

**Mildura Planning Scheme Amendment C104mild
Planning Scheme Review implementation and Planning Policy
Framework translation**

Panel Report

Planning and Environment Act 1987

8 April 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Mildura Planning Scheme Amendment C104mild

Planning Scheme Review implementation and Planning Policy Framework translation

8 April 2022



David Merrett, Chair



Sarah Raso, Senior Member

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Glossary and abbreviations

| | |
|---------------|---|
| the Amendment | Mildura Planning Scheme Amendment C104mild |
| ATS | Amendment Tracking System |
| Council | Mildura Rural City Council |
| DDO | Design and Development Overlay |
| DELWP | Department of Environment, Land, Water and Planning |
| MPS | Municipal Planning Strategy |
| PE Act | <i>Planning and Environment Act 1987</i> |
| PPF | Planning Policy Framework |
| SUZ | Special Use Zone |

Overview

Amendment summary

| | |
|--------------------|--|
| The Amendment | Mildura Planning Scheme Amendment C104mild |
| Common name | Planning Scheme Review implementation and Planning Policy Framework translation |
| Brief description | Implements a new Municipal Planning Strategy and local content to the Planning Policy Framework with many other specific changes |
| Subject land | All land in the municipality |
| Planning Authority | Mildura Rural City Council |
| Authorisation | 3 May 2021 |
| Exhibition | 20 August to 18 October 2021 |
| Submissions | Number of Submissions: 26 Opposed: 23 (in full or part) Appendix A contains a list of submitters |

Panel process

| | |
|------------------------|---|
| The Panel | David Merrett, Chair Sarah Raso, Senior Member |
| Directions Hearing | Video hearing, 3 March 2022 |
| Panel Hearing | Video hearing, 30 March 2022 |
| Site inspections | Not required |
| Parties to the Hearing | Mildura Rural City Council represented by John Keane of Keane Planning and Research |
| Citation | Mildura Planning Scheme PSA C104mild [2022] PPV |
| Date of this report | 8 April 2022 |

Executive summary

Mildura Planning Scheme Amendment C104mild (the Amendment) seeks to implement 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)
- Issues Paper: Special Use Zones 8 and 9 and DDO10 and 11 (2018).

The Amendment replaces the Municipal Strategic Statement at Clause 21 and Local Planning Policies at Clause 22 of the Mildura Planning Scheme with a Municipal Planning Strategy, local policies integrated within the Planning Policy Framework and local schedules to zones, overlays and operational provisions.

Specific changes include:

- 26 changes to zones
- 34 changes to zone schedules
- 27 changes to overlay maps
- 31 changes to overlay schedules
- 8 changes to Particular Provision schedules.

Most of these changes derive from recommendations of the supporting reports or arise from Amendment VC148 and the *Ministerial Direction – Form and Content of Planning Schemes*.

Twenty-six submissions were received. One consultant (Roy Costa) lodged 12 requests to be heard on behalf of his clients. Mr Costa, following discussions with Council, then advised Planning Panels Victoria prior to the Hearing that he did not wish to be heard, but still requested the Panel consider his submissions. No other submitters requested to be a party to the Hearing.

The Panel found that the Amendment is consistent with the new policy framework introduced by Amendment VC148, ensures consistency with *Ministerial Direction on the Form and Content of Planning Schemes* and appropriately introduces new material from other strategic work to ensure it is as up to date as possible.

Key issues raised in submissions included:

- requests to rezone and amend overlay controls for some land and whether these are within the scope of the Amendment
- how to manage existing dwellings in the urban transition area between Mildura and Irymple
- minor edits, corrections and updates.

The Panel agreed with Council that all the requests to rezone land or amend overlay controls were outside of the scope of the Amendment. None of these were exhibited and adjoining landowners would be unaware of these requests. In some cases, they have been referred to the next planning scheme review or other strategic work underway.

Some submissions requested more certainty for existing dwellings in the Fifteenth Street urban transition area. This is an area where the long-held vision for the land does not include dwellings or residential use. The Panel supported the inclusion of provisions for the existing dwellings in Schedule 8 to the Special Use Zone (where some residential use would be compatible with

community uses-based zone) to address this issue but did not agree with submitters the same allowance should be made in Schedule 9 to the Special Use Zone where commercial uses are encouraged.

Several post exhibition changes were proposed by Council; most of which were minor edits, updates or corrections that the Panel supported.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Mildura Planning Scheme Amendment C104mild be adopted as exhibited subject to the following:

1. **Amend Clause 02.02-1 (Council Plan vision) by including reference to the Council Plan 2021–2025, and replacing the vision statement with:**

We will be a place to live, belong and visit with infrastructure and development that enhances our lifestyle.
2. **Amend Clause 02.03 to include Merbein and Red Cliffs before and after Ouyen in the second paragraph.**
3. **Amend Clause 11.01-1L to correct the spelling of Nicols Point to Nichols Point in the heading.**
4. **Amend Clause 18 (Transport) in consultation with the Department of Environment, Land, Water and Planning prior to approval to ensure it is consistent with the changes made by Amendment VC204.**
5. **Amend Schedule 8 to the Design and Development Overlay to replace reference to the 2010 version of the Mildura Airport Master Plan with the 2017 version.**
6. **Amend Schedule 8 to the Special Use Zone to:**
 - a) **insert ‘Dwelling (other than in accordance with Clause 4.0 of this schedule)’ in Section 3 of Table 1**
 - b) **include a cross reference to Schedule 11 to the Design and Development Overlay at Clause 4.0.**
7. **Amend Schedule 9 to the Special Use Zone to include a cross reference to Schedule 10 to the Design and Development Overlay at Clause 4.0.**
8. **Amend Schedule 10 to the Design and Development Overlay to:**
 - a) **replace the word ‘different’ with ‘consistent’ in the first design objective**
 - b) **refer to a ‘6 metre separation’ in the buildings and works controls of Clause 2.0**
 - c) **delete the word ‘native’ from the landscaping provisions at Clause 5.0.**
9. **Amend Schedule 11 to the Design and Development Overlay to:**
 - a) **delete the word ‘native’ from the landscaping provisions at Clause 5.0**
 - b) **insert the words ‘side and rear’ in dot point 3 of Clause 2.0.**
10. **Amend the schedule to Clause 72.08 to include Hansen Partnership as the author of *Ontario-Flora Land Use Vision and Urban Design Framework (2010)*.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the outcomes of the following adopted Council reports:

- Mildura Planning Scheme Review Report (2019)
- Mildura Council Plan (2017–2020)¹
- Mildura Retail Strategy Review (2018)
- Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)
- Issues Paper: Special Use Zones 8 and 9 and Design and Development Overlays (DDO) 10 and 11 (2018).

The Amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Mildura Planning Scheme with a Municipal Planning Strategy (MPS), local policies integrated within the Planning Policy Framework (PPF) and local schedules to zones, overlays and operational provisions.

The Amendment makes the following changes to the content of Clauses 21 and 22 of the Mildura Planning Scheme:

- relocates the content to the appropriate headings in the MPS, PPF and local schedules
- clarifies and improves the style, format, language or grammatical form in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*
- updates clause references, department names, legislation names, document references, terminology and statistical data
- deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions
- removes repetitive content
- removes or updates outdated content.

Appendix B of this report contains the specific exhibited changes that are proposed to the Mildura Planning Scheme. This includes:

- 26 changes to zones
- 34 changes to zone schedules
- 27 changes to overlay controls
- 31 changes to overlay schedules
- 8 changes to Particular Provision schedules.

Most of these changes derive from recommendations of the supporting reports or arise from Amendment VC148 and *Ministerial Direction – Form and Content of Planning Schemes*.

Appendix C contains the document list.

¹ Following exhibition, a new Council Plan for 2021 to 2025 was adopted

(ii) Post exhibition changes

In its closing submission Council proposed several post exhibition changes to the MPS, PPF, particular provisions and planning controls for the Fifteenth Street urban transition area. These are addressed in Chapter 5 of this Report.

