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Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11

Mildura City Council

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01 INTRODUCTION

This report presents the outcomes of the review of the Special use Zones 8 and 9 and the corresponding Design and Development Overlays 11 and 10 applying to each of the zones respectively.

The need for a review of the zones is informed by the Mildura Planning Scheme Review 2014, an exercise reviewing influences on land use in Mildura and identifying where change to the planning scheme should occur. The 2014 report identifies the need to undertake further work to review the controls in the Special Use Zones (SUZ8 & SUZ9) and Design and Development Overlays (DDO10 and DDO11) that apply to the Mildura and Irymple urban transition area. The following statement was made as part of the review:

"There is general community support for retaining a break between the towns (Mildura & Irymple). A SUZ applies to the land, providing controls in relation to the Mildura-Irymple Transition Area. Land owners have, however, argued that the controls, namely in regards to setbacks, are too restrictive. Any review of the SUZ should take into account recent changes to the surrounding zones, including the Commercial and Industrial 3 Zones, which have altered the context in which the SUZ operates. The controls in this area (SUZ8, SUZ9, DDO10 and DDO11) may therefore need to be reviewed in terms of their purpose and effectiveness."

This report presents the consultants findings of a review of the Planning Scheme, a review of 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.

1.1 Project Brief

The project brief required:

- Undertake sufficient stakeholder consultation to provide input throughout the process in liaison with Council's project manager.
- Review and analyse the Special Use Zones 8 & 9 within the overall retail hierarchy and on the basis of the updated Retail Strategy's findings.
- Review DD10 & 11 in response to the zone review.
- Identify and confirm the preferred land use vision and development future for the two zones.
- Identify realistic development options for the subject land and an appropriate zoning regime/ planning provisions to realise its attainment.
- Identify any consequential changes to be made to the Mildura Planning Scheme or any other Council policy documents.
- Consultation summary clearly outlining all consultation sessions undertaken, and feedback received. A summary of submissions and the recommended responses is provided in section 3.

1.2 The Study Area

The Special Use Zones (SUZ8 & SUZ9) affects land fronting Fifteenth Street between Benetook Avenue (northwest) and Sandilong Avenue (southeast). This section of Fifteenth Street extends approximately 1.2 kilometres.

Figure 1 identifies the study area.

