necessary moisture to the established vegetation in the landscaped mound and buffer areas.

Details of storm water storage should be provided on the site plan and must be screened from public view.

The design of storm water drainage should take into account of Environmentally Sustainable Design principles, and should provide for rainwater runoff reuse for landscaping irrigation.

### **Floodlighting**

Lighting must not cast glare onto adjacent sites, the street or abutting future residential land.

Overhead lights must not be higher than the building height and must be baffled to prevent light spilling onto adjoining lots.

### **Access and Car parking**

Internal roads should be designed to encourage cross connectivity between subdivisions. As a 22m accessway at the front of the property is required, land occupiers should mediate with neighbouring sites for implementation or make it available over time.

Only one vehicular access point is to be provided onto Fifteenth Street for every existing allotment.

A double row of car parking bays and an access aisle must be provided at the front of every lot behind the landscape setback.

All vehicles including those delivering to or servicing the site must be able to enter and exit the site in a forward direction.



All driveways and car parking areas must be constructed of an impervious all-weather seal coat such as concrete or bitumen.

Adequate provision of on-site car parking for employees and visitors should be provided. Car parking is not to encroach upon the required landscape setback areas.  
Truck access ways must be in accordance with Australian Standard 2890-2.

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## **MILDURA PLANNING SCHEME**

Car space dimensions must be in accordance with Australian Standards: AS 2890-1 and be Disability Discrimination Act compliant.

Car parks must be clearly marked.

Within the car park area, one canopy tree should be provided for every three car spaces.

### **Loading, services and storage**

Adequate provision for loading and unloading of vehicles must be made together with an area set aside for industrial waste collection.

All loading and unloading facilities must be located to the side of the site and where possible located within the building.

Loading areas must be screened so as not to be visible from public view. Screening devices should be integrated with the building form.

Loading should not be located in the setback areas.

Materials, supplies or equipment should be stored within the building. Loading provisions and areas must be in accordance with Clause 52.07.

### **Advertising signs**

Development which contains a number of premises should consolidate signage into a single directory board, low in profile and located within the landscaped front setback.

These signs should not be larger than 2 x 1 metre and no higher than 1.8 metres. Visual clutter created by too many signs must be avoided.

Signage is encouraged to be integrated with the building form of the development and must not be painted on the walls or windows of the building.

Signs should be designed to complement the style of the building and be proportionate in scale. Signage should not be located on the roof or exceed the parapet height of the building. Animated signs or the use of coloured neon lighting are not encouraged.

### **Maintenance**

The occupier of the site will be required to keep the site and buildings in a safe and clean condition, and regularly maintain the site landscaping.

Chemicals and waste products must be contained within the boundaries of each lot and must not discharge onto adjoining land.

#### **4.0 Landscape Plan**

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#### **30/10/2008 C38**

A landscaping plan must be submitted with any application for buildings and works and should provide for:

##### **Front**

The planting of large native canopy trees in avenue formation and low-lying native understorey plants to allow visual exposure from the street;

The planting of native shade trees in association with car parking areas at a rate of one canopy tree per 3 car spaces;

An irrigation system which implements water wise, water sensitive urban design and low water use plant materials.

Identification that no storage or displays are to be located within these areas.

#### **...6.0 Permit Conditions**

#### **30/10/2008 C38**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider as appropriate:

##### Infrastructure sequencing

The provision of a Bank Guarantee of a minimum of \$10,000 which shall only be released upon satisfactory installation and maintenance of the landscaping specified at Clause 4 and not before the lapse of 2 years from the completion of the required landscaping.

The requirement for a legal agreement pursuant to Section 173 of the Planning and Environment Act between the owner and the relevant sewerage authority to provide for the following:

- – recognition by the owner that in the event of a conventional sewerage system not being available then a modified system to the satisfaction of the relevant sewerage authority is to be provided;
- – that such modified system will include an obligation on the landowner to install pump mechanisms within the allotment;
- – a requirement to provide to the relevant sewerage authority, before any works relating to the sewerage connection occur, plans to the satisfaction of the relevant sewerage authority of the proposed pump station and all related assets and connections;

- – recognition that the landowner will be responsible for the purchase, installation, ongoing maintenance and any replacement of the individual property pump stations and related infrastructure;
- – recognition that the individual pump station will be operated at the cost of the landowner, including all costs of electricity or any other maintenance or operational cost; and

## **MILDURA PLANNING SCHEME**

### **Side**

Generous landscaping strips of up to 4 metres in width of native canopy trees and low lying native understorey plants connecting front setbacks with landscaping to the rear;

Buildings should be set in a landscape forecourt with the use of native shrubs and feature native trees.

Open car parks should be landscaped with natural elements and integrated pedestrian pathways.

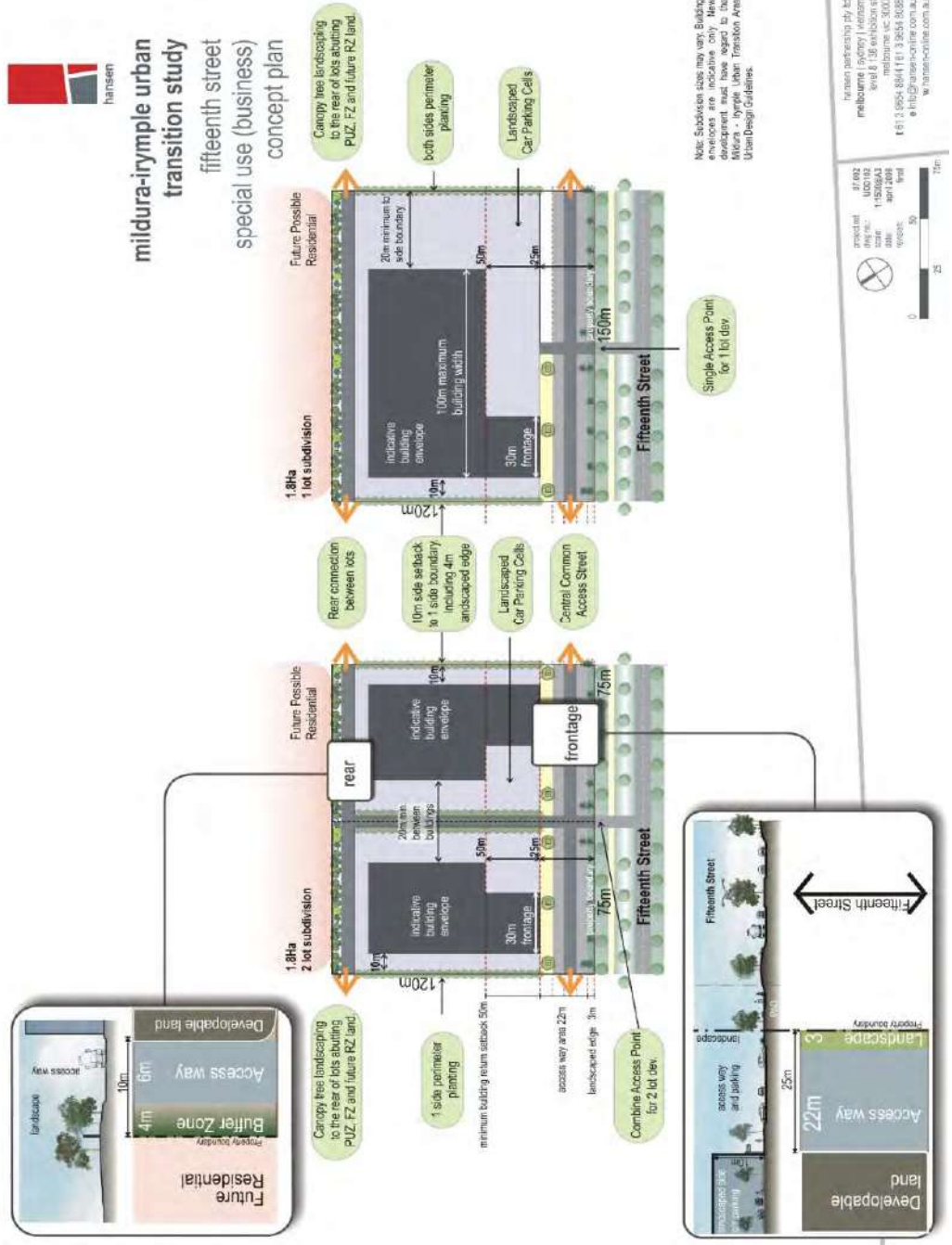
### **Rear**

The landscape buffer of 4 metres is:

- – not to contain any storage sheds or plant infrastructure
- – be maintained in a sustainable way to ensure vegetation is established.
- – be established and maintained by the developer.



**mildura-irrymple urban transition study**  
 fifteenth street special use (business) concept plan



Conclusion: I have rejigged some previous submissions because basically I am repeating the 'vision' that I have always had so there might be a bit repetition but I believe that it is quite clear what has to be done by this C104 and that is to set in place good planning that plans not just for now but for the future which is looking rather dim due to politicians unable to accept the science of climate change and the need to act outside of political lines. We need kids and families to live close in to Irymple and Mildura in well designed, high quality residential areas, near educational facilities so they can walk/ride safely to them. We need diesel polluting (fumes) trucks off residential streets onto a proper bypass and we need planners who aren't dictated to by outside consultants, but by the community who know what is going on and what they want in the future. Developments such as the massive car yard with all its advertising signs and flags and lack of greenery and .... The new application for a double layer of 18 shops next to it with access to Cowra Avenue only instead of as required to 15<sup>th</sup> street must not be allowed to alter our 'vision' and must be made to adhere to the zoning.