1.2 Background

The following is a summary and status of the various strategic reports that form the basis of this Amendment.

(i) Mildura Planning Scheme Review Report (2019)

This review was completed by Ethos Urban and adopted by Council on 24 April 2019.

The review outlined the major planning policy changes since the last review and the key issues and policy gaps that had influenced the municipality's strategic planning. The findings of the review report support a series of recommendations that will inform the work program for future amendments to the Mildura Planning Scheme.

Mindful of the changes to the planning system introduced by Amendment VC148, the review report findings included (in summary) the need to:

- translate its existing Local Planning Policy Framework into the new PPF model as required by the Department of Environment, Land, Water and Planning (DELWP)
- modify all existing zone and overlay schedules to comply with the *Ministerial Direction on Form and Content of Planning Schemes*
- prepare and exhibit a full planning scheme amendment inclusive of the new PPF, modified zones, overlays, particular provisions and schedules so as to comply with Amendment VC148.

Council noted that the 2014 planning scheme review had not been fully implemented and some of these recommendations have been carried forward to this Amendment.

(ii) Mildura Council Plan (2017–2020)

The exhibited Amendment refers to the 2017–2020 version of the Council Plan. Since exhibition Council has adopted a 2021–2025 version and Council has put forward revised text for Clause 02.02 (Vision).

(iii) Mildura Retail Strategy Review (2018)

This review was completed by Essential Economics and Tract and was adopted by Council on 24 October 2018. It assessed the future trends informing the retail context of urban Mildura and its surrounds and provided an updated strategy to guide retail development for the period to 2035.

The report noted that:

- significant changes have occurred since 2010 which have impacted Mildura's retail sector
- there have been new retail developments along Fifteenth Street and in Irymple
- changes to the land use zones have been made that are relevant to retail development
- there has been continued expansion of urban Mildura in a southerly direction.

The above changes have given rise to the need to assess opportunities for neighbourhood level retailing in Mildura South.

The strategic directions in the MPS and strategic map changes in the Amendment are a direct outcome of the review.

(iv) Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)

This plan was completed by Centrum Town Planning and adopted by Council in 2019 at the same time as the planning scheme review report.

The Loddon Mallee Waste and Resource Recovery Group commenced an evidence-based evaluation in August 2015 to develop a regional implementation plan for integrated state-wide waste and resource recovery.

The plan identified the infrastructure required to manage the region's waste, including landfills, and materials for recovery for the next 10 years and beyond. It also identified opportunities for new facilities, particularly for sorting and processing materials for re-use and return to the regional economy and environment. The plan included an action plan to reduce materials disposed to landfill and increase materials recovery and reprocessing in the region.

Several zone (Schedule 6 to the Public Use Zone) and overlay (Environmental Audit Overlay) map changes in the Amendment are a direct outcome of the plan.

(v) Issues Paper: Special Use Zones 8 and 9 and Design and Development Overlays 11 and 12 (2018)

This review was completed by Tract and adopted by Council in 2018.

The 2014 planning scheme review report identified the need to undertake further work to review the controls in Schedules 8 and 9 to the Special Use Zone (SUZ) and Schedules 10 and 11 to the Design and Development Overlays (DDO) that apply to the Mildura and Irymple urban transition area.

This involved a review of the planning scheme controls, Council policy and studies and background material informing the zones at the time of introduction, and consultation on the implementation of the zones and overlays over the past decade.

The outcome of the review recommended changes to both zones and overlays with the objectives and controls responding to:

- consistency in urban design regarding building setbacks
- preservation of options for future development and the preservation of options for potential land use change long term
- consolidation of the schedule provisions by removing sections that repeat other requirements of the planning scheme such as car parking, vehicle loading, and contradictory statements on materials and finishes.

1.3 Procedural issues

Mr Costa, acting on behalf of several clients, lodged 12 requests to be heard at the Hearing. The Panel allocated a two-hour block of time for Mr Costa to present on behalf of his clients.

Planning Panels Victoria was advised by Mr Costa on 18 March 2022, that following further discussions with Council, he would not attend the Panel Hearing. Mr Costa did not withdraw the submissions and asked the Panel to consider them.

No other submitters requested to be heard, so the Panel heard from Council and closed the Hearing.

Ms Raso was not able to attend the Hearing due to illness but has assisted in the preparation of this Report.

1.4 Summary of issues raised in submissions

(i) Mildura Rural City Council

The key issues for Council were:

- most submissions requested changes outside of the scope of the Amendment
- there is not a shortage of residential land in Mildura and land will be rezoned in an orderly manner and not based upon individual landowners requests
- the Fifteenth Street zone and overlay regime for the Mildura Irymple urban transition area is appropriate, with minor edits.

(ii) Relevant agencies

The Environment Protection Authority did not object but requested Council to consider Ministerial Direction 1 *Potentially Contaminated Land* and Planning Practice Note 30 *Potentially Contaminated Land 2021* for the rezonings that would allow for sensitive land uses.

(iii) Individual submitters or groups of submitters

The key issues by submitters were:

- Mildura has a residential land supply shortage and more land should be rezoned accordingly
- existing dwellings in the Fifteenth Street urban transition area should be allowed to be extended and redeveloped for residential uses
- site specific changes to planning controls should be supported.

These submissions remained unresolved.

1.5 The Panel's approach

Three submissions (Nos. 6, 11 and 12) supported individual changes proposed by the Amendment. The Panel does not consider these further.

Council considered several submissions were resolved following further discussions with submitters. No submissions were withdrawn. These submitters did not request to be heard and the Panel accepts the following submissions have been resolved:

- Submission 10 that requested clarity from Council on the amended Heritage Overlay (HO110) for land at 138 Cureton Avenue, Nichols Point. Council provided a response to the submitter by email on 16 September 2021. No further response was received from the submitter.
- Submission 14 that requested confirmation the amended Heritage Overlay (HO130) was to apply to part of the land at 16 Cooke Street, Nichols Point and not its entirety. Council confirmed this was correct on 29 September 2021. The submitter acknowledged this advice.

- Submission 16 that sought some clarity for noise attenuation measures for land surrounding the Mildura Airport. Council provided a response on 28 September 2021. The submitter acknowledged this advice.
- Submission 22 raised concern over the deletion of SUZ7 at the Mildura Airport and that the 2017 version of the Mildura Airport Master replace the 2010 version referred to in DDO08. Council advised the submitter that SUZ7 was not deleted but is to be amended, and that it will update DDO08 to refer to the 2017 master plan.

As the Panel has not heard from Mr Costa it has restricted its consideration to his written submissions (Nos. 1, 2, 3, 4, 5, 7, 8, 9, 13, 17, 23, 25 and 26) received during and after the exhibition of the Amendment, and Council's response. The Panel also considers the balance of the other submissions (Nos. 15, 18, 19, 20, 21 and 24).

The Panel notes that the drafting of the MPS and PPF was a collaborative effort between Council and DELWP staff. It was subject to several delays, principally due to changes to the drafting of planning schemes evolving out of the approval of Amendment VC148 and an authorisation letter that comprised 8 pages and covered many issues. The Panel understands that the delays were out of the Council's control and what has been produced is a new MPS and PPF that is contemporary and succinct and, importantly, compliant with Amendment VC148. An example of delays in the process is that Council requested authorisation in September 2020 and did not receive a response for 8 months. The Amendment was eventually exhibited in August 2021. The Panel is unsure why authorisation took this long, however as a step in the process to ensure state policy is protected it does seem an inordinate amount of time that has led to this Amendment implementing a planning scheme review from 2019 at the same time as Council is about to embark on its next planning scheme review.