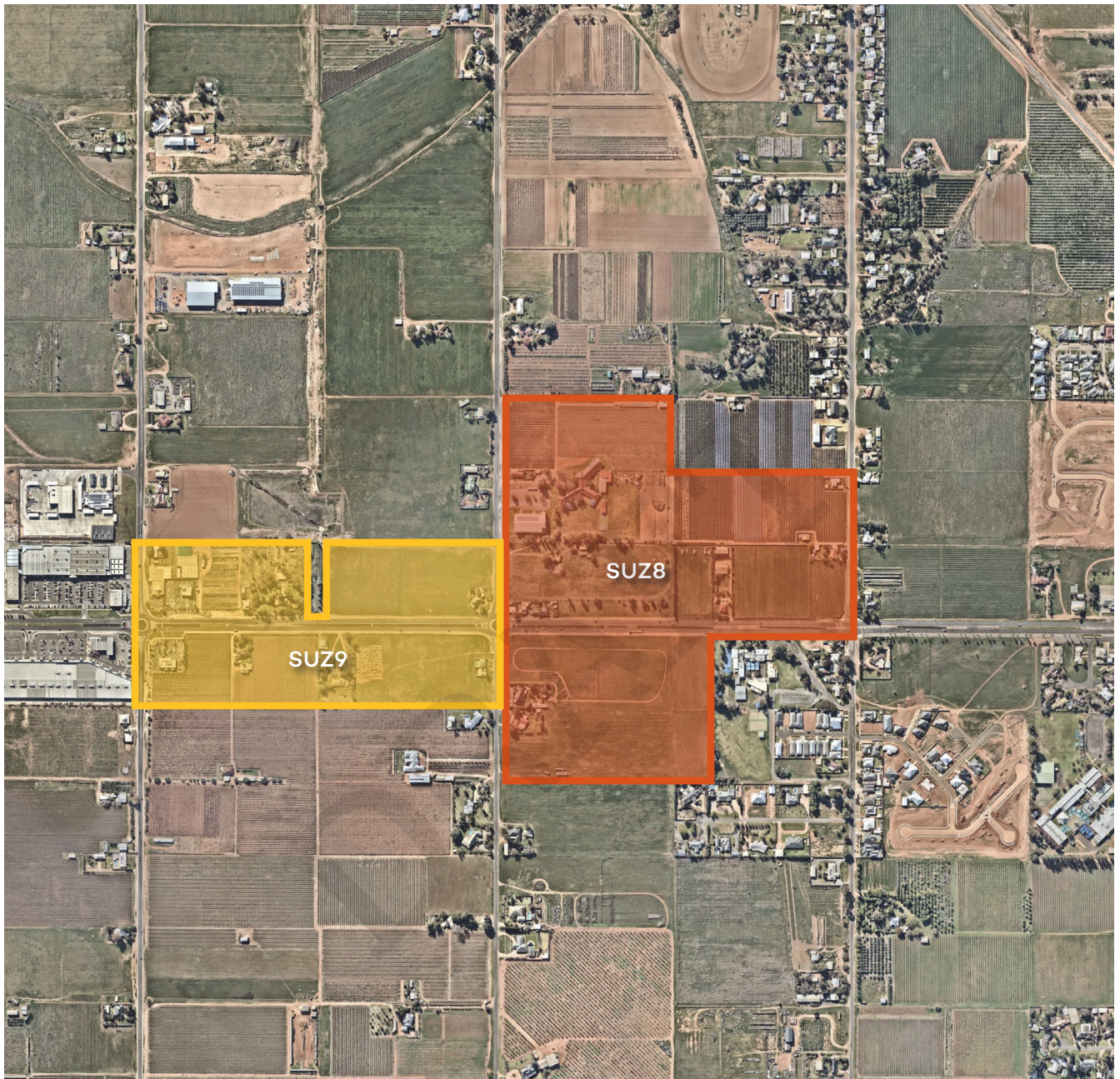


Fig. 1 Study Area Plan

02 CURRENT PLANNING CONTROLS AND RELEVANT STUDIES

2.1 General Background and Strategic Context of Special Use Zone 8 & 9

This section will overview key planning scheme amendments and background studies that influence decision making and then focus in more detail on the three major influences on the zones and overlays, (i.e. the Mildura Housing & Settlement Strategy, the Mildura Retail Strategy 2017 and the Public Acquisition Overlay) on Fifteenth Street.

The Site is currently referred to as the “Mildura-Irnyple Urban Transition Area” within the Mildura Planning Scheme.

Since the early 2000’s, substantial strategic studies have been undertaken to support the current policy position of the Mildura-Irnyple Urban Transition Area. A summary of the key studies is provided in Table 1 below.

Victoria in Future

Produced annually over recent years, Victoria in Future is the State Government’s population base data and projections for planning purposes. It has progressively been increasing the projected population growth for Victoria annually over the past 5 years. Significantly, at state level, real growth is exceeding these projections. Currently Mildura’s population is projected to grow by 8,000 to 2031 according to Victoria in future 2016.

Plan Melbourne

While principally a planning policy for Melbourne, it does at a very high level address broader planning directions for the rest of the state. Supporting increased population growth in major regional centres, Mildura is recognised as a regional city with potential for growth.

Clause 21 of the MSS and the Mildura Housing Strategy

Significantly for this area, the MSS and the Mildura Housing and Settlement Strategy 2013 identify short term growth of Mildura to the south of the existing urban area and the potential for long term growth of Mildura to its east (east/south east). A concept only, this presents as the most likely opportunity for the expansion of the city. More detailed planning is required to confirm any detail and timing for this area and given available opportunities elsewhere for the short to medium term, there is no strong imperative to commence detailed planning for this area in the short term.