Please listen for a change. I am also sending a couple of previous submissions to demonstrate that I am consistent with what I have been saying for over 25 plus years.



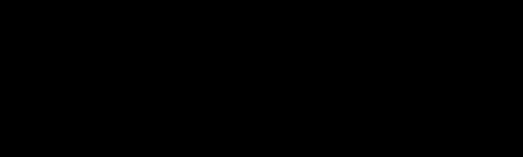
We care about education, about residential around schools and a modern library/multi purpose room for Irymple and our passenger train.

## **Submission 18 - Attachment 1 of 4**

### **Submission to the**

**NOTICE OF PLANNING APPLICATION and the Amendment to Amend an Application  
NUMBER 005.2019.00000401.001 ADDRESS OF LAND 629 Fifteenth Street Mildura  
PROPOSED USE AND/OR DEVELOPMENT Retail Premises**

**Maria I E Riedl**



My attention was drawn to this application but as I have not seen the Application until today when it was emailed to me as I am Tasmania at the moment, I would like to make some comments:

This area is along the entrance to Mildura and Irymple and is a special area that we have only one opportunity to get right. I have been a submitter to many Planning Amendments for this area throughout many many years because we have had an aversion to untrammelled big box B4 development along 15<sup>th</sup> Street from Deakin Avenue all the way past Irymple to Red Cliffs which had previously been proposed in some form or other. This area had a purpose and was a greenbelt. The Planning Panel for C38 stated that the “mish mash” development of these areas must not continue unabated and unaddressed when they approved SUZ8 and SUZ9 with DDO 9, 10 to address concerns about the march of huge big boxes along 15<sup>th</sup> street right over the then existing greenbelt between Benetook and Sandilong Avenues. These greenbelts were instituted by Premier Rupert Hamer who understood that we need green spaces or spaces that give breaks to developments running into each other. He did not want a long line of development running without a break. These have all now been developed around the state, with developers running rampant over them disregarding the whole concept of green wedges and their uses and the impact of building over them with a continuous stream of development.

This planning application was advertised supposedly in the Sunraysia Daily and not on readable signage the roads of Benetook Avenue or 15<sup>th</sup> Street. What if the paper hadn't been printed as it has ceased to be printed now?! I asked for an extension to be able to submit to what I believe is an unclear and unfinished application, as I only received the email with the 74 pages today, 30 March 2020. Lots of things have been happening lately in terms of the coronavirus so this is understandable on part of the planners who I asked. I was given the extension to be able to make comments to this application.

I find that this development and use application is vague, it continually questions, challenges and seeks to undermine the reasoning behind the Urban Design Guidelines Mildura Irymple Urban Transition Area and SUZ9 and SUZ8, and uses it to imply that the applicant does not have to comply with SUZ9 and any overlays because they read ‘must’ and ‘should’ as having the same meaning, or they seek to apply the same meaning. ‘Must’ means ‘must’ and there is no wriggle room and ‘should’ means it is left to the planning people to look at the intent of this Guideline and SUZ8 and SUZ9 and any overlays attached

to these. It does not mean that an applicant can rewrite the intention of this special use zoning or that their reasoning takes precedence over the planners.

The following are my observations:

- Hours of operation are not listed and the applicants excuse is they haven't a clue who will go there. This is not a proper way to put in a planning application: not knowing the facts before you apply for a permit
- Hours of operation, delivery and dispatch of goods are also not addressed for that reason and without this information the application cannot proceed
- Estimated traffic movements are not known and left for later and this is vague and of concern
- It is totally unclear why there is this idea that the applicant can write their own terms of building timelines: 3 year for commencement date and 5 years for completion. They know the rules and the applicant cannot dictate terms
- What does the applicant mean by: areas to be temporarily used for storage of construction vehicles, machinery and materials? Don't they know, and this would leave everything up to them and take the decision away from the Planning department. The applicant cannot dictate terms
- There is also concern about dust, litter and runoff amongst other impacts on the surrounding areas (as there is with the illegal operations happening on/next to the ex- Holden site)
- SUZ8 and SUZ9 and DDO 10 and DDO11 has setbacks that 'must' be adhered to and cannot be altered exactly for the reason that they are set out in an unambiguous term: 'must', not 'should', but 'must', and the applicant cannot vary this nor can planners unless they alter the zones and their overlays which they had a chance to do in 2018 (not as the applicant states 2008) and did not because they are sticking to the intent of the zoning and the planning obligations they are expected to require applicants to adhere to otherwise there would be a free-for-all and then what use would planners and planning provisions be if applicants can write their own rules
- Setback must be adhered to exactly for the reason though the applicant tries to justify less setbacks 'because it is not the same for the rest of 15<sup>th</sup> Street'. Well there is a reason for that!
- Why the deletion of 'native' from plant species?
- The applicant basically throws the Urban design Guidelines and SUZ8 and SUZ9 out the window by stating it was just a suggestion. It was more than that: the Urban Design Guidelines set out a clear and unambiguous intent for these areas which were previously greenbelts and it makes it clear that the intention is to stop B4 big box style development that exists along 15<sup>th</sup> Street from Deakin Avenue to Benetook Avenue where it steps down and back a level between Benetook and Cowra and another level step down and back from Cowra to Sandilong the area that was previously a greenbelt. This is also why the land behind the SUZ8 on the Irymple Primary School was rezoned into 1 acre lots instead of regular density as it should have been directly abutting a school so kids can walk there. The intent and ruling is/was that it had to be different but this will change due to the proximity of the schools in the area. Whereas SUZ9 has not and will not
- Why is the application continually arguing to allow lesser setbacks knowing full well that the requirements are strict?
- This application is not the place to argue and try to push boundaries of acceptability and compliance but to comply with the zone

- Questioning benefits of controls of frontages being no more than 30m wide the applicant is yet again trying to change the zone without due process and approval, and without the input of the community that must be had when there are planning panels
- This area is NOT the same as “elsewhere on 15<sup>th</sup> Street” which the applicant claims as justification for trying to alter the rules that have been implemented under SUZ9 and its development overlays. They are trying to alter the intent of this zoning and using illogical reasoning
- Discretion is unacceptable and to endeavour to avoid the 30m, 10, 4m setbacks is not consistent with the intent of the Special Use Zones in this area. They have a purpose and that purpose is clear
- Arguing that if the applicant didn’t get their way then they would reduce the overall area of the site so they aren’t compelled to adhere to the setbacks does not yet again comply with the intent and rules of SUZ9. By the applicant stating that it is “restrictive on presenting an incentive for small lots” means that they still don’t understand that the reason for not being consistent, is that it is not intended to be the same as the rest of 15<sup>th</sup> street. This is the intent of these Special Use Zones in what was once a greenbelt
- It is clear that the Building Design requiring single frontages to be no more than 30m wide is yet again ‘must’ be adhered to
- This is not the ‘first proposal’ (see the mess of the ex-Holden building), and to argue that because there are other allowances the Applicant can alter the intent of SUZ9 and not adhere to the intended planning outcome which the applicant has not understood simply does not fly
- This application is clearly intending to challenge and undermine SUZ8 and SUZ9 and the Urban Guidelines in this area
- Heaps of large signs, some lit, too tall, too many, are of concern as there is no detail and we already have Mildura marked as the huge billboard capital of the north so let’s not add to that. Let’s control signage as it must be controlled in this area
- Signage must comply with the intention of the zone and it cannot be undermined
- There is no detail on setbacks
- No detail on lighting except that it will be baffled
- Car parking is not detailed
- DDO9 and 10 set out different built forms for this area with development located back behind generous landscape setbacks, parking between building not at the front, open space breaks etc
- Implement the design and development guidelines as per the Urban Design Guidelines Mildura Irymple Urban Transition Area and stating that the application is “generally” consistent is simply not good enough
- Signage is lit and large and is not sympathetic
- Why don’t all buildings have an address towards the street as required
- Building must not be more than 30m wide
- Signage ‘must’ comply even if the applicant deems it “not practical”
- Pointing to the new ex-Holden dealership as an example is not helpful at all and nor does it show that the applicant is trying to be consistent with the zone requirements, in fact they want exemptions and want it their way
- Signage is hard to understand but would have a negative impact and cumulative impact and is threatening promoting visual clutter especially if lit and not controlled by planners, ensuring that it complies with the intent and regulations that must be applied in this Special Use Zone
- This does not set a “new benchmark” and again, “generally consistent”, does not set a high bar



- Saying it will be “attractive and contemporary and progressive” doesn’t make it so, especially since details are lacking in this application
- “must” is not a flexible word
- This gives rise to further “mish mash” development unless the applicant abides by the rules
- This application was not advertised correctly
- Access to 15<sup>th</sup> Street is a serious issue as there is a great deal and increase of traffic including B-doubles and B-triples, therefore knowledge of ingress and egress from properties must be set out in the application
- Hours of operation must be clearly stated in the application
- The type of businesses must also be stated
- Lighting must be addressed: stating it will be baffled does not give rise to much confidence
- Heights of signs and no lighting must be adhered to as per this Special Use Zone and its intent
- The applicant is questioning the 10m setbacks and this is of concern
- All vegetation must be approved and kept irrigated and alive and comply with the zone
- We need to know what is proposed in each of these premises
- This application requires further work as there are gaps in information that should be in front of us
- All developments and developers must comply with approved permits, including endorsed plans, and enforcement must be undertaken throughout any building that is carried out
- Plans approved and altering plans once approved, must be closely monitored otherwise we have the same mess as we have had lately with the groundwork being done illegally next to the new ex-Holden property (have they complied with the 30m ruling and everything else?)