The Panel agrees with Council that many of the submissions raise issues either not relevant to the Amendment; or are out of its scope. In all cases Council has referred those type of submissions to the next planning scheme review, which is to be concluded by the end of 2022. Notwithstanding this, the Panel does explore some issues with the Fifteenth Street urban transition area which attracted six submissions and has taken the opportunity to correct errors in the exhibited Amendment C104mild documents and endorse the agreed changes between Council and submitters where appropriate.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the planning scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment and Council's Part A and Part B submissions presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions.

This Report deals with the issues under the following headings:

- Planning context
- Submissions to be considered by the next planning scheme review
- Fifteenth Street, Mildura
- Consequential and post exhibition changes.

2 Planning context

2.1 Planning policy framework

Council's Part A submission provided a strategic assessment of the Amendment and a discussion of the overarching policy context.

Council advised it had inserted local content into the new MPS and PPF at:

- Clause 11.01-1L – Settlement (Mildura and Nichols Point, Urban transition area, Irymple, Merbein, Red Cliffs, Cabarita, Ouyen, College lease land
- Clause 11.03-1L – Mildura CBD, Fifteenth Street and City Gate precincts, Deakin Avenue, Horticultural edge precinct, Residential precinct, City gate precinct, Mixed use precinct, City core precinct
- Clause 11.03-2L – Growth areas
- Clause 12.01-1L – Protection of biodiversity
- Clause 12.03-1L – River corridors, waterways, lakes and wetlands
- Clause 13.07-1L – Land use conflicts
- Clause 14.01-1L - Sustainable agricultural land use, use and development in the Farming Zone, dwellings and subdivision in Mildura Older Irrigate Areas, dwellings in future growth areas in the Farming Zone
- Clause 15.01-1L – Urban design in Mildura
- Clause 15.01-3L – Subdivision design
- Clause 15.01-5L – Low density residential character
- Clause 15.02-1L – Energy and resource efficiency
- Clause 15.03-1L – Heritage conservation in Mildura
- Clause 16.01-1L – Housing supply in Mildura, worker and budget accommodation
- Clause 16.01-3L – Rural residential locations, Woorlong wetlands rural residential development
- Clause 17.03-1L – Mildura Rural City Industrial land supply and Thurla industrial land supply
- Clause 17.04-1L – Facilitating tourism in Mildura
- Clause 18.01-2L – Transport in Mildura
- Clause 18.02-1L – Sustainable personal transport in Mildura
- Clause 18.02-4L – Car parking
- Clause 18.04-1L – Planning for Mildura Airport and environs
- Clause 19.01-2L – Renewable energy
- Clause 19.02-6L – Open space
- Clause 19.03-2L – Infrastructure design and provision
- Clause 19.03-3L – Integrated water management.

Council submitted that the policy directions in the Amendment were consistent with the PPF and highlighted the various Background Documents that had been prepared to inform the new PPF more broadly.

2.2 Other relevant planning strategies and policies

(i) Loddon Mallee North Regional Growth Plan

The Loddon Mallee North Regional Growth Plan provides broad direction for land use and development across the Loddon Mallee North region, as well as more detailed planning frameworks for the key regional city of Mildura, including Irymple, Red Cliffs and Merbein.

The Panel accepts that the Amendment supports the Loddon Mallee Regional Growth Plan.

(ii) Municipal Planning Strategy

The Amendment introduces a new MPS.

Clause 02.01 outlines the local context. Clause 02.02 outlines the vision as informed by the Council Plan 2021–2025 and a land use planning vision. Clause 02.03 outlines the strategic directions for:

- Settlement
- Environment and land scape values
- Environmental risks and amenity
- Natural resource management
- Built form and heritage
- Housing
- Economic development
- Transport
- Infrastructure.

Clause 02.04 contains the Mildura strategic framework plan.

2.3 Ministerial Directions and Practice Notes

The Explanatory Report and Council’s Part A submission discuss how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018. That discussion is not repeated here.

Many of the zone and overlay schedule changes (65 in total) are required to comply with the *Ministerial Direction on the Form and Content of Planning Schemes*.

2.4 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Submissions to be considered by the next planning scheme review

3.1 The issues

The issues are whether:

- sufficient justification has been provided for the requests
- the requests are within the scope of the Amendment.

3.2 Evidence and submissions

Submissions 1, 8, 15, 17, 18, 19, 20, 23, 25 and 26 requested mainly zone or overlay changes. Council considered the submissions to be either outside the scope of the Amendment or lacking in strategic justification. In all cases Council referred them to the next planning scheme review.

Table 1 is adapted from Council's Part B submission and details its response to each submission.

Table 1 Council response to submissions relating to issues to be addressed by the next planning scheme review

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|----|---|---|---|---|
| 1 | Roy Costa (Lorwanda Developments) | Seeks to rezone the land at 802-814 Etiwanda Avenue, Mildura and on the Eastern side of Etiwanda Avenue between Fifteenth Street and Sixteenth Street to General Residential Zone 1 | <p>The subject land is located within the Farming Zone within the future residential area identified in the Mildura South Precinct Structure Plan.</p> <p>The request is outside the scope of this amendment and no strategic basis has been demonstrated to enable submission to be supported.</p> <p>Mildura East Growth Area Strategic Framework project, currently being prepared by Council for completion in 2022, will inform consideration of the matter proposed.</p> <p>While the subject land is identified within the Mildura South Precinct Structure Plan, rezoning of the subject land is considered premature.</p> <p>This matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>Not able to be supported at this time</p> <p>No change to Amendment</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 8 | Roy Costa (Estate of late June Gebhart) | Requests the removal of DDO14 from 205 Sixteenth Street, Mildura. | <p>Outside the scope of this amendment.</p> <p>No strategic basis demonstrated to enable submission to be supported.</p> <p>This matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|-----|--------------------------------|---|---|--|
| 15 | Bob Karaszekewych | Requests that HO175 be investigated and be applied correctly regarding 310 Cowra Avenue, Mildura. | No house remains on the land, only outbuildings and an ash heap. Council was unable to identify the former heritage residence within the <i>Andrew Ward Heritage Study 1987</i> . Further investigation should be conducted outside of this amendment before any recommendation to remove the overlay can be provided. Matter to be referred to Mildura Heritage Study Stage 2 project currently underway. | Not supported. No change to Amendment. Refer to Panel and next Planning Scheme Review. |
| 17 | Roy Costa (various landowners) | Requests residential zoning for Wells Drive area in Merbein. | Outside the scope of this amendment. No strategic basis has been demonstrated to enable submission to be supported. This matter requires further investigation and should be referred to the next planning scheme review process for consideration. | Not supported. No change to Amendment. Refer to Panel and next Planning Scheme Review. |
| 18a | Maria Riedl | Requests rezoning of SUZ8 along Fifteenth Street from Cowra Avenue to Karadoc Avenue. Requests high-quality residential between Mildura and Irymple (Eleventh-Sixteenth Street). Requests residential housing next to educational facilities, particularly Irymple Primary School. Requests residential development around schools in Mildura and Irymple (not low-density). | No new or substantive evidence has been presented to warrant a change from the adopted position and is therefore outside the scope of this amendment. No strategic basis demonstrated to enable submission to be supported. Mildura East Growth Area Strategic Framework project, currently being prepared by Council for completion in 2022, will inform consideration of the matter proposed. | Not supported. No change to Amendment. Refer to Panel and next Planning Scheme Review. |
| 18b | Maria Riedl | Requests no further access from SUZ9 onto Cowra Avenue. Requests traffic lights to replace the roundabout on Cowra Avenue and Fifteenth Street, coordinated with the lights at Sandilong Avenue. Requests no more shops or offices from Cowra Avenue till well past Irymple. Requests a multi-purpose/library building for Irymple. Requests visitors welcoming centre in Irymple. Requests more car parking spaces for trucks and caravans. | No new or substantive evidence has been presented to warrant a change from the adopted position and is therefore outside the scope of this amendment. No strategic basis demonstrated to enable submission to be supported. This matter requires further investigation and should be referred to the next planning scheme review process for consideration. | Not supported. No change to Amendment. Refer to Panel and next Planning Scheme Review. |