Importantly for both of the Special Use Zones, they adjoin the nominated growth area and as a result will need to be considered as part of any planning for this area if an integrated urban response across the growth area is to be considered. It may very well be the case that the full potential of the zone will only be realised as part of planning for this long term growth area.

Table 1 Planning Background

Study Title	Summary
Mildura Planning Scheme <1999	Clause 21.04 outlined the strategic directions for Mildura Rural City Council (Amalgamated in 1995). The Mildura and Irnyple structure plans included in the clause identified the “retention of a non-urban break” along Fifteenth Street as a key strategy.
Mildura - Irnyple Interface Study, 2006	This project provided Council with a long term vision and accompanying urban design framework to guide future planning scheme policy and controls, subdivision, development and use for the Mildura – Irnyple interface area. It confirmed that the “transition area” was not required for urban development.
Mildura Industrial Land Strategy (MILS), 2006	The aim of the Mildura Industrial Land Strategy was to review and update Council’s earlier industrial strategies and to determine if (and where) additional industrial land rezoning’s can be strategically justified at the current time of which the study took place. The MILS made the following recommendation in relation to the study area: <ul style="list-style-type: none"> • Rezone land along Fifteenth Street, between Benetook Avenue and Cowra Avenue to Business 4 Zone to support a mix of higher amenity highway service and retailing based uses due to its high profile and exposure. • Rezone the land along Fifteenth Street, between Cowra Avenue and Sandilong Avenue to the Special Use Zone to accommodate a transition in activity and use towards Irnyple.

Mildura – Irymple urban transition area urban design guidelines, 2008	<p>The aim of this study was to prepare Urban Design Guidelines to guide the future development of land in Benetook Avenue (between Fifteenth and Fourteenth Street), and land along Fifteenth Street (between Beentook and Sandilong).</p> <p>The guidelines were prepared for three adjoining precincts, including:</p> <ul style="list-style-type: none"> • Benetook Avenue industrial precinct • Fifteenth Street special use (business) precinct • Fifteenth Street special use (community uses precinct). <p>The guidelines provide guidance to landowners, stakeholders and developers on specific design standards that should be considered when building. The guidelines were different for each precinct and covered matters, such as:</p> <ul style="list-style-type: none"> • Building height and setbacks • Façade presentation • Roof form • Building materials and colours • Signage • Access and management • Landscaping • Sustainability. <p>The two Fifteenth Street precincts display inconsistent building setback, design and landscaping requirements due to the different uses and design objectives.</p>
Amendment C38, gazetted October 2008	<p>Introduced new zones, overlay and urban design controls in accordance with the recommendations of the Mildura Industry Study Review and Mildura Irymple Interface Study for the study area.</p> <p>In particular, the Amendment introduced the Mildura-Irymple urban transition area urban design guidelines as a reference document through the detail of Schedules 9, 10 and 11 of the Design and Development Overlay.</p>
Irymple Structure Plan, 2012	<p>The purpose of the Irymple Structure Plan is to provide a framework for integrated development of this important growing settlement; managing change to the physical environment and guiding future activities.</p> <p>The Fifteenth Street Corridor Strategy (Figure 2 in the Structure Plan) identifies land uses along Fifteenth Street, between Deakin Avenue and throughout Irymple, including:</p> <ul style="list-style-type: none"> • Fifteenth Street homemaker/bulky goods precinct, between San Mateo Avenue and Benetook Avenue • Special Use (restricted retail and community use) on land within SUZ 8 & 9 areas • Potential Irymple activity centre location option located on southern corner of Fifteenth Street and Sandilong Avenue (which was zoned for commercial use prior to the introduction of new zones in 1999) • Residential use on the eastern corner of Fifteenth Street and Sandilong Avenue
Amendment C89, gazetted November 2016 (Implementation of Mildura Housing & Settlement Strategy)	<ul style="list-style-type: none"> • This amendment introduced the recommendations of the Housing strategy into the Municipal Strategic Statement. • Clause 21.10 includes the findings of the strategy as key policy objectives <p>This is one of the most significant planning documents that influence the way in which the future planning for growth may be addressed in Mildura, with implications for the study area.</p>