Thank you for the opportunity

Regards

Maria I E Riedl

# Submission 18 - Attachment 2 of 4

## 1 Project Bulletin

MILDURA EAST GROWTH AREA STRATEGIC FRAMEWORK | SEPTEMBER 2021

### WHAT IS THE PROJECT?

Mildura Rural City Council has started work on a framework to guide development in the Mildura East Growth Area. A team of specialist consultants (Hansen Partnership, SGS Economics, E2 Designlab and Trafficworks) are working with Council to undertake this important project.

The Framework will provide a clear picture of how the Mildura East Growth Area will develop over time. It will identify which parts of the area should develop first, what infrastructure is required to support that development, how infrastructure will be funded, and how the area will look. Importantly, it will also consider how development in the growth area will relate to both existing communities at Irymple and Nichols Point, and to ongoing agricultural production in the area.

### WHAT AREA WILL THE FRAMEWORK COVER?

Mildura's *Housing and Settlement Strategy* identified a large area to the south-east of Mildura as a 'Growth Area'. The area extended from Irymple to Nichols Point, and from the urban edge to Irymple Avenue (see map below). However, this Study Area should be considered as 'indicative' as work undertaken in early stages will establish the appropriate boundary for the Growth Area and its precincts, having regard to key inputs such as drainage.

The team are also looking at a number of smaller areas at the edge of Mildura which haven't yet developed to make sure they are understood, as well.

**STAGE 1** PROJECT INCEPTION

**STAGES 2 & 3** DESKTOP ANALYSIS + SITE ANALYSIS & CONSULTATION



**STAGE 4** KEY ISSUES

**STAGE 5** GROWTH AREA VISION

**STAGE 6** KEY DIRECTIONS CONSULTATION

**STAGE 7** GROWTH AREA FRAMEWORK  
A: Plans  
B: Drainage  
C: Implementation

**STAGES 8&9** CONSULTATION & FINALISATION



## HOW CAN YOU BE INVOLVED?

Consultants will soon be conducting the first round of consultation. There will be a number of ways you can be involved in the first stages of the project:

- All landowners and residents in the area will be provided with a survey that will give the team an idea of how they see their land being used in the future - will they keep farming? do they want to develop?
- The team will also hold a community session where interested landowners and community members can let the team know their thoughts on the issues and opportunities.
- A limited number of one-on-one sessions will be available for those with confidential matters, or matters not suitable for discussion in a group forum.
- They will also be holding a series of more targeted stakeholder sessions to get direct feedback from those with an interest and experience in relevant matters. This will include internal Council teams and agencies and authorities who might provide services (like drainage or transport), as well as those in the development and housing industry.



## HOW WILL THE FRAMEWORK BE DEVELOPED?

The project team will first produce a series of 'existing condition' assessments looking at what the physical and policy context of the area is.

This will then inform early consultation with landowners and other key stakeholders to identify the 'key issues' the Framework Plan will need to address.

We will then work with the community and other stakeholders to develop a Vision and 'key directions' for the precinct. These will be exhibited so everyone can have their say before the Framework Plan document is drafted.

The outputs of the project will include:

- The Framework which will show what will happen where in the precinct, and what areas will develop first.
- A Drainage Plan, to make sure that this key infrastructure is fully integrated.
- A Development Strategy which will provide guidance around things like developer contributions and management of land use conflicts which might arise.

## ROUND 1 CONSULTATION EVENT - Development Industry

**Date:** Friday 17 September 2021 **Time:** 10am to 11am **Venue:** Online

*Given the uncertainty in regard to COVID-19 restrictions which will be in place, engagement at this stage of the project will be conducted online. To participate, please register your interest by contacting Council (see details below). A link will be sent to all registered participants a day prior to the event.*

Contact Details:

The Strategic Planning Team (03) 5018 8100  
Email: [planning.services@mildura.vic.gov.au](mailto:planning.services@mildura.vic.gov.au)





## **Submission 18 - Attachment 3 of 4**

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### Irymple Structure Plan and Urban Design Framework Review 2020

Council/planners ignore changes to growth patterns in the municipality

Maria IE Riedl - 13 January 2021



I have included a photo I took today to demonstrate that there is no consistency, no fairness, a total disregard of equity, a desire to encourage mish mash development setting a precedent for future development to ignore zoning and overlays because they do not mean a darn thing to Mildura Rural City planners nor council. This is clearly demonstrated by this brand new gigantic car yard and service centre on 15th street between Benetook Avenue and Cowra Avenue which does not comply in any shape or form with the Mildura Planning Scheme.

This development is totally out of proportion to what is allowed under SUZ9 and DDO10. This development totally ignores the requirement that any development in SUZ9 must not have: lights higher than the building height and be baffled; signs must be consolidated

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into a single directory board; **low in profile**; these signs **not to be larger** that 2 x 1 metre and **no higher** than 1.8 metres; visual clutter created by too many signs **must be avoided**; at the front there must be planting of large native canopy of trees in avenue formation and low lying native understory plants, native shade trees at the rate of one canopy tree per 3 car spaces; no storage or displays to be located within these areas; down the side generous landscaping strips of up to 4 metres in width of native canopy trees and low lying native understory connecting to front setbacks and rear; buildings to be set in a landscape forecourt carparks landscaped with natural elects, and integrated pedestrian pathways; at the rear landscape buffer of 4 metres to be maintained; the main building no more than 30m wide facing the street, further building setbacks to be applied; consolidated signage, low in profile, located within landscaped front setback. This entire development totally contravenes SUZ9 and DDO10 which establishes building density, setbacks and landscaping requirements.



Yet another B4 development contravening SUZ9 and DDO10 with clutter, multiple signs, lighting higher than allowed, no landscaping or trees to speak of.

The 'the aim of the zones and overlays is to retain a non-urban break between Mildura and Irymple and be a gateway to Mildura or Irymple.' The non-compliance is staggering and in your face and the sheer failure to adhere to planning rules for this area means that neither planners nor council cares a jot about zoning rules and DDOs. This is a prime example of a development that has been shoved through without consultation, and cannot be viewed as a good urban design and it does not meet application requirement and

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design outcomes contained within local policies and Overlay Schedules contained within the Planning Scheme.



The long side of the development facing Cowra Avenue without any effort to vegetate and stick to landscaping strips and widths down the sides or out the back as per SUZ9 and DDO10 requirements.



Unlike McDonalds who lowered their sign when told to and planted up as they had to according to SUZ9 and DDO10. One rule for some one rule for others is simply unacceptable.



*'The Land Use Vision and Urban Design Framework for the Mildura-Irymple Interface Area 2005* provided a long term vision to guide future planning scheme policy and controls subdivision, development and use in this important area of Mildura for the area generally bounded by Benetook, and Sandilong Avenues and Fourteenth and Sixteenth Streets.' 'The overall vision for the urban transition area sought 'to support an appropriate mix of uses throughout the urban transition area...while articulating a clear identity for the two towns through a transition in building form, scale use, landscape and urban design treatments throughout the precinct, particularly along Fifteenth Street.' 'To reinforce Fifteenth Street as the key public expression of the 'urban transition' between Mildura and Irymple.' 'To provide sequencing, consolidation of development fronts throughout the urban transition, in order to avoid a situation of ad hoc, fragmented development which would have a detrimental impact on amenity and presentation of this area.' 'Fifteenth Street is the public face' of the 'urban transition'. 'Along Fifteenth Street between Benetook and Cowra as an area of smaller scale restricted retailing within a landscaped setting.'



The sheer bastardy of what has been allowed along 15th Street with a massive car yard and associated numerous illegal signs, lighting, failure to adhere to setbacks, failure to adhere to landscaping rules all contravening strict zoning and overlays is of very serious concern in the progression of the Irymple Structure Plan Review! There is obviously no compunction by planners, nor councillors to adhere to planning rules in SUZ9 and it will follow you are ignoring them in SUZ8. You continually utilise the so-called "Urban



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Transition Area" as the false pretext to exclude the area along Fifteenth Street between Cowra Avenue and Sandilong Avenue from being part of Irymple, which it is. The exclusion of the Irymple Primary School from Irymple and the failure to recognise that Henderson College is part of Irymple is simply extraordinary! It makes absolutely no sense to leave residential development next to these two schools and in fact Irymple Secondary School; all within walking distance; from progressing ahead as residential right now; first cab of the rank so to speak, rather than remaining a dust bowl into the dim future. The area abutting Irymple Primary School; over 10 acres has for some unknown short sighted, illogical reason, other than following a Melbourne consultant's recommendation to zone it as 1 acre lots contravening the State Planning Rules which state that if there is accessible infrastructure then it must be at the most 1/2 acre lots! No, planners and council instead shoved 30 acres directly abutting Irymple Primary and near Henderson College and Irymple Secondary as 1 acre lots. Makes a complete mockery of good forward planning. Next to schools there must be regular density residential like on Sandilong Avenue. Irymple Primary is on the highway, speeds can be lowered to allow for residential and families to use the opportunity to walk and ride to these educational facilities and in fact to the Irymple IGA and other areas creating "safe and purposeful connections", a "greener town", "an identifiable and attractive community hub" (as schools usually are), "integrated neighbourhoods and precincts" (a residential, educational precinct) and including Cowra with its educational facilities to be part of the "distinct town that supports its growing community" as per these Consultants "Aspirational Themes"!