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|-----|--------------------------------|---|--|---|
| 18c | Maria Riedl | Requests Angel Grove be opened up from Sandilong to Cowra Avenue to allow access. | <p>Outside the scope of this amendment, no strategic basis demonstrated to enable submission to be supported.</p> <p>Angel Grove and the adjoining land are contained within the Low Density Residential Zone and Development Plan Overlay Schedule 4 which requires preparation of a Development Plan to be prepared in accordance with the schedule.</p> <p>This matter requires further investigation undertaken as part of that process.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 18d | Maria Riedl | <p>Seeks clarification of what the Irymple DCP payments are going to be used for.</p> <p>Seeks clarification of why the SUZ8 zone between Cowra to Sandilong is not Irymple when Irymple Primary is there but is left out of Irymple.</p> | <p>Outside the scope of this amendment.</p> | <p>No further action required.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 19a | William (Bill) Sutherland | <p>Requests residential development around schools in Mildura and Irymple (not low-density).</p> <p>Requests measured residential development to Sixteenth Street or Seventeenth Street, and all the way to the river eastwards.</p> <p>Requests industrial development south of the railway line between Eleventh Street and Fourteenth Street, north of Sandilong Avenue.</p> | <p>No new or substantive evidence has been presented to warrant a change from the adopted position and is therefore outside the scope of this amendment.</p> <p>No strategic basis demonstrated to enable submission to be supported.</p> <p>Mildura East Growth Area Strategic Framework project, currently being prepared by Council for completion in 2022, will inform consideration of the matter proposed.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 19b | William (Bill) Sutherland | <p>Objects to the extension of industrial land along Benetook Avenue from Fifteenth Street towards Sixteenth Street.</p> | <p>Outside the scope of this amendment, no strategic basis demonstrated to enable submission to be supported.</p> <p>This matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 20 | James Golsworthy | <p>Requests 514 and 588 Wentworth Road, Yelta to be considered for rezoning for rural lifestyle purposes as part of a future investigation.</p> | <p>Outside the scope of this amendment.</p> <p>No strategic basis has been demonstrated to enable submission to be supported.</p> <p>This matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>No action required</p> <p>Refer to Panel and the next Planning Scheme Review.</p> |
| 23 | Roy Costa (Jamie Rockliff) | <p>Requests rezoning of 650 River Track, Hattah to Farming Zone to correct an anomaly regarding private land zoned PCRZ.</p> | <p>While a relatively minor issue, and possibly an anomaly, this matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |
| 25 | Roy Costa (Various landowners) | <p>644 Sandilong Avenue, Irymple</p> | <p>Outside the scope of this amendment and no strategic basis has been demonstrated to enable submission to be supported.</p> <p>This matter requires further investigation and should be referred to the next planning scheme review process for consideration.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel and next Planning Scheme Review.</p> |

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|----|-----------------------------------|--|---|--|
| 26 | Roy Costa (Various landowners) | Cowra and Sandilong Avenues, Nichols Point | Outside the scope of this amendment and no strategic basis has been demonstrated to enable submission to be supported. This matter requires further investigation and should be referred to the next planning scheme review process for consideration. | Not supported. No change to Amendment. Refer to Panel and next Planning Scheme Review. |

Source: Council Part B submission adapted from table in Section 2.1.2

3.3 Discussion and conclusion

The Panel agrees with Council that submissions that request a change in planning controls for land that have not been exhibited are beyond the scope of the Amendment. Council emphasised the need to take a long-term strategic approach to planning in Mildura that may not have been particularly evident in the past; a position the Panel strongly supports.

If Mr Costa believes he has a strong strategic case for his clients, he can pursue a proponent-led Amendment to the planning scheme. However, the Panel did not have the benefit of hearing from Mr Costa and understands there was further discussion with Council staff. The Panel assumes Mr Costa was satisfied that the issues he had raised were to be addressed by the next planning scheme review.

The basis of many requests made by Mr Costa was that there was not a sufficient residential land supply in Mildura. However, Council advised that currently zoned land “*represents an adequate land supply for the next 15 to 18 years.*” This comprises land for 6,000 dwellings. This does not include infill development expected in Mildura (2,200 dwellings) or residential development in Irymple (500-600 dwellings), Nichols Point (350 dwellings) or Red Cliffs (1,000-1,200 dwellings). It also does not include the significant residential supply from the Mildura East Growth Area that Council has started the strategic implementation for.

The Panel is satisfied there is currently an adequate residential land supply.

4 Fifteenth Street, Mildura

4.1 The issues

The issue is whether the zone and overlay regime for the Fifteenth Street urban transition area between Mildura and Irymple should be deleted or modified.

4.2 Evidence and submissions

Submissions 2, 3, 4, 5, 7 and 24 relate to the urban transition area between Mildura and Irymple on Fifteenth Street.

Table 2 is adapted from Council's Part B submission and details its response to each submission.

Table 2 Council response to relevant submissions relating to Fifteenth Street

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|----|----------------------------|---|---|---|
| 2 | Roy Costa (Vicki Airs) | <p>Seeks clarification regarding changes to the zone and overlay changes affecting 615 Fifteenth Street, Mildura.</p> <p>The submitter further seeks confirmation that the amendment will provide for development of the subject land, not subject to the existing setbacks precluding development and otherwise confirms an objection if it does not.</p> | <p>615 Fifteenth Street Mildura (approx. 761sqm) containing an existing dwelling located within SUZ9 and DDO10. Recommendations at pages 33 and 34 of the Issues Paper described the changes provided for in the amendment at Clause 37.01-9 and Clause 43.02-10.</p> <p>The proposed amendment does not alter the nature of the front setbacks applying to the subject land which have the most impact.</p> <p>The Issues paper found that given that the Special Use 9 Zone is effectively a commercial zone, entrenching the existing dwellings is contrary to the zone objectives and therefore the existing planning scheme provisions about dwellings should remain.</p> <p>Without them, the setback provisions providing consistency of the interface along Fifteenth Street would be compromised.</p> | <p>Not supported.</p> <p>No change to Amendment.</p> <p>Refer to Panel.</p> |
| 3 | Roy Costa (Jessica Rix) | <p>Seeks clarification regarding changes to the zone and overlay changes affecting 586 Fifteenth Street, Mildura.</p> <p>The submitter further seeks confirmation that the amendment will provide for development of the subject land in its own right, not subject to the existing setbacks precluding development and otherwise confirms an objection if it does not.</p> | <p>586 Fifteenth Street Mildura (approx. 590sqm) containing an existing dwelling located within SUZ9 and DDO10. Recommendations at pages 33 and 34 of the Issues Paper describe the changes provided for in the amendment at Clause 37.01-9 and Clause 43.02-10.</p> <p>The proposed amendment does not alter the nature of the front setbacks applying to the subject land, which have the most impact.</p> <p>The Issues Paper found that given that the Special Use 9 Zone is effectively a commercial zone, entrenching the existing dwellings is contrary to the zone objectives and therefore the existing planning scheme provisions regarding dwellings should remain.</p> <p>Without them, the setback provisions providing consistency of the interface along Fifteenth Street would be compromised.</p> | <p>Not supported</p> <p>No change to Amendment</p> <p>Refer to Panel.</p> |