2.2 Mildura Housing and Settlement Strategy, December 2013

The Mildura Housing and Settlement Strategy (MHSS) has been prepared on behalf of the Mildura Rural City Council. It is intended to put in place a strategic framework and associated guidelines for decision makers to inform decisions on rezoning and to ensure an appropriate amount of land meet projected demand for housing.

The framework plan in the strategy identifies both the existing southern growth area and a future long term growth area to the east of Mildura (Mildura East) shown in Figure 2. In particular, the eastern future growth area, if developed, would connect the settlements of Mildura, Irymple and Nichols Point into a single urban area.

The key actions in the strategy include:

- Commence the preparation of a drainage strategy for the Mildura East growth area
- Prepare a framework plan for the Mildura East growth area
- Continue to pursue the development of the Mildura riverfront, including higher density residential components.

The designation of a long term eastern growth area was included as key component of the Strategy to provide multiple development fronts for Mildura. This strategy is intended to maintain affordable house prices, through adequate land supply and maintaining competition in the market.

The Mildura East growth area plan and indicative staging plan (Figures 6 and 8 in the document) identify the following in relation to the study area:

- The eastern growth area is located east of Fifteenth Street
- “Commercial uses in a campus setting” is designated in the SUZ9 area
- “Community uses” is designated within the SUZ8 area
- Industrial land area designated on both sides of Benetook Avenue, southwest of SUZ9
- Land immediately adjoining SUZ8/9 is shown as Stage 1 of 4 in relation to development sequencing of the Mildura East growth area.

The clear implication is that both zones under review are within the growth area boundary. The implication is that rather than forming an exclusive enclave, the area integrates and becomes part of the future growth area.



Fig. 2 Mildura Housing Strategy, Mildura East Growth Area

2.3 Mildura Retail Strategy 2017

The Mildura Retail Strategy 2017 (Essential Economics) provides an updated review of the current take up and likely future demand for retail and commercial land across Greater Mildura.

Section 5.5 of the report addresses Fifteenth Street and likely demand and supply for commercial land use.

In summary, the report indicates that;

- Demand for commercial floor space take up is able to be accommodated within current commercially zoned land outside of Special use Zone 9.
- The report noted that some potential development sites are occupied by caravan parks, redevelopment would result in these closing or being relocated.
- If this does not occur, Special Use Zone 9 has the capacity to accommodate additional commercial activity if needed or to relocated caravan parks.
- A review of Commercial 2 zoned land as part of planning for the Mildura East area. This may influence demand longer term.

Notably and appropriately the report did not address the Special Use Zone 8 which does not envisage accommodating commercial uses.

2.4 Public Acquisition Overlay

A Public Acquisition Overlay (PAO) exists in favour of VicRoads for a section of Fifteenth Street within the special use zone. Originally intended to facilitate the widening of Fifteenth Street to create a consistent road reservation width and accommodate potential future road widening.

While the future of the PAO needs to be confirmed with VicRoads formally, if the ultimate outcome is its removal then an irregular road reservation width will exist and the setbacks required by the DDO could result in “staggered” building setbacks in response to the DDO setbacks requirement in response to the variation in road reservation.

It is reasonable to project that such an outcome will not be visually appealing and that maintenance of setbacks as envisaged by the DDO will be compromised.

An alternative approach is to maintain a building setback and landscaping boundary that respects the “optimum” setback requirements to the wider section of the road.

This effectively means that those lots that are impacted by the PAO will have greater setbacks to the road reservation than those where the road is wider.