The study area must include Cowra Avenue because of the educational opportunities, the residential opportunities and inter and intra-generational equity considerations. The key uses in this area along Fifteenth Street between Cowra and Morpung Avenues is educational because of the three educational facilities and the community that supports and underpins them. Stating that this area is excluded because "extensive work has already been completed to date" dates back to 2008, and then the latest reiteration is 2018 which basically ignored the direction the community wanted to go in and that is residential around schools. This idea that "long-term growth is towards Nichols Point" yet again conveniently and unintelligently ignores the three schools and residential needs of parents and students in this direct area right now not in some dark and dim future scenario!

You talk about "investment in activity centres that support housing and economic growth" and fail to include in this plan to "have a well-developed long-term land use vision, and you ignore "the key characteristics and priorities for Irymple" in this strategic plan which are based on the actual community that underpins the three educational facilities in this area. The uptake of residential housing around schools is a known fact when planning a town. The school is the centre of the community. Look at what happened to Carwarp when the school closed and there are plenty of other examples where when there is no residential around it with actual people who have children that can walk and ride to school the town folds.



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Consultation has been inadequate, online workshop an abysmal failure and this is demonstrated by the small number of attendees at workshops. Online surveys seek a predictable outcome because the questions are loaded to get the outcome consultants, developers, planners and council wants.

You state that Irymple is the 16th most disadvantaged locality out of 34 in the region, because sports opportunities are unaffordable, as well as the lack of walking and cycling trails. But you ignore the fact that if you have residential neighbourhoods abutting schools on all sides this encourages, walking and cycling by its very nature. There are three schools here and you talk about expanding out to Nichols point with residential where there is one school and no services such as shops, PO, and other amenities that already exist and can be upgraded. In fact reinstatement the Irymple Library must be a priority as it too is a hub. Perhaps an idea to consider is moving it to next to the Irymple Primary school where regular attractive residential bounds Sandilong Avenue at least part of the way to 16th Street as here too areas nearby were zoned 1 acre lots. Absolutely ludicrous.

On all your maps and diagrams you totally ignore Irymple Primary School and Henderson College and the opportunities that these present in the short term if they were included and included in the very next round of residential development at regular density (like on part of Sandilong Avenue) rather than shoving people out a long way to Nichols Point or even Mildura South so near the airport and ~~over~~ salt, white-ant ridden poor quality land.

This constant hammering of the Urban Transition Area and this being the reason to ignore infill development directly next to educational facilities benefiting the health and safety and amenity is plainly bad planning and demonstrates yet again that there is one rule for developers and another for the community. As I have stated before: "If you don't now where you are, you don't know where you are going" and my interpretation of this is that leaving out 2 schools just because ..... and shoving an artificial hub into Irymple whilst ignoring the reason why people live near schools is just bad planning that disregards the needs of present and future generations.

It is time that planners and council listened to their community and not some blow in consultant when proposing residential areas, town hubs, etc etc. The failure of Council to keep their promise regarding a new library/multipurpose building like Merbein has is simply unacceptable. Here you are with a structure plan that ignores such vital infrastructure as well as things like a proper visitors centre somewhere in Irymple with enough parks for caravans and other vehicles unlike the pathetic one in Mildura.

Allowing SUZ9 and its overlay to be bastardised by the developers who simply don't care puts paid to your argument about this artificial 'Urban Transition Area'. There is no transition area, it has been compromised. There is no other way of looking at it, the proof is there for all the community to blatantly see. The IGA complex is working well, other

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facilities are being incorporated and this is due to the 'vision' of a good developer and the community who told council and planners in no uncertain terms they did NOT want a woolworth going in next to the Irymple Secondary School that would have put paid to the IGA development and to those iconic heritage palm trees that were also saved by the community objecting them being chopped down!

Logical regular density residential infill must proceed before any other residential land is rezoned elsewhere and away from schools disenfranchising the community. That means that the so-called 'Urban Transition Area' which has already been hacked proceeds with the community in mind and that includes regular residential both sides of Cowra Avenue between 14th and 16th streets to supply the immediate educational facilities in the area. This means also that infrastructure which is there is not wasted on arbitrarily zoned 1 acre lots when it is clear that residential and school fit like a hand in a glove. Angel Grove must be opened up from Sandilong to Cowra allowing safe access to schools and residential areas. Trucks must be rerouted onto a proper truck route (not through Irymple) not emitting fumes in Irymple and near schools and residential areas. Makes sense? The WHO states that diesel fumes cause cancer. Look at Deakin Avenue and the numerous schools and the residential around them though council and planners are allowing shops and more shops and more shops!!!!

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There was a review in 2017 of Fifteenth street land; Benetook to Sandilong and its special use zones and neither consultants nor planners, nor council listened to the community yet again. Overwhelmingly residential around schools was voted for.

MRCC's Planning Delegation Report 9 October 2018 regarding the use and development of a service station on the corner of Cowra and Fifteenth Streets must be read by planners and councillors alike because what they have encouraged and allowed between Cowra and Benetook does not comply with SUZ9 or DDO10 and it has totally ignored and compromised the Urban Transition Area. So now is the time to yet again revisit this area and listen to the community and consider the community's needs before some well healed developer who doesn't give a fig about schools and residential and needs of neighbourhoods.

Read the Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11 to get a perspective on what is happening and what the excuse is to exclude Cowra Avenue between 14th and 16th From proper, considered, orderly, infill development now, not in some dark belated ad hoc distant long-term future.

Climate change is real, 1 acre lots aren't green as there is no water, instead attractive residential neighbourhoods will make and attractive entry/exit gateway between Irymple and Mildura. No more gigantic developments such as the B4 that has been allowed into the SUZ9 zone, we are assign for a just transition, not more and more shops as proposed next to the car yard and across from it, using the massive car yard and its proliferated tall

intrusive signs and flags as a precedent to pushing pushing planners and council until a developer gets their way and we the community are left with a blight on the landscape that does not conform to existing planning laws.



It is clear that there is a requirement for more housing lots so why not ensure there is orderly development of residential at regular density next to schools not shoved under the airport flight path or away from schools some distance away from schools, shops, amenities etc. Infill residential and since the Urban Transition Area has been totally compromised utilise this as an opportunity to ensure that there is consistency and logics and community expectations are met next to schools that encourages walking and riding instead of hopping into a car every time to go to schools and to shops and other services. Irymple can be a town that has it all and since there are three parcels of 30 acres each and this amount to 90 acres of prime residential land abutting educational facilities in Cowra and Sandilong Avenues between 14th and 15th Streets don't mess it up like you have with that car yard and any proposal for yet another car showroom and 18 shops. As if we need more shops when half of them in the Mall and Centro are empty!!!





Please keep me informed of any other developments in 15th Street between Benetook and Karadoc and between 14th and 16th Streets. In fact I ask why on earth are there planning rules such as zones and overlays when they are compromised and ignored by an entitled few.

Shameful and I am very very disappointed in this whole SUZ8 and SUZ9 and DDO 10 and 11 and the Irymple town structure plan which basically ignores a major infill residential development that benefits students and my community.

Regards

Maria I E Riedl

## **Submission 18 - Attachment 4 of 4**

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### **Objection to Application for Planning Permit**

**005.2018.00000328.001 on the land at Fifteenth Street MILDURA, Lot 2 PS 420412J Sec 45 Blk F for the Use & development of a service station and create access to a road zone, category 1.**

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Mildura Rural City Council  
Statutory Planning Coordinator  
Damien Sutton  
PO Box 105  
Mildura Vic 3502

**9 November 2018**

[Maria I E Riedl B.S.Ed., M.Env.L., M.Env.Gov](#)



Looking towards house and major roundabout, this development is not what is envisaged for this area. The SUZ9 and DDO10 has specific requirements that cannot be met.



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OBJECTION TO SERVICE STATION AND ACCESS TO CATEGORY 1 ROAD ZONE- MARIA I E RIEDL 1



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OBJECTION TO SERVICE STATION AND ACCESS TO CATEGORY 1 ROAD ZONE- MARIA I E RIEDL 2



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## Impacts on my community and myself

I object to this service station at this corner and I object to creating access to a road zone Category 1 on 15th Street and Cowra Avenue. It affects me because we own land that has been rezoned residential on Cowra Avenue. Though it is zoned at inappropriate 1 acre lots but we are requesting that it be rezoned as regular density due to its position directly adjacent to Irymple Primary School. It also affects my friends who live in this area and are threatened with B-doubles and trucks increasing down Cowra Avenue for safety and health reasons as well as the noise of trucks starting up and slowing down for not just entry on Cowra and Benetook but also at roundabout. This development is totally unacceptable in this area. Setbacks are unable to be met and the amenity of this neighbourhood would be lost forever. This is a gateway, this is an interface area, this area seeks to deliver lower density development because it is a transition area.