| No | Submitter | Issue | Council Analysis | Council Recommendation |
|----|---|---|---|--|
| 4 | Roy Costa (Garry Davison Holdings Pty Ltd) | Believes the Issues Paper removes DDO11 from GRZ1 land and seeks clarification if this is incorrect. The submitter further seeks removal of DDO11 from the C1Z part of land at 2042 Fifteenth Street, Mildura. | 2042 Fifteenth Street, Mildura comprises two parcels, one of approx. 0.19 ha vacant land located within GRZ1 and DDO11 and the other of approx. 0.05 ha land containing an existing commercial building located within C1Z and DDO11. The Issues Paper does not remove DDO11 from the GRZ1 land but instead inserts an exception as a dot point under Section 2 Buildings and Works. Recommendation at Page 32 of the Issues Paper describing the changes provided for in the amendment at Clause 43.02-11. | Not supported. No change to Amendment. Refer to Panel. |
| 5 | Roy Costa (Irymple Primary School) | Requests DDO11 be removed from the Irymple Primary School site. | The subject land is located within the Public Use Zone 2 and DDO11. Without the overlay, the setback provisions providing consistency of the interface along Fifteenth Street would be compromised. | Not supported. No change to Amendment. Refer to Panel. |
| 7 | Roy Costa (Colvington Pty Ltd) | Requests the removal of the PAO from the front of 579-597 Fifteenth Street Mildura. | The subject land is located within SUZ9 and DDO10. Without the PAO, the setback provisions providing consistency of the interface along Fifteenth Street would be compromised. It was submitted that VicRoads no longer required the overlay yet no evidence has been tendered to substantiate that claim. The Issues Paper (page 13) notes that VicRoads were consulted during the process and indicated that the PAO should remain. | Not supported. No change to Amendment. Refer to Panel. |
| 24 | James Golsworthy (Matthew McKnight) | Requests DDO11 be removed from the GRZ1 land at the corner of Fifteenth Street and Sandilong Avenue. | No new or substantive evidence has been presented to warrant a change from the adopted position and is therefore outside the scope of this amendment. No strategic basis has been demonstrated to enable submission to be supported. | Not supported. No change to Amendment. Refer to Panel. |

Source: Council Part B submission adapted from table in Section 2.1.4

Council submitted that these submissions need to be viewed through a long term strategic prism:

Each submission also needs to be assessed in the totality of what is trying to be achieved along 15th Street in the long term. 'One-off' incursions might seem innocent enough, but it is the cumulative effect of these 'one-off' decisions that can quickly erode the long-term vision. In simple terms, the 1.2 kilometre stretch of the 'non-urban' break between Irymple and Mildura is to provide an impressive entrance to the city that is quite different from other regional cities.

Each submission therefore needs to be assessed through the prism of the long term and generational 15th Street 'strategy'. Dwellings are not part of that future but those that are there now will always be protected by the existing provisions of the scheme. But they do not form part of the long-term plan for the strip.

For as long as there has been a new format planning scheme in Mildura, there has been a commitment to a separation or 'non-urban break' between the towns of Mildura and Irymple.

Council submitted this was reinforced by the first planning scheme review in 2003 and subsequent reviews, planning scheme amendments, Panel reports, VCAT reviews and further detailed investigations.

The latest iteration of strategic work is provided by the Tract supporting report in this Amendment. Council advised *“the ‘Tract’ report recommended changes to both zones and overlays with the objectives of responding to:*

- *consistency in urban design with regard to building setbacks*
- *preservation of options for future development and the preservation of options for potential land use change long term*
- *consolidation of the schedule provisions by removing sections that repeat other requirements of the planning scheme such as car parking, vehicle loading, and contradictory statements on materials and finishes.”*

The most significant issue from submissions was how to address dwellings that existed prior to the urban transition policies being introduced. The current provisions of the SUZ8 and SUZ9 prohibit dwellings. Council advised that the Tract report recommended SUZ8 (community uses-based zone) be amended to insert the following new provision for existing dwellings:

Where a dwelling exists as at 1 January 2018 within the setbacks to Fifteenth Street required by this overlay, the following exemptions apply to a single dwelling only:

- The building setback requirements of section 2.0 of this overlay do not apply.
- Existing dwellings may be extended and modified to the rear and side of the dwelling only.
- Dwellings may be replaced providing the front setbacks of the existing dwelling are retained.

Council did not support the same change to SUZ9 which is *“effectively a commercial zone and a zone in which residential land use is generally incompatible. Any encouragement of the retention of the three dwellings that exist within it would not be compatible with the intended land use by the zone.”*

4.3 Discussion and conclusion

Council provided a tracked version of the exhibited changes the urban transition area in the SUZ8, SUZ9, DDO10 and DDO11 in its Part B submission (Document 6). Further post exhibition changes are considered in Chapter 5 of this Report.

The Panel accepts that the policy basis for a separation between Mildura and Irymple along Fifteenth Street has been a long-held ambition with strong community support. This is achieved effectively through use controls (with commercial uses as a focus in SUZ9 and community uses in SUZ8), built form controls (such as significant setbacks and separation between buildings) and landscaping controls (significant areas particularly fronting Fifteenth Street). The tailored planning controls developed out of the interface study in 2006 and the Panel accepts there will be a need to amend these as issues arise.

There will always be existing uses that need to be addressed with new planning controls for brownfield areas. This part of Fifteenth Street is not a greenfield undeveloped area. Some uses will fit the new vision, and some will not. Those that don't will transition out over time. The key issue is to not entrench them to a point where the achievement of the vision is impeded. The Panel considers Council has reached an appropriate balance with the treatment of existing dwellings in this area. The Panel agrees with all exhibited changes, particularly the existing

dwelling provisions of SUZ8, to the planning controls subject to some refinements addressed in Chapter 5.

5 Consequential and post exhibition changes

5.1 The issue

The issue is whether the post exhibition changes supported by Council are appropriate.

5.2 Submissions

Council proposed the changes detailed in Table 3:

- referring to the current Council Plan 2021–2025
- further changes resulting from Amendment VC204 to Clause 18 (Transport)
- changes to SUZ8
- changes to DDO08, DDO10 and DDO11.

Table 3 Council supported post exhibition changes

| Clause | Proposed change |
|----------|--|
| 02.02 | Include new 2021-2025 Council Plan reference |
| 02.02 | Include new Council Vision from page 28 of the Council Plan |
| 02.03 | Include reference to Merbein and Red Cliffs |
| 11.01-1L | Correct the spelling of Nicols Point |
| 16.01-1L | Delete duplication |
| 18 | No content changes Make structural change at direction of DELWP |
| 66.06 | Remove reference to ESO3. |
| 72.08 | Include 'Hansen Partnership' as the author of the 'Ontario-Flora Land Use Vision and Urban Design Framework (2010) |
| SUZ8 | <ul style="list-style-type: none"> ▪ include 'Dwelling (other than in accordance with Clause 4 of this schedule) in Section 3 ▪ include a cross reference to DDO11 in Clause 4 |
| SUZ9 | Include a cross reference to DDO10 in Clause 4 |
| DDO08 | Include updated reference to Mildura Airport Master Plan 2017 |
| DDO10 | <ul style="list-style-type: none"> ▪ replace the word 'different' with 'consistent' in the initial objective ▪ include reference to a '6 metre separation' in the Buildings and Works controls at Clause 2 ▪ remove the word 'native' from the schedule in respect of landscaping at Clause 5 |
| DDO11 | <ul style="list-style-type: none"> ▪ include 'and rear' to dot point 3 in Clause 2 ▪ remove the word 'native' from the schedule in respect of landscaping at Clause 5 |

Source: Council Part C submission

5.3 Discussion and conclusion

Council provided a list of post exhibition changes in its closing submission. Many of these are:

- logical (such as referring to the new Council Plan)
- corrections (spelling Nichols Point correctly)

- to ensure accuracy (referring to Merbein and Red Cliffs as towns that have a growing population in Clause 02.02)
- to faithfully implement background and supporting report recommendations (minor word changes to DDO10)
- to correct errors in the Amendment Tracking System (ATS) authoring process (reinstating text that had 'dropped off').

The Panel supports the minor updates and makes appropriate recommendations.

Others, such as updating Clause 18 in response to Amendment VC204 and cross referencing the relevant DDO in the SUZ provisions for Fifteenth Street require further consideration.

Council sought a general recommendation from the Panel that Clause 18 should be updated prior to the adoption of the Amendment to ensure it was consistent with Amendment VC204. The Panel agrees with this and makes an appropriate recommendation.