If this is the outcome, it also has the advantage of retaining, by default, the potential for a landscaped road verge at some time in the future. While VicRoads may not be supporting acquisition now, long term planning for future growth in Mildura east may change that position. While a potential outcome this should not be an objective for any setback and landscaping requirements.

2.5 Summary of Policy Review

Overall, policy development and background studies do not support intensive development of the “transition area”. A key observation is that the area is no longer used for farming purposes, it is on the fringe of the urban area and it functions as a gateway to Mildura. There are no strong drivers for urban development in the short term but planning for Mildura East should include these areas.

03 COMMUNITY CONSULTATION

3.1 Purpose

The two zones have a number of well-established land uses (predominantly non-urban and residual agriculture), six established houses and recently approved commercial uses (food premises and child care centre).

Any review and possible changes to the planning scheme may have an impact on any one of these land uses, it is therefore appropriate to engage with the community at commencement of any review to identify issues that may be relevant.

With any proposed changes to the planning scheme, the affected land owners and community should have the right to have input prior to any final decision.

3.2 Methodology

This project includes a 3 stage community consultation

1. A preliminary information summary released for public comment and a public meeting with Question and Answer session (18 October 2017)
2. A workshop session with interested participants aimed at identifying what any issues with current zones are and priorities for the review (6 December 2017)
3. A final report with changes released with public exhibition (the Subject Document).

3.3 Outcomes

Specifically stage one and two provided an opportunity for land owners to directly provide input through written submissions and participation at a workshop evening.

Conducted on 6 December 2017, the second stage workshop identified a range of issues, often site specific, which impacted upon land owners and the local community. The workshop sessions were conducted as two distinct sessions, participants ranged from land owners, Irymple residents, Mildura residents and owners of dwellings within both zones.

Table 2 below presents a summary of the key issues that were raised in both written submission (Stage 1) and (Stage 2) workshops.

Table 2 Combined Consultation Summary – to date

Theme	Issue
Adjoining LDRZ	<ul style="list-style-type: none"> The minimum lot area should be reviewed Consider 2000 square metres if sewer is available or 4000 if not Any future LDRZ should allow 0.5 acre lots adjoining educational facilities or regular residential densities
Future growth potential for the precinct	<ul style="list-style-type: none"> There is an opportunity to consider re-development of Fifteenth Street frontages of "Mildura East" Growth Area without affecting the whole Services are available in the area for residential development Future growth should not depend on study Population statistics should consider broader catchment
Irymple	<ul style="list-style-type: none"> Irymple should have its own identity Irymple and Mildura East should not to be combined to avoid confusion Sales rates for residential land in Irymple indicates decrease Water board customer contributor doubles for 750sqm lots
SUZ 9	<ul style="list-style-type: none"> Zone supposed should support small business only Overlay needs change not zone - to better support development and exposure along Fifteenth Street Too much land for only 2 businesses Good exposure along Fifteenth Street should attract more business activity DDO 11 are very inefficient (consider 25m street setback)
SUZ 8	<ul style="list-style-type: none"> The zone should be retained for community and recreation opportunities SUZ8 should be rezoned LDRZ to allow for residential development and allow more efficient use of the land SUZ8 should be rezoned to allow for more commercial opportunities due to the amenity issues associated with Fifteenth Street Residential opportunities should be provided around schools Provide green buffer along Fifteenth Street through setbacks Should continue to provide a rural break between commercial development and Irymple Long term plan needed for a 'green area' along Fifteenth Street, including significant trees Consider temporary accommodation Consider opportunities for commercial uses (aside from retail), including restricted retail premises Increase the building height to 9 metres More flexibility would be good – Farming zone would be more flexible The intent of the SUZ8 should be clarified to assist in marketing to investors.
Commercial Zoned Land	<ul style="list-style-type: none"> Not enough commercial zoned land in Mildura Provide for commercial opportunities in SUZ8 There should be no more retail along Fifteenth Street between Cowra and Karadoc Avenues Do not encircle Mildura with industrial / commercial development. Instead consider residential development
Infrastructure	<ul style="list-style-type: none"> Collective commitment required for sewer service delivery Need to improve footpaths along Fifteenth Street in a coordinated manner All roads should be designed with easy access for emergency vehicles.