A proposal such as this large service station and road zone access does not adhere to the *Planning and Environment Act 1987-Sect 4 Objectives* by providing for the fair, orderly and sustainable use and development of land. It does not seek to secure a pleasant, efficient and safe working, living and recreational environment, it does not balance the present and future interests of my community. *Clause 11 of the Victorian Planning Scheme* states that planning is to prevent environmental and amenity problems created by siting incompatible land uses close together and:

- planning is to anticipate and respond to the needs of existing and future communities through
  - provision of zoned and serviced land for housing, employment, recreation and open space
- planning is to recognise the need for, and as far as practicable contribute towards
  - health, wellbeing and safety
  - diversity of choice
  - high standard of urban design and amenity
  - energy efficiency
  - prevention of pollution to land, water and air

### My objection

This area is SUZ9 with a DDO10 and this zoning was a result of the Cowra Avenue group under the leadership of Eileen Pica. We did not want B4 marching all the way from Deakin Avenue to Irymple and then Red Cliffs which was exactly what was going to happen. SUZ9 is the Mildura-Irymple urban transition area and this was put into place to

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facilitate a transition to Mildura. The emphasis was on creating a gateway statement through building design and landscaping. The density of development in this area is to be lower than what was normally provided for commercial and industrial development. This is an interface area. Remembering that both sides of Cowra between 14th and 16th is to be residential as per council's own drawings, any development such as this proposed substantial service station has the potential to significantly mess up any future plans for residential in terms of amenity, in terms of health and safety of my community as well as destroying any chance of well planned future residential and well planned SUZ9 zone and its plan to be a pleasant entry and gateway to Mildura.



The above photo is of the residence that is to be surrounded and is to have a driveway down its side. The noise of the trucks slowing down and starting up, the slamming of car and truck doors, the constant lighting, the diesel fumes etc is avoidable. There are much better juxtapositions between existing residential and proposed commercial and proposed industrial areas. Just because something is allowed in a zone does not mean that it must go there. There are VCAT decisions which highlight this. A prime example is the proposal to put a go-kart racing track next the Benetook Veterinary Clinic on Benetook Avenue. Though the land in Benetook between 14th and 15th is zoned INDZ3, VCAT said that the Veterinary Clinic was a sensitive use though appropriate in an INDZ3 and the go-kart racing track should go next to something that was not so sensitive. Like with like. Existing use rights applied here as they do with the residential on Cowra Avenue.

- significant roundabout adds to the volume of traffic
- there must be no access to Cowra Avenue which is a local road not a truck route



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- this application is inconsistent as it is out of context being so large and cannot provide the required built form and landscaping to comply with the purpose of SUZ9 and DDO10
  - the interface with non-non-industrial area cannot be buffered or ameliorated to satisfy the amenity and aesthetics requirements
  - the setbacks cannot be met in a satisfactory manner
  - does the service station with its B-double and B-triple parking bays complement other commercial uses in the vicinity and the answer to this is obvious: a resounding NO
  - the purpose of the SUZ9 cannot be met as this development is not in accordance with Urban Design Guidelines-Mildura Urban Transition Area (April 2008)
  - this development does not reinforce 15th Street as the public face of the urban transition between Mildura and Irymple as it would stick out like a mountain on a pimple
  - this development does not inform with the development of 15th Street with smaller scale restricted retail and associated business services with a landscape setting, well setback from the road

It is clear that the size and location of this development is not consistent with the amenity and aesthetics of what is proposed under SUZ9 and DDO10 and therefore must be rejected.

There are obvious safety and health issues as well, with regular density residential on Sandilong Avenue, and is and to be complimented by lovely residential down Cowra Avenue 14th to 16th of varying lot sizes with many educational facilities in this direct area as well. Council's vision is that Mildura is the 'most people friendly place in all of Australia' and putting an inappropriate development such as a large unwanted service station in this area, on this corner, with an exit/entry onto little Cowra Avenue at a major roundabout is totally unacceptable and can be avoided but rejecting this application.

I am happy to be contacted and also will be objecting until it is rejected. Some things just shouldn't be allowed into certain areas and for reasons that are in planning law and simply because Mildura has a truck route and that is where something like this should be located. That is good forward planning taking into account the rights of future

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generations to a safe, healthy, pleasant interface zone that the community fought for and got.

Thank you. I ask that I be kept informed about this permit application.

Maria I E Riedl

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OBJECTION TO SERVICE STATION AND ACCESS TO CATEGORY 1 ROAD ZONE- MARIA I E RIEDL 6

## **SUBMISSION NO. 19**

**Submitter:** Mr William (Bill) Sutherland

**Affected Land (if known):** 759-777 Cowra Avenue, Mildura

**Issues Summary:**

- Multiple Issues.

**Copy of Submission 19**

**Submission to Mildura Planning Scheme Amendment C104**

I am a land owner in the area affected by The Mildura Planning Scheme.

I have submitted before to various amendments to the planning schemes over the past two decades.

My focus has been to support residential development around schools and in the area between Mildura and Irymple. That support continues. The residential development should at normal density, not low density and definitely not one acre lots. I would be pleased to see residential development extend to 16th Street or 17th Streets, in a measured way. And all the way to the river eastwards, given restraints of the flood plain and industrial land mentioned later.

I believe the township of Irymple is a large vehicle bottleneck and large vehicles coming from the south should be diverted from the Calder Highway along Morpung Avenue, then northwards up 11th Street.

I believe there is a natural area for industrial development south of the railway line between 14th Street and 11th Street, north of Sandilong Avenue.

I disagree with the extension of industrial land along Benetook Avenue from 15th Street towards 16th Street. The previously zoned industrial land in Benetook Avenue between 14th Street and 15th Streets has been very difficult and slow to develop, as I believe the land is too deep at approximately 300m. I do not believe Mildura should be encircled by a large ribbon (or noose) of industrial land. Definitely half depth industrial land (150m) would be much more attractive to industrial developers.

All rural zoned land that is able to be serviced with drainage and sewerage and near schools should be opened up. The obvious areas are south of Benetook Avenue between 14th and 15th Streets and southwards to Irymple, but should also be considered between 15th and 16th Streets in the same direction.

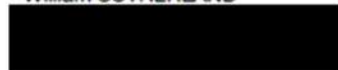
The land either side of the Calder Highway south of Benetook Avenue all the way to Irymple, should be opened up to commercial development. But this should only be to a depth of 130m (the standard size of a 10 acre title is 304m x 132m). The really is now no distinction between the Irymple and Mildura and the two regions should merge in much the same way as suburbs in major cities.

This is a concise summary of my thoughts.

Yours sincerely



William SUTHERLAND



## **SUBMISSION NO. 20**

**Submitter:** James Golsworthy Consulting for E Lindsay & S Hoyle

**Affected Land (if known):** 514 Wentworth Road (Lindsay) and  
588 Wentworth Rd Yelta (Hoyle)

### **Issues Summary:**

- Request for land to be identified as a future investigation area for rural lifestyle purposes.



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Peter Douglas  
Coordinator Strategic Planning  
Mildura Rural City Council  
[Planning.services@mildura.vic.gov.au](mailto:Planning.services@mildura.vic.gov.au)

18 October 2021

Dear Peter

#### SUBMISSION TO PLANNING SCHEME AMENDMENT C104

We act on behalf of the landowners of land at 514 and 588 Wentworth Road Yelta being Lot 2 LP145724 and Lot 1 PS819353 respectively. We make this submission to planning scheme amendment C104 to the Mildura Planning Scheme in relation to the land.

The land is currently included in the Farming Zone (FZ) and not affected by any overlays. The land is also partly affected by cultural heritage sensitivity mapping under the Aboriginal Heritage Regulations 2018.

The land has historically been developed for horticultural purposes and permanent plantings. The land is located outside of the pumped irrigation district and therefore not located within the Mildura Older Irrigated Area (MOIA). As the land is not located within the MOIA it does not benefit from the supply of irrigation water by Lower Murray Water (LMW) rather it is a private diverter. What is therefore required for the land to be irrigated is installation, operation and maintenance of a private pump station and associated pipeline for the supply of water to the land. The infrastructure required for private diverters is significant and in the emerging nature of horticulture something attributable to large scale greenfield development.

Permanent plantings were removed from 514 Wentworth Road in 2010 and plantings were removed from 588 Wentworth Road in 2016. 588 Wentworth Road is partly in production primarily through annual crops however 514 Wentworth Road is not in production nor has the irrigation infrastructure been maintained since the plantings were removed.

C104 proposes the rezoning of the subject land and adjoining land by way of rectifying anomalies. Part of the land is included in the Public Conservation and Resources Zone (PCRZ) and is to be included in the FZ. Land to the north west known as 71 Sylvia Street is similarly in freehold ownership and included in the PCRZ. This land is being rezoned Rural Conservation.