The cross referencing of planning controls is generally not supported in the new approach to drafting planning controls. Council advised the cross referencing of the relevant DDO schedules in the SUZ8 and SUZ9 was proposed in the authorisation documents but was removed prior to exhibition. The Panel considers in this instance where there is a package of tailored planning controls which are mutually supportive there is justification to list the relevant DDO as a decision guideline in the relevant SUZ. It would provide greater clarity and certainty to the user that there are two important and overlapping planning controls for this area. On this occasion, the Panel supports this request.

Council requested the deletion of the ESO3 in the schedule to Clause 66.06 as ESO3 was merged with ESO4. This is logical however the Panel version of the schedule to Clause 66.06 already has this deleted. This may be another issue with the ATS authoring process, but the Panel position is that the ESO3 is now a deleted control, and the planning scheme should not refer to it in any form.

5.4 Recommendations

The Panel recommends:

1. **Amend Clause 02.02-1 (Council Plan vision) by including reference to the Council Plan 2021–2025 and replacing the vision statement with:**
We will be a place to live, belong and visit with infrastructure and development that enhances our lifestyle.
2. **Amend Clause 02.03 to include Merbein and Red Cliffs before and after the reference to Ouyen in the second paragraph.**
3. **Amend Clause 11.01-1L to correct the spelling of Nicols Point to Nichols Point in the heading.**
4. **Amend Clause 18 (Transport) in consultation with the Department of Environment, Land, Water and Planning prior to approval to ensure it is consistent with the changes made by Amendment VC204.**
5. **Amend Schedule 8 to the Design and Development Overlay to replace reference to the 2010 version of the Mildura Airport Master Plan with the 2017 version.**

6. **Amend Schedule 8 to the Special Use Zone to:**
 - a) insert 'Dwelling (other than in accordance with Clause 4.0 of this schedule)' in Section 3 of Table 1
 - b) include a cross reference to Schedule 11 to the Design and Development Overlay at Clause 4.0.
7. **Amend Schedule 9 to the Special Use Zone to include a cross reference to Schedule 10 to the Design and Development Overlay at Clause 4.0.**
8. **Amend Schedule 10 to the Design and Development Overlay to:**
 - a) replace the word 'different' with 'consistent' in the first design objective
 - b) refer to a '6 metre separation' in the buildings and works controls of Clause 2.0
 - c) delete the word 'native' from the landscaping provisions at Clause 5.0.
9. **Amend Schedule 11 to the Design and Development Overlay to:**
 - a) delete the word 'native' from the landscaping provisions at Clause 5.0
 - b) insert the words 'side and rear' in dot point 3 of Clause 2.0.
10. **Amend the schedule to Clause 72.08 to include Hansen Partnership as the author of *Ontario-Flora Land Use Vision and Urban Design Framework (2010)*.**

Appendix A Submitters to the Amendment

| No. | Submitter |
|-----|--|
| 1 | Roy Costa on behalf of Lorwanda Developments Pty Ltd |
| 2 | Roy Costa on behalf of Vicki Airs |
| 3 | Roy Costa on behalf of Jessica Rix |
| 4 | Roy Costa on behalf of Garry Davison Holdings Pty Ltd |
| 5 | Roy Costa on behalf of Irymple Primary School |
| 6 | Roy Costa on behalf of Alexfia investments Pty Ltd |
| 7 | Roy Costa on behalf of Colvington Pty Ltd |
| 8 | Roy Costa on behalf of the Estate of Late June Gebhart |
| 9 | Roy Costa on behalf of Alexfia Pty Ltd and ATF Alexfia Family Trust |
| 10 | Bob Kraszkewych on behalf of Tony and Maria Marlais |
| 11 | Keith and Zena Stewart |
| 12 | Goulburn Murray Water |
| 13 | Roy Costa on behalf of 'various unnamed developers' |
| 14 | Evette and Shane Turlan |
| 15 | Bob Kraszkewych on behalf of Anna Callipari |
| 16 | Trevor Willcock |
| 17 | Roy Costa on behalf of 'various landowners' |
| 18 | Maria Riedl |
| 19 | William Sutherland |
| 20 | James Golsworthy on behalf of owners of 514 to 518 Wentworth Road, Yelta |
| 21 | Environment Protection Authority |
| 22 | James Golsworthy on behalf of Mildura Airport Pty Ltd |
| 23 | Roy Costa on behalf of Jamie Rockliff |
| 24 | James Golsworthy on behalf of Matthew McKnight |
| 25 | Roy Costa on behalf of owners of 644 Sandilong Avenue, Irymple |
| 26 | Roy Costa on behalf of A Callipari |

Appendix B Exhibited changes to the planning scheme

Purpose and Vision

Insert a new Municipal Planning Strategy (MPS) at Clause 02 based on content from Clauses 21 and 22 of the Local Planning Policy Framework and from adopted Council reports.

Planning Policy Framework

Insert revised local policy content into the Planning Policy Framework (PPF) at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure) based on content from Clauses 21 and 22 of the Local Planning Policy Framework and from adopted Council reports.

Zones – Maps

1. Rezone the land on Zone Map 29 at 1/3 and 2/3 Orana Court, Irymple and its common driveway from Public Park and Recreation Zone to General Residential Zone to reflect the existing use and development of the land as private dwellings.
2. Rezone the land on Zone Map 22 at 71 Sylvia Street, Yelta from the Public Conservation and Resource Zone to the Rural Conservation Zone 4 as the land supports a dwelling and is privately owned.
3. Rezone the land on Zone Map 34 at 3858 Benetook Avenue, Cardross from the Public Conservation and Resource Zone to the Rural Conservation Zone 4 as the land is a privately owned and operated restricted recreation facility.
4. Rezone the land on Zone Map 27 at 78, 80 and 92 Pine Avenue, Mildura and 155 Ninth Street Mildura from Public Use Zone Schedule 6 to Commercial 1 Zone to better reflect existing private uses.
5. Rezone part of the land on Zone Map 37 at 1 Heath Street, Red Cliffs from Public Park and Recreation Zone to the General Residential Zone to enable the cleared site to be developed for residential development.
6. Rezone the land on Zone Map 35 at 217 Trioda Street, Red Cliffs from Public Use Zone 1 to the Farming Zone to enable the land to be used for agriculture.
7. Rezone the land on Zone Map 31 at 2164 Fifteenth Street, Irymple from the Road Zone (RDZ1) to Industrial 1 Zone to reflect the private ownership of the land and conform with the surrounding zoning regime.
8. Rezone the land on Zone Map 23 at Chaffey Street and Third Street, Merbein from Road Zone (RDZ1) to General Residential Zone to reflect a local Council road consistent with notices in the Victorian Government Gazette.
9. Rezone the land on Zone Map 29 at 15 and 16 John Court, Irymple from Public Use Zone 1 to General Residential Zone as the land is privately owned and occupied by dwellings.
10. Rezone the land on Zone Map 38 at 682 Woomera Avenue, Red Cliffs from Special Use Zone Schedule 5 to Public Use Zone 1 to facilitate an existing essential public utility (water pumping station) on publicly owned land operated by Lower Murray Water.