Theme	Issue
DDO10	<ul style="list-style-type: none"> Signage constraints should be reviewed with a view to better reflect commercial opportunities and be consistently applied (eg. Holden does not meet current requirements) Side setback should not be required and focus should be on street setbacks / landscaping Rear setback should be big enough to accommodate servicing vehicles
DDO11	<ul style="list-style-type: none"> Car parking should be allowed in the front setback Better balance sought between setbacks, landscaping and development opportunities Needs to be flexibility for land within setback requirements – eg. Non-conforming existing development. DDO11 should be removed from land that exists within a Commercial 1 / General Residential Zone to better align with the land use intent of land. Little support for a 40 metre setback from community Remove DDO11 from the Irymple School site to allow for more flexible development / expansion opportunities
Landscape Character / SUZ8	<ul style="list-style-type: none"> Greening Mildura wish to work with Council to ensure appropriate trees are planted within the area. Sense of openness can be achieved without 40 metre setback requirements Council should purchase land in SUZ8 to create a recreation area New development should incorporate a “rolling interface buffer” that restricts the ability of grassfire running into urbanized areas.
DDO – General	<ul style="list-style-type: none"> Greater flexibility required in DDO’s subject to design performance criteria Conflicted views on the need to remove mandatory setback controls Siting consistency is important.
DCP Contributions	<ul style="list-style-type: none"> Future DCP contributions should be directed toward a new library / multi-purpose building for the local area.
Existing Dwellings	<ul style="list-style-type: none"> Houses exist in both zones Dwellings are prohibited uses and the existing houses have non-conforming use rights Most dwellings are within the setback requirements to the DDO There is no incentive for these dwellings to be incorporated into larger lots and demolished. Uncertainty has an impact on the level of investment and improvement to the dwellings

3.4 Public exhibition

A draft issues paper was exhibited in May and June of 2018 with a total of 10 submissions lodged. They are specific planning issues. All submissions raised issues of relevance, some of which resulted in changes to recommendations made in the draft issues paper.

Specific matters raised in submissions and the proposed responses are summarised in Table 3.