Land within the immediate area and proximate to Merbein has been zoned for lifestyle opportunities. Additional land has more recently been rezoned for similar purposes with a greater strategic basis and has proven

Our Ref: 21-134 and 21-135



attractive to development. Additional land with similar qualities is required to satisfy demand in the growing market. Examples of such areas are as follows:

- McEdward Street - Rural Living
- McEdward Street – Low Density Residential
- North of Merbein - Rural Living

*Table 1 Summary of Rural Living and Low Density Residential land in the Merbein environs*

Land	Zone	Subdivided	Dwellings existing*	Raw land available for subdivision*
McEdward St Birdwoodton (north of railway line)	Rural Living	Yes – one parent lot remaining to be subdivided only	~75% of the lots existing have a dwelling	4ha
McEdward Street Cabarita (south of railway line)	Low Density	Yes – land being developed now	The land is being subdivided and no dwellings have been established. It is understood there have been several pre-sales of lots	0ha
Whiting Street Merbein (north or urban centre)	Rural Living	Yes – two parent lots remaining. One restricted by road access and the other planted to wine grapes and unlikely to be developed	The land has recently been subdivided and the lots sold. The majority of lots are vacant however it is understood they have been sold for the establishment of dwellings.	18ha

*\*Estimate*

Based upon the above data there has been significant take up of land for rural lifestyle purposes recently. This has particularly been the case since the rezoning of land following the 2014 Housing and Settlement Strategy. Amendment C89 implemented the strategy amongst other items and was gazetted on 17 November 2016. The real available land for development in the Merbein precinct is 4ha of RLZ at McEdward Street. The remaining 18ha is encumbered by viable wine grape plantings in one instance and the other does not include vehicle access which is economically viable.

Land in figure 1 and 2 is part of a precinct that is attractive to rural lifestyle development. The land has similar attributes to other land in the Merbein locality which has been developed for similar purposes. We understand the land cannot be rezoned through this amendment and would require justification and exhibition. We therefore seek Council's support for the land (figure 1 and 2) to be identified as a future investigation area to

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be considered for rural lifestyle purposes. Development similar to that in McEdward Street and to Sawmill Road and Rose Street Yelta.

Should you have any queries, please contact our office on 03 5022 8411.

Yours sincerely  
James Golsworthy Consulting



James Golsworthy  
Director





Figure 1 Zone map of the proposed investigation area



Figure 2 Aerial image of the proposed investigation area

## **SUBMISSION NO. 21**

**Submitter:** Environment Protection Authority (EPA) Victoria

**Affected Land (if known):** Public Sector Agency

**Issues Summary:**

- Multiple issues.

## Copy of Submission 21

18 October 2021

Peter Douglas  
Coordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
Mildura VIC 3502



Our Ref: REQ001213

Dear Peter,

### **RE: MILDURA EXHIBITED PLANNING SCHEME AMENDMENT C104mild**

Thank you for the opportunity to provide a response in relation to the Mildura Planning Scheme Amendment C104mild currently on exhibition and referred to the Environment Protection Authority (EPA) via email on 20 August 2021.

EPA has previously provided advice regarding the Mildura Planning Scheme Review 2019, which forms part of this Amendment, in responses dated 3 October 2018 (EPA Ref: 5008815) and 12 December 2018 (EPA Ref: 5009077).

### **Our Understanding of the Proposal**

EPA understands the Amendment implements the outcomes of the following adopted Council reports:

- Mildura Planning Scheme Review Report (2019);
- Mildura Council Plan (2017-2020);
- Mildura Retail Strategy Review (2018);
- Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017); and
- Issues Paper: Special Use Zones 8 and 9 and DDO11 and 12 (2018).

Whilst there are a number of aspects to this amendment, those of specific interest to EPA are the following:

- Land being rezoned in a way which allows sensitive uses including the General Residential Zone and Low Density Residential Zone (LDRZ);
- Application of the Environmental Audit Overlay (EAO) to various former landfill or transfer station sites in accordance with the Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017) and recommendation No. 52 in the Mildura Planning Scheme Review Report (2019); and
- Application of the Environmental Significance Overlay (ESO4) as shown on Maps 24 and 25 on Meridian Road and 1435 Sturt Highway Merbein South to replace ESO3, which has been re-numbered and absorbed into ESO4.

With this in mind, EPA has limited our review to the following documents:

- Explanatory Report;
- Environmental Significance Overlay – Schedule 4 (ESO4);
- Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017); and
- Mildura Planning Scheme Review 2019 Report.

Environment Protection Authority Victoria  
GPO Box 4395, Melbourne VIC 3001 DX210082  
1300 372 842 (1300 EPA VIC) [www.epa.vic.gov.au](http://www.epa.vic.gov.au)





### **Ministerial Direction 19**

The Explanatory Report states that Ministerial Direction 19 (MD19) does not apply, as the amendment does not seek any change that could result in the use or development of land that could result in significant impacts on the environment, amenity or human health due to pollution or waste.

EPA considers however that the amendment includes several changes which could result in significant impacts on the environment, human health and amenity, that relate to EPA's areas of interest as specified above. These potential risks are outlined further below.

### **Potentially Contaminated Land**

#### Ministerial Direction 1

EPA takes this opportunity to remind Council of the requirements of Ministerial Direction 1 (MD1), which requires the planning authority in preparing an amendment which allows (whether or not subject to the grant of a permit) land to be used for a sensitive use, children's playground or secondary school to:

- a) *satisfy itself whether or not the land, or parts of the land, are potentially contaminated;*
- b) *where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report; and*
- c) *where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.*

It is noted that the Explanatory Report does not include a statement, as required by MD1, addressing whether the land which allows a sensitive use has been determined to be potentially contaminated or not. EPA recommends this be addressed in order for the land to be considered suitable for that use.

#### Environmental Audit Overlay

EPA understands that the EAO is proposed to be applied to transfer station and former landfill sites within the Mildura Municipality as recommended by the Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017).

The Planning Practice Note 30 – *Potentially Contaminated Land*, DELWP 2021 (PPN30) provides the following examples where the requirements of the environmental audit system (which includes the Preliminary Risk Screen Assessment (PRSA)) may be deferred where it is difficult or inappropriate to meet the requirements at the amendment stage, noting that assessment time and costs are not in themselves sufficient reasons to defer assessment:

- *The rezoning relates to a large strategic planning exercise or involves multiple sites in separate ownership;*
- *It would be hazardous to access the site to take samples – for example, there is an operational industry on the site and safety risks are present.*

On the basis that the planning authority has identified that the land may be used for a sensitive use and is potentially contaminated, and the requirements of MD1 may be deferred, the proposal to apply the EAO may be appropriate.

### **Potential Amenity Impacts**

Noting the Amendment rezones land to allow sensitive uses, EPA also reminds Council to give consideration to any existing or proposed industry in the area, including the need for the establishment and maintenance of separation distances to both minimise the potential for offsite human health and amenity impacts such as odour, dust and noise, and protect existing industry from encroachment of sensitive land uses. Encroachment by sensitive uses into the separation distances of industry should be avoided to prevent future land use conflicts. The Explanatory Report does not appear to address whether there may be potential amenity impacts on proposed sensitive uses.

#### Buffer Area Overlay

EPA understands the Amendment includes some changes to the existing ESO4, which establishes an incompatible land use buffer area for several long established land uses in the municipality which have significant residual air emissions. The ESO4 is the planning tool used in this instance, to minimise potential for future land use conflict.

Noting the release of the Buffer Area Overlay (BAO) via Amendment V10, the planning authority may wish to consider investigating the use of the BAO instead of the ESO as the most appropriate tool for these situations. The BAO can be used in certain circumstances to prevent future encroachment and intensification of incompatible use and development within the buffer areas of industry, warehouse, infrastructure, or other uses with potential off-site impacts. Planning Practice Note 92 provides further information on the BAO.

EPA can provide further assistance on the BAO should the planning authority wish to investigate its use further.

### **Environment Protection Act 2017 and the General Environmental Duty (GED)**

The Environment Protection Act 2017 (EP Act 2017) commenced on 1 July 2021. The new legislation changed Victoria's focus for environment protection and human health to a prevention-based approach, underpinned by the general environmental duty (GED).

The GED applies to all Victorians and is an ongoing obligation separate to any other permission. Under the GED, a person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks so far as reasonably practicable. EPA has published guidance on what constitutes reasonably practicable minimisation of risks of harm (see EPA Publication 1856).

The updated environmental protection framework supports industry, government, and the community to minimise the risks of harm to human health and the environment from pollution and waste.

Whilst the process of making a strategic planning decision is not subject to the GED, planning and responsible authorities should understand the effect planning decisions may have on the ability of those with a duty to meet obligations under the EP Act 2017.

For further information on what the new laws will mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>

For further information on what the new laws will mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>



**Summary and Recommendations**

EPA recommends Council give further consideration to potentially contaminated land and potential amenity impacts associated with land that is proposed to be zoned to allow sensitive uses under this amendment. EPA recommends the Explanatory Report reflect that these potential risks have been considered, to ensure the land is suitable for that use.

EPA also recommends Council consider the use of the BAO to prevent future encroachment and intensification of incompatible use and development with potential off-site impacts.

**Closing**

EPA is willing to meet to discuss our comments and our ongoing involvement in this process to ensure that EPA supports this planning process effectively. If these matters cannot be resolved, we would be willing to heard in support of our submission.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact (Kaylee Thompson, Senior Planning Officer) on 1300 EPA VIC (1300 372 842), or at stratplan@epa.vic.gov.au.

Yours sincerely,



Trisha Brice  
Planning Team Lead (Strategic)  
Major Projects & Planning Unit  
Environment Protection Authority Victoria



## **SUBMISSION NO. 22 (Late - Accepted) – Received 15/11/2021**

**Submitter:** James Golsworthy Consulting for Mildura Airport Pty Ltd

**Affected Land (if known):** Mildura Airport Pty Ltd (MAPL)

### **Issues Summary:**

- Objection - Multiple inconsistencies with the amendment documentation and enabling the continued operation of the airport.