11. Rezone the land on Zone Map 22 at 588 Wentworth Road, Yelta from the Public Conservation and Resource Zone to the Farming Zone to reflect the existing agricultural land use.
12. Rezone the land on Zone Map 27 at 205 Ontario Avenue, Mildura from General Residential Zone to Public Use Zone 6 as the land is owned by Council.
13. Rezone the land on Zone Map 34 at 13 Dal Farra Road, Irymple from Farming Zone to Low Density Residential Zone, Schedule 1 to implement recommendation (iii) (f) of the Panel for Amendment C89.
14. Rezone the land on Zone Map 28 at 780 Deakin Avenue, Mildura from Farming Zone to General Residential Zone to implement recommendation (iii) (g) of the Panel for arising from Amendment C89.
15. Rezone the land on Zone Map 28 at 467-469 Riverside Avenue, Mildura from Farming Zone to Low Density Residential Zone, Schedule 1 to implement recommendation (iii) (h) of the Panel for Amendment C89.
16. Rezone the land on Zone Map 27 Seventh Street between Deakin Avenue and San Mateo Avenue, Mildura from Commercial 1 Zone, General Residential Zone, Public Use Zone 1, Public Use Zone 4 and Mixed Use Zone to Road Zone Category 1 to reflect the VicRoads declared highway.
17. Rezone the land on Zone Map 12 at Cemetery Road, Murrayville from Public Conservation and Resource Zone, Public Use Zone 1 and Farming Zone to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
18. Rezone the land on Zone Map 12 at Cemetery Road, Murrayville from Public Use Zone 1 to Public Conservation and Resource Zone to reflect its ownership by Parks Victoria as part of Bushland Reserve No. 2017507.
19. Rezone the land on Zone Map 18 at King Street, Werrimull from Township Zone to Public Use Zone 1 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
20. Rezone the land on Zone Map 42 at Castle Crossing Road, Nangiloc/Colignan from Farming Zone to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
21. Rezone the land on Zone Map 17 at Sturt Highway, Cullulleraine from Public Conservation and Resource Zone to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
22. Rezone the land on Zone Map 53 at 196 Dunkley Road, Ouyen from Public Use Zone 1 to Public Use Zone 6 to reflect its use as a landfill and transfer station and to implement the

recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.

23. Rezone the land on Zone Map 48 at Cemetery Road, Underbool from Public Use Zone 1 to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
24. Rezone the land on Zone Map 50 at Hopetoun Walpeup Road, Walpeup from Public Use Zone 1 and Farming Zone to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
25. Rezone the land on Zone Map 57 at McErvalle Street, Mittyack from Public Use Zone 1 to Public Use Zone 6 to reflect its use as a transfer station and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
26. Rezone the land on Zone Map 14 at 39 Dayman Street, Cowangie from Township Zone to Public Use Zone 6 to reflect its use as a hard waste compound and to implement the recommendations of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.

Zones – Schedules

1. Replace the existing Schedule 1 to the Low Density Residential Zone (Clause 32.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to specify a dimension of 150 square metres above which a permit is required for an outbuilding to provide Council with discretion for large outbuildings in the zone.
2. Replace the existing Schedule 2 to the Low Density Residential Zone (Clause 32.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to modify land descriptions and to specify a dimension of 150 square metres above which a permit is required for an outbuilding to provide Council with discretion for large outbuildings in the zone.
3. Replace the existing Schedule 1 to the Mixed Use Zone (Clause 32.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to incorporate a recommendation (No. 5) from the *Mildura Planning Scheme Review Report (2019)* that the existing schedule be split into four new schedules to reflect different objectives for each area.
4. *Review Report (2019)* that the existing schedule be split into four new schedules to reflect different objectives for each area.
5. Apply a new Schedule 2 to the Mixed Use Zone (Clause 32.04) consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to incorporate a recommendation (No. 5) arising from the *Mildura Planning Scheme Review Report (2019)*

that the existing schedule be split into four new schedules to reflect different objectives for each area.

6. Apply a new Schedule 3 to the Mixed Use Zone (Clause 32.04) consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to incorporate a recommendation (No. 5) arising from the *Mildura Planning Scheme Review Report (2019)* that the existing schedule be split into four new schedules to reflect different objectives for each area.
7. Apply a new Schedule 4 to the Mixed Use Zone (Clause 32.04) consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to incorporate a recommendation (No. 5) arising from the *Mildura Planning Scheme Review Report (2019)* that the existing schedule be split into four new schedules to reflect different objectives for each area.
8. Replace the existing Schedule to the Township Zone (Clause 32.05) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
9. Replace the existing Schedule to the General Residential Zone (Clause 32.08) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
10. Replace the existing Schedule to the Neighbourhood Residential Zone (Clause 32.09) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
11. Replace the existing Schedule to the Industrial 1 Zone (Clause 33.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
12. Replace the existing Schedule to the Industrial 3 Zone (Clause 33.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
13. Replace the existing Schedule 1 to the Rural Conservation Zone (Clause 35.06) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
14. Replace the existing Schedule 2 to the Rural Conservation Zone (Clause 35.06) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
15. Replace the existing Schedule 3 to the Rural Conservation Zone (Clause 35.06) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
16. Apply a new Schedule 4 to the Rural Conservation Zone (Clause 35.06) consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to retain and protect remnant native vegetation which contributes to the rural landscape and vegetation amenity in accordance with the general purpose of the zone.
17. Replace the existing Schedule to the Farming Zone (Clause 35.07) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning*

Schemes and remove the permit requirements for earthworks (arising from recommendation No. 32 of the *Mildura Planning Scheme Review Report 2019*) and to include a cross reference to the Special Control Overlay (SCO) introduced by Amendment C110mild in 2020.

18. Replace the existing Schedule 1 to the Rural Activity Zone (Clause 35.08) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
19. Replace the existing Schedule to the Public Use Zone (Clause 36.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
20. Replace the existing Schedule to the Public Park and Recreation Zone (Clause 36.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
21. Replace the existing Schedule to the Public Conservation and Resource Zone (Clause 36.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
22. Replace the existing Schedule 1 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
23. Replace the existing Schedule 2 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
24. Replace the existing Schedule 3 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
25. Replace the existing Schedule 4 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
26. Replace the existing Schedule 5 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
27. Replace the existing Schedule 6 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
28. Replace the existing Schedule 7 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
29. Replace the existing Schedule 8 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDOs 11 and 12 (Tract 2018)*.

30. Replace the existing Schedule 9 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO11 and 12 (Tract 2018)*.
31. Replace the existing Schedule 10 to the Special Use Zone (Clause 37.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
32. Replace the existing Schedule 1 to the Comprehensive Development Zone (Clause 37.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
33. Replace the existing Schedule to the Urban Floodway Zone (Clause 37.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
34. Replace the existing Schedule 1 to the Urban Growth Zone (Clause 37.07) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Overlays – Maps

1. Delete Heritage Overlay (HO17) from 251 Eleventh Street, Mildura on Map 27HO as the overlay affects a non-contributory building.
2. Delete Heritage Overlay (HO20) from land at 62-68 Deakin Avenue, Mildura on Map 27HO and from the schedule as the heritage building has been removed.
3. Delete Heritage Overlay (HO24) from land at 148 Twelfth Street, Mildura on Map 27HO and from the schedule as the heritage building has been removed.
4. Delete Heritage Overlay (HO31 and HO32) from land at 46 and 48 Lemon Avenue, Mildura on Map 27HO and from the schedule as the heritage buildings have been demolished.
5. Delete Heritage Overlay (HO107) from part of the land at 155 Belar Avenue, Irymple on Map 32HO as the site has no heritage value.
6. Delete Heritage Overlay (HO110) on Map 32HO from CA 9 Cureton Avenue and replace it with Heritage Overlay (HO110) to the land at 138 Cureton Avenue, Nichols Point to reflect its accurate location.
7. Apply Heritage Overlay (HO130) to the land at Cooke Street, Nichols Point on Map 32HO to reflect the actual location of the heritage building.
8. Delete Heritage Overlay (HO130) from land at 687 Cureton Avenue and part of 16 Cooke Street, Nichols Point on Map 32HO and include HO130 to another part of 16 Cooke Street to accurately reflect the affected heritage building.
9. Delete Heritage Overlay (HO147) on Map 31HO from part of the land at 2132 Fifteenth Street, Irymple as the land has been cleared.
10. Delete Heritage Overlay (HO161) on Map 32HO from land at Cureton Avenue and replace it with Heritage Overlay (HO161) to the land at 242 Cureton Avenue, Nichols Point to reflect its accurate location.