Table 3 Summary of submissions

Submissions	Issue	Response
1	<ul style="list-style-type: none"> Primary school setback to Fifteenth Street The school is not a SUZ Existing buildings already exist and do not comply with DDO11 setback. New buildings should be allowed at primary school site that should also not comply 	<ul style="list-style-type: none"> The school is an existing use that does not meet the DDO11 setback requirements. Given that the existing buildings already have an established presence in the setback to Fifteenth Street, a presence has been established. The school is a community facility on a site smaller than would currently be required for a school. New building setbacks should be allowed that are equal to or setback further than existing buildings.
2	<ul style="list-style-type: none"> Shop and vacant lot at the south western corner of Sandlong Avenue and Fifteenth Streets is wholly within the setback requirements in DDO11. The site is effectively sterilised for development. 	<ul style="list-style-type: none"> Amend the SUZ8 Zone and DDO11 zone provisions to recognise and exempt the 2 sites from the setback requirements subject to: <ul style="list-style-type: none"> Commercial 1 Zoned land must be set back no closer to Fifteenth Street than the existing building The residentially zoned land should have minimum 4 metre setback to Fifteenth Street with inclusive landscaping within the setback recommended.
3	<ul style="list-style-type: none"> The residential lot adjoining the shop should be zoned commercial to allow an integrated commercial development across 2 lots. 	<ul style="list-style-type: none"> The rezoning of land is not supported. This did not form part of any draft issues paper and the land adjoins an existing developed residential area. Rezoning needs to be considered as a separate exercise to the zone review. The Mildura Retail Strategy Review did not supply retail or commercial floor space increase.
4	<ul style="list-style-type: none"> Seeks to have large sections of Special Use Zone 8, fronting Fifteenth Street zoned for non urban zone to maintain a 'non urban' break. 	<ul style="list-style-type: none"> Clause 21 of the Mildura Planning Scheme identifies Mildura East, which includes the subject site and Special Use Zones, as a future growth area. Any change of zoning will need to be informed by a structure planning process which will inform rezoning decisions. Without structure planning occurring, a planning scheme amendment is not likely to be supported at state level. This will be part of a future Precinct Structure Plan.
5	<ul style="list-style-type: none"> Seeks to have land within Special Use Zone 8 south of Benetook Avenue rezoned to Special Use Zone 9 to allow for commercial development. 	<ul style="list-style-type: none"> Clause 21 of the Mildura Planning Scheme identifies Mildura East, which includes the subject site and Special Use Zones, as a future growth area. Any change of zoning will need to be informed by a structure planning process which will inform rezoning decisions. Without structure planning occurring, a planning scheme amendment is not likely to be supported at state level. This will be part of a future Precinct Structure Plan. The Mildura Retail Strategy Review did not supply retail or commercial floor space increase.
6-8	<ul style="list-style-type: none"> Seeks the rezoning of Special Use Zone 8 to a low density residential zone. 	<ul style="list-style-type: none"> Clause 21 of the Mildura Planning Scheme identifies Mildura East, which includes the subject site and Special Use Zones, as a future growth area. Any change of zoning will need to be informed by a structure planning process which will inform rezoning decisions. Without structure planning occurring, a planning scheme amendment is not likely to be supported at state level. This will be part of a future Precinct Structure Plan.
9-10	<ul style="list-style-type: none"> Indicate that VicRoads "no longer require this PAO" (Public Acquisition Overlay). The submissions seek its removal. 	<ul style="list-style-type: none"> VicRoads were consulted in late 2017 and indicated that the PAO should remain.
11	<ul style="list-style-type: none"> EPA submission - This is a general submission indicating that future applications for uses that interfere with residential areas may require referral to the EPA. They request that they be a referral authority for any amendment. 	<ul style="list-style-type: none"> EPA should be a referral authority for any amendment.

04 EXISTING DWELLINGS - A SPECIFIC ANOMALY

4.1 Existing residential dwellings, commercial building and small lot

This is a specific issue raised in the consultation and applying to six existing single dwellings on single lots that front onto Fifteenth Street.

A situation exists within both the special use zone 8 and 9 areas where these dwellings, constructed prior to existing planning scheme provisions being in place, are now prohibited uses under zone provisions. Furthermore, these dwellings are almost fully sited within DDO setback provisions.

While non-conforming use rights will apply, the impact on dwelling owners and any potential for further investment on the sites has significant implications in delivering a consistent but attractive built form presentation to Fifteenth Street.

What the problem is:

1. Dwellings are non-conforming uses this means that they are uses that are prohibited under the current zoning but exist as a result of being approved and developed prior to the current zones being introduced.
2. Dwellings are sited almost fully within the setback requirements of both DDO's.
3. The houses cannot be redeveloped (demolished and a new structure constructed) for non-residential purposes as any new development will not be able to meet the DDO setback requirements.
4. Houses and house lots are unlikely to be incorporated into a larger development site due to cost, it is unlikely that a developer of an adjoining site would seek to acquire any site given it has negligible development potential being required to form part of a setback.

While under the scheme existing houses may continue to be used as a dwelling they cannot be intensified in use. As indicated above, the cost is likely to be prohibitive for anyone to invest in purchasing the dwellings for incorporation into a development due to the cost impact and the fact that the land is not developable due to setback requirements. Ultimately there appears to be little incentive for change and the current situation creates some difficulty and disincentive to maintain existing house sites.

Implications – What options exist?

The consequences of the above mean that it is difficult for the existing residences to be "intensified" in use. The only options allowed by the zoning are;

1. Continue the existing use in perpetuity. This would result in houses remaining