## Copy of Submission 22

**From:** James Golsworthy <james@gconsult.com.au>

**Sent:** Friday, 12 November 2021 4:26 PM

**To:** Helpdesk - Planning Services <planning\_services@mildura.vic.gov.au>

**Cc:** Trevor Willcock [REDACTED]; Peter Douglas [REDACTED]; Daniel Gebert [REDACTED]

**Subject:** Planning Scheme Amendment C104 - Mildura Airport Pty Ltd

Hello Daniel

We act on behalf of Mildura Airport Pty Ltd.

Reference is made to Planning Scheme Amendment C104 to the Mildura Planning Scheme and our recent discussions with Peter Douglas. We have reviewed the amendment as it relates to the Mildura Airport and it would appear there are several inconsistencies with the amendment and enabling the continued operation of the airport.

We hereby make this preliminary submission to the amendment for Council as the Planning Authority to re-consider the amendment documentation. We oppose the amendment in its current form and our submission is as follows:

- The Mildura Airport Masterplan 2017 has not been referenced in the documentation. This is the current masterplan and should be referenced in the planning scheme
- The Special Use Zone 7 is proposed to be removed from the Planning Scheme ordinance which is inconsistent with the continued operation of the airport and its use and development. It would appear the airport will remain included in the SUZ7 on the Planning Scheme maps which we support
- Design and Development Overlay 6, 7 and 8 are proposed to be removed from the Planning Scheme ordinance however they must remain to protect the Obstacle Limitation Surface (OLS) of the airport.

We welcome Council's further consideration of the amendment and the opportunity to review revised documentation.

We reserve our right to make further submissions.

Regards



James Golsworthy Director  
T: (03) 5022 8411 M: 0447 228 411 E: james@gconsult.com.au

PO Box 1650, Mildura, Victoria 3502  
140 Pine Avenue, Mildura, Victoria 3500  
[www.gconsult.com.au](http://www.gconsult.com.au)

## **SUBMISSION NO. 23 (Late - Accepted) – Received 25/11/2021**

**Submitter:** Roy Costa Planning for Jamie Rockliff

**Affected Land (if known):** 650 River Track, Hattah

**Issues Summary:**

- Request for change to zoning from PCRZ to FZ as land is in private ownership.



**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura  
PO Box 2925 Mildura 3502  
Phone (03) 50210031 Email: admin@roycosta.com.au

Our Ref: 21-133  
Your Ref:

25 November 2021

Peter Douglas  
Co-ordinator Strategic Planning  
Mildura Rural City Council  
PO Box 105  
MILDURA VIC 3502

Dear Peter,

**AMENDMENT C104  
MILDURA PLANNING SCHEME  
650 RIVER TRACK HATTAH**

We refer to the above proposed planning scheme amendment currently being undertaken by Mildura Rural City Council.

We act on behalf of Mr Jamie Rockliff, being the purchaser of the subject land; with settlement to occur in the coming days.

The subject land is privately owned and has been for many years.

In accordance with the current zoning provisions of the Mildura Planning Scheme, the subject land is zoned Public Conservation and resource Zone (PCRZ).

As the land is privately owned it is not appropriate to have the subject site located within a Public Conservation and Resource Zone.

The most suitable zoning for the land is Farming Zone (FZ).

Based on the above, we now request Mildura Rural City Council as part of Amendment C104 to the Mildura Planning Scheme rezone the subject land to Farming Zone.

This is the appropriate process to rezone the land as Amendment C104 includes the review of the Mildura Planning Scheme and to correct the anomalies of zoning of properties that are zoned incorrectly.

As the land is privately owned, the land needs to be rezoned in accordance with the planning provisions of all planning schemes and should not be maintained within a zoning for public conservation purposes.

Given the above, we now seek Mildura Rural City Council to rezone land at 650 River Track, Hattah to Farming Zone as part of Amendment C104 to the Mildura Planning Scheme.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ACN 087 497 685 Trading As Roy Costa Planning & Development



We request that we be included in the future processes of this amendment going forward.

If you have any queries in relation to the above, please contact Mr. Roy Costa of our office who will be pleased to assist.

Yours sincerely,



ROY COSTA RPIA  
ROY COSTA PLANNING & DEVELOPMENT



## **SUBMISSION NO. 24 (Late - Accepted) – Received 7/12/2021**

**Submitter:** James Golsworthy Consulting for Matthew McKnight

**Affected Land (if known):** 791 Sandilong Avenue, Irymple

**Issues Summary:**

- Multiple issues.

Peter Douglas  
Coordinator strategic planning  
Mildura Rural City Council  
PO Box 105  
Mildura Victoria 3502

20 August 2021

Dear Peter,

**791 SANDILONG AVENUE IRYMPLE**

We act on behalf of Matthew McKnight landowner of 791 Sandilong Avenue Irymple. Our client would like to establish a garage upon the land. The location available for the garage has a width of 13m and a depth of 26m and a total land area of 340 sqm. The land is included within the General Residential Zone (GRZ1) of the Mildura Planning Scheme. The land is also affected by the Development Design Overlay – Schedule 11 (DD011) Fifteenth Street – Special Use (Community Uses) Precinct. The DD011 states that the setback and landscape requirements are mandatory and cannot be varied by way of permit. This requirement is detailed below.

**Setbacks**

- In accordance with the Fifteenth Street Special Use (Community Uses) Precinct Plan at Clause 7:
  - buildings must be setback a minimum of 10m from the Cowra and Sandilong Avenue boundaries.

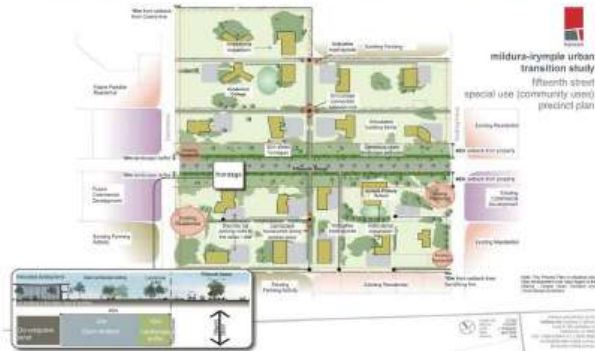


Figure 1 Fifteenth Street Special Use (Community uses) Precinct Plan

Our Ref: 21-100



The above is inconsistent with several developments that already exist adjoining to our client's land. 793, 799 and 801 Sandilong Avenue each have a setback of approximately 4m. We are not in receipt of the planning permits issued for such development. The proposed development proposed by our client has a width of 9.560m and a depth of 15m with a 4.3m setback from the front boundary which is consistent with the adjoining properties. By providing a 10m setback for the development this would not allow adequate area for a development to be undertaken.

The DDO11 should apply to the land that is zoned 'Special Use Zone' and the 'Commercial Zone' in the immediate area that will be developed for a specific community use. The DDO11 should not apply to land that is zoned GRZ1, as the land is for residential use only and not designed for the community to access. The land has been subdivided for residential purposes and does not provide opportunity to accommodate the specified setbacks.

An amendment to the planning scheme should be undertaken to address the setback issues that affect land zoned GRZ1 in the DDO11.



Figure 2 Zone map



Figure 3 Aerial image of Design and Development Overlay affecting the land.



Figure 4 Aerial Image of Locality



Figure 5 Site affected by the DDO11



*Figure 6 Adjoining properties setback that are not consistent with the DDO11*



*Figure 7 Properties in the immediate area with setbacks that are not consistent with the DDO11*

We welcome your support for such amendment to the planning scheme.

Should you require any further information, please contact our office on 03 5022 8411.

Yours sincerely,  
James Golsworthy Consulting



James Golsworthy  
Director

**SUBMISSION NO. # (Late Accepted/Not Accepted) – Received  
#/#/2021**

**Submitter:**

**Affected Land (if known):**

**Issues Summary:**

-

**Copy of Submission #**

## **Appendix 1**

### **Record of Acknowledgement of Submissions**

## Submission 1 Acknowledgement 07-09-2021



File: 13/02/91  
7 September 2021

Mr Roy Costa for Lorwanda Developments Pty Ltd  
Roy Costa Planning & Development  
PO Box 2925  
MILDURA VIC 3502

Email: [reception@roycosta.com.au](mailto:reception@roycosta.com.au)

Dear Mr Costa

**RECEIPT OF SUBMISSION No. 1 – REF: 21-093  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PDjm

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DX 50014, Mildura  
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Ouyen Service Centre 79 Oke Street, Ouyen



## Submissions 2-8 Acknowledgement 13-09-2021



File: 13/02/91  
13 September 2021

Mr Roy Costa for Various Clients  
Roy Costa Planning & Development  
PO Box 2925  
MILDURA VIC 3502

Email: [admin@roycosta.com.au](mailto:admin@roycosta.com.au)

Dear Mr Costa

**RECEIPT OF MULTIPLE SUBMISSIONS – REF: 21-001A  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING POLICY  
FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments. We have assigned the following Submission Numbers to Comments Received to date.