11. Delete Heritage Overlay (HO174) on Map 23HO from the land at Forbes Drive Merbein to and apply to Sawmill Road, Yelta as the heritage monument has been relocated.
12. Apply Heritage Overlay (HO204) to the land at 136 Lime Avenue Mildura on Map 27HO to identify a heritage tree.
13. Delete Heritage Overlay (HO206 and HO215) from Map 27HO at 2-6 Chaffey Avenue, Mildura as these do not accurately reflect the current situation.
14. Apply Heritage Overlay (HO206 and HO215) to Map 27HO at 2-6 Chaffey Avenue, Mildura to accurately reflect the current situation.
15. Delete Heritage Overlay (HO207) on Map 27HO from the land at 138 Seventh Street, Mildura as the heritage tree is no longer there.
16. Delete Heritage Overlay (HO211) on Map 27HO from the land at 16 Kurrajong Avenue, Mildura as the heritage tree no longer exists.
17. Delete Heritage Overlay (HO213) from Map 27HO from the land at 224 Walnut Avenue, Mildura and 214 Walnut Avenue Mildura and from the schedule as the heritage trees are incorrectly mapped and are no longer there.
18. Apply Heritage Overlay (HO308) on Map 27HO to the land at 128a Eighth Street, Mildura, 42 Deakin Avenue Mildura and 24-40 Deakin Avenue Mildura to extend the existing heritage precinct to the road frontage.
19. Apply the Development Plan Overlay Schedule 2 (DPO2), Salinity Management Overlay and Design and Development Overlay Schedule 5 (DDO5) to the land at 13 Dal Farra Road, Irymple on Map 34 to reflect a recommendation of the Panel for Amendment C89.
20. Apply the Development Plan Overlay Schedule 2 (DPO2) and Salinity Management Overlay to the land at 467-469 Riverside Avenue, Mildura on Map 28 to reflect Recommendation (iii) (h) arising from the Panel for Amendment C89.
21. Delete Public Acquisition Overlay (PAO1) from the land at 406 to 414 Benetook Avenue, Mildura on Map 29PAO as VicRoads no longer requires it and support its removal.
22. Delete Environmental Significance Overlay (ESO3) on Maps 24ESO and 25ESO on Meridian Road and 1435 Sturt Highway, Merbein South as it has been re-numbered and absorbed into ESO4.
23. Apply Environmental Significance Overlay (ESO4) to Maps 24ESO and 25ESO on Meridian Road and 1435 Sturt Highway, Merbein South to replace ESO3, which has been re-numbered and absorbed into ESO4.
24. Apply the Environmental Audit Overlay (EAO) to the hard waste compound at Parker Lane, Tutye on Map 13 to implement a recommendation of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
25. Apply the Environmental Audit Overlay (EAO) to the hard waste compound at Kelly Road, Boinka on Map 51 to implement a recommendation of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.

26. Apply the Environmental Audit Overlay (EAO) to the transfer station at Lacey Avenue, Lindsay Point on Map 1 to implement a recommendation of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.
27. Apply the Environmental Audit Overlay (EAO) to the transfer station at Delahoy Road, Meringur on Map 6 to implement a recommendation of the *Loddon Mallee Waste and Resource Recovery Group Report Implementation Plan (2017)* and recommendation No. 52 in the *Mildura Planning Scheme Review Report (2019)*.

Overlays – Schedules

1. Replace the existing Schedule 1 to the Environmental Significance Overlay (Clause 42.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
2. Replace the existing Schedule 2 to the Environmental Significance Overlay (Clause 42.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
3. Delete the existing Schedule 3 to the Environmental Significance Overlay (Clause 42.01) as the content of the schedule is to be absorbed into the schedule for ESO4.
4. Replace the existing Schedule 4 to the Environmental Significance Overlay (Clause 42.01) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to merge the detail of the existing schedule 3 (ESO3 – Merbein Mushrooms Buffer Area) into ESO4 (Incompatible Land Use Buffer Area).
5. Replace the existing Schedule 1 to the Vegetation Protection Overlay (Clause 42.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
6. Replace the existing Schedule 2 to the Vegetation Protection Overlay (Clause 42.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
7. Replace the existing Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained at Clause 22.02 (Heritage) of the Local Planning Policy Framework and to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
8. Replace the existing Schedule 1 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
9. Replace the existing Schedule 2 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
10. Replace the existing Schedule 3 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

11. Replace the existing Schedule 4 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
12. Apply a new Schedule 5 to the Design and Development Overlay (Clause 43.02) for the land at 13 Dal Farra Road, Irymple to reflect a recommendation of the Panel for Amendment C89.
13. Replace the existing Schedule 6 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
14. Replace the existing Schedule 7 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
15. Replace the existing Schedule 8 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
16. Replace the existing Schedule 9 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO11 and 12 (Tract 2018)*.
17. Replace the existing Schedule 10 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO11 and 12 (Tract 2018)*.
18. Replace the existing Schedule 11 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO11 and 12 (Tract 2018)*.
19. Replace the existing Schedule 12 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO11 and 12 (Tract 2018)*.
20. Replace the existing Schedule 13 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and to implement recommendation 9.1 of the *Issues Paper Special Use Zones 8 and 9 and DDO 11 and 12 (Tract 2018)*.
21. Replace the existing Schedule 14 to the Design and Development Overlay (Clause 43.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
22. Replace the existing Schedule 1 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

23. Replace the existing Schedule 2 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
24. Replace the existing Schedule 3 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
25. Replace the existing Schedule 4 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
26. Replace the existing Schedule 5 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
27. Replace the existing Schedule 6 to the Development Plan Overlay (Clause 43.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
28. Replace the existing Schedule to the Salinity Management Overlay (Clause 44.02) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
29. Replace the existing Schedule to the Floodway Overlay (Clause 44.03) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
30. Replace the existing Schedule to the Land Subject to Inundation Overlay (Clause 44.04) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
31. Replace the existing Schedule 1 to the Parking Overlay (Clause 45.09) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and the *Mildura CBD Plan* (Planisphere 2007).

Particular Provisions

1. Replace the existing Schedule to Clause 52.02 (Easements, Restrictions and Reserves) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
2. Replace the existing Schedule to Clause 52.05 (Signs) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
3. Replace the existing Schedule to Clause 52.17 (Native Vegetation) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
4. Insert a new Schedule to Clause 52.27 (Licensed Premises), consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
5. Insert a new Schedule to Clause 52.28 (Gaming), consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

6. Replace the existing Schedule to Clause 53.01 (Public Open Space) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
7. Replace the existing Schedule to Clause 59.15 (Local VicSmart Applications) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
8. Replace the existing Schedule to Clause 59.16 (Information Requirements and decision Guidelines for Local VicSmart Applications) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

General Provisions

Replace the existing Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Replace the existing Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) with a new Schedule to make it consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Operational Provisions

Insert a new Schedule to Clause 72.08 (Background Documents) that consolidates and updates all background documents from Clause 21 of the Local Planning Policy Framework.

Insert a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21 of the Local Planning Policy Framework.

Insert a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates all relevant further strategic work actions from Clause 21 of the Local Planning Policy Framework.

Appendix C Document list

| No. | Date | Description | Provided by |
|-----|-----------|---|----------------------------|
| 1 | 7 Mar 22 | Panel Directions and Hearing Timetable | Planning Panels Victoria |
| 2 | 7 Mar 22 | Email with details of submitters being represented by Roy Costa | Roy Costa |
| 3 | 18 Mar 22 | Email advising of non attendance at Hearing | Roy Costa |
| 4 | 23 Mar 22 | Council Part A submission | Mildura Rural City Council |
| 5 | 23 Mar 22 | Version 2 of Hearing Timetable and Distribution List | Planning Panels Victoria |
| 6 | 28 Mar 22 | Council Part B submission | Mildura Rural City Council |
| 7 | 30 Mar 22 | Council closing submission | Mildura Rural City Council |