No.	Client Detail	Subject Land
2	Roy Costa for Vicki Airs	615 Fifteenth St, Mildura
3	Roy Costa for Jessica Rix	586 Fifteenth St, Mildura
4	Roy Costa for Garry Davison Holdings Pty Ltd	2042 Fifteenth St, Irymple
5	Roy Costa for Irymple Primary School	2032 Fifteenth St, Irymple
6	Roy Costa for Alexfia Investments Pty Ltd	251 Eleventh St, Mildura
7	Roy Costa for Colvington Pty Ltd	579-597 Fifteenth St, Mildura
8	Roy Costa for Estate of the Late June Gebhart	205 Sixteenth St, Mildura

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas', is written over a light blue horizontal line.

**PETER DOUGLAS**  
**COORDINATOR STRATEGIC PLANNING**  
PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 9 Acknowledgement 21-09-2021**



File: 13/02/91  
21 September 2021

Mr Roy Costa for Alexfia Pty Ltd ATF Alexfia Family Trust  
Roy Costa Planning & Development  
PO Box 2925  
MILDURA VIC 3502

Email: [admin@roycosta.com.au](mailto:admin@roycosta.com.au)

Dear Mr Costa

**RECEIPT OF SUBMISSION 9 – REF: 21-001A  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING POLICY  
FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 10 Acknowledgement 22-09-2021**



File: 13/02/91  
22 September 2021

+

Mr Bob Karaszewych for Tony and Maria Marlais  
Urban Synergistics  
U4, Forestale  
125 Santa Cruz Boulevard  
CLEAR ISLAND WATERS QLD 4226  
Email: [urbansynergistics@bigpond.com.au](mailto:urbansynergistics@bigpond.com.au)

Dear Mr Karaszewych

**RECEIPT OF SUBMISSION No. 10  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 11 Acknowledgement 5-10-2021**



File: 13/02/91  
5 October 2021

Keith & Zena Stewart  
[REDACTED]

Email: [REDACTED]

Dear Mr & Mrs Stewart

**RECEIPT OF SUBMISSION No. 11  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## Submission 12 Acknowledgement 5-10-2021



Mildura Rural City Council

File: 13/02/91  
5 October 2021

Ranine McKenzie  
Goulburn Murray Water  
PO Box 165  
TATURA VIC 3616

Email: [planning.referrals@gmwater.com.au](mailto:planning.referrals@gmwater.com.au)

Dear Sir/Madam

**RECEIPT OF SUBMISSION No. 12  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## Submission 13 Acknowledgement 5-10-2021



Mildura Rural City Council

File: 13/02/91  
5 October 2021

Roy Costa for Various Unnamed Developers  
PO Box 2925  
MILDURA VIC 3502

Email: [admin@roycosta.com.au](mailto:admin@roycosta.com.au)

Dear Sir/Madam

**RECEIPT OF SUBMISSION No. 13 REF: 21-001A  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen



## **Submission 14 Acknowledgement 5-10-2021**



Mildura Rural City Council

File: 13/02/91  
5 October 2021

Evette & Shane Turlan  
[REDACTED]

Email: [REDACTED]

Dear Sir/Madam

**RECEIPT OF SUBMISSION No. 14  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

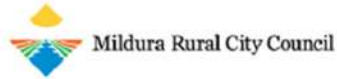
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## **Submission 15 Acknowledgement 6-10-2021**



File: 13/02/91  
6 October 2021

Mr Bob Karaszekwych for Anna Callipari  
Urban Synergistics  
U4, Forestdale  
125 Santa Cruz Boulevard  
CLEAR ISLAND WATERS QLD 4226  
Email: [urbansynergistics@bigpond.com.au](mailto:urbansynergistics@bigpond.com.au)

Dear Mr Karaszekwych

**RECEIPT OF SUBMISSION No. 15  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

I

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 16 Acknowledgement 6-10-2021**



File: 13/02/91  
6 October 2021

Mr Trevor Willcock  
Mildura Airport Pty Ltd  
PO Box SM356  
MILDURA SOUTH VIC 3501

Email: [REDACTED]

Dear Mr Willcock

**RECEIPT OF SUBMISSION No. 16  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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## Submission 17 Acknowledgement 18-10-2021



File: 13/02/91  
18 October 2021

Mr Roy Costa for Various Landowners  
PO Box 2925  
MILDURA VIC 3502

Email: [admin@rovcosta.com.au](mailto:admin@rovcosta.com.au)



Dear Mr Costa

**RECEIPT OF SUBMISSION No. 17 Ref: 21-001A  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PDI/jm

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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 18 Acknowledgement 18-10-2021**



File: 13/02/91  
18 October 2021

Ms Maria Riedl  
[REDACTED]

Email: [REDACTED]

Dear Ms Riedl

**RECEIPT OF SUBMISSION No. 18  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

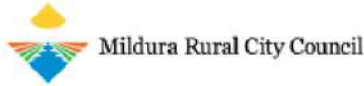
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Ouyen Service Centre 79 Oke Street, Ouyen

**Submission 19 Acknowledgement 19-10-2021**



File: 13/02/91  
19 October 2021

Mr William (Bill) Sutherland

Email:

Dear Mr Sutherland

**RECEIPT OF SUBMISSION No. 19  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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## Submission 20 Acknowledgement 19-10-2021



Mildura Rural City Council

File: 13/02/91  
19 October 2021

Mr James Golsworthy for Lindsay and Hoyle  
James Golsworthy Consulting  
PO Box 1650  
MILDURA VIC 3500

Email: [james@jgconsult.com.au](mailto:james@jgconsult.com.au)



Dear Mr Golsworthy

**RECEIPT OF SUBMISSION No. 20  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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## Submission 21 Acknowledgement 19-10-2021



File: 13/02/91  
19 October 2021

Kaylee Thompson for Trisha Brice  
Planning Team Lead (Strategic), Major Projects & Planning Unit  
Environment Protection Authority Victoria  
GPO Box 4395  
MELBOURNE VIC 3001  
Email: [stratplan@epa.vic.gov.au](mailto:stratplan@epa.vic.gov.au)

Dear Ms Brice

**RECEIPT OF SUBMISSION No. 21  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

Council will consider all comments in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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## Submission 22 Acknowledgement 15-11-2021



File: 13/02/91  
15 November 2021

Mr James Golsworthy for Mildura Airport Pty Ltd  
James Golsworthy Consulting  
PO Box 1650  
MILDURA VIC 3502  
Email: [james@jqconsult.com.au](mailto:james@jqconsult.com.au); [admin@jqconsult.com.au](mailto:admin@jqconsult.com.au)

Dear Mr Golsworthy

**RECEIPT OF LATE SUBMISSION No. 22  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

I remind you that the closing date for submissions was 18 October 2021 and while Council makes every effort to consider all submissions as part of its amendment process in accordance with legislation, Council is not required to consider late submissions as part of its deliberations.

However, on this occasion Council processes have not progressed past the point where we are unable to consider your submission. Therefore your submission and comments will be considered by Council in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission in due course.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

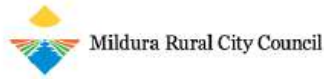
PD/jm

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Deakin Avenue Service Centre 76 Deakin Avenue, Mildura  
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Ouyen Service Centre 79 Oke Street, Ouyen

## **Submission 23 Acknowledgement 26-11-2021**



File: 13/02/91  
26 November 2021

Mr Roy Costa for Jamie Rockliff  
Roy Costa Planning & Development  
PO Box 2925  
MILDURA VIC 3502

Email: [admin@roycosta.com.au](mailto:admin@roycosta.com.au)

Dear Mr Costa

**RECEIPT OF LATE SUBMISSION No. 23 – REF: 21-133  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

I remind you that the closing date for submissions was 18 October 2021 and while Council makes every effort to consider all submissions as part of its amendment process in accordance with legislation, Council is not required to consider late submissions as part of its deliberations.

However, on this occasion Council processes have not progressed past the point where we are unable to consider your submission. Therefore your submission and comments will be considered by Council in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission in due course.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely



**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm

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Deakin Avenue Service Centre 76 Deakin Avenue, Mildura  
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Ouyen Service Centre 79 Oke Street, Ouyen

## Submission 24 Acknowledgement 07-12-2021



Mildura Rural City Council

File: 13/02/91  
7 December 2021

Mr James Golsworthy for Matthew McKnight  
James Golsworthy Consulting  
PO Box 1650  
MILDURA VIC 3502  
Email: [admin@jgconsult.com.au](mailto:admin@jgconsult.com.au)

Dear Mr Golsworthy

**RECEIPT OF LATE SUBMISSION No. 24  
MILDURA PLANNING SCHEME AMENDMENT C104mild  
IMPLEMENTATION OF PLANNING SCHEME REVIEW AND PLANNING  
POLICY FRAMEWORK TRANSLATION**

Mildura Rural City Council acknowledges the receipt of your comments in relation to the above mentioned document and would like to thank you for your time in providing those comments.

I remind you that the closing date for submissions was 18 October 2021 and while Council makes every effort to consider all submissions as part of its amendment process in accordance with legislation, Council is not required to consider late submissions as part of its deliberations.

However, on this occasion Council processes have not progressed past the point where we are unable to consider your submission. Therefore your submission and comments will be considered by Council in its deliberations of Amendment C104mild and you will be advised of Council's response to your submission in due course.

Should you require any further information, please contact me on (03) 5018 8419.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Douglas'.

**PETER DOUGLAS  
COORDINATOR STRATEGIC PLANNING**

PD/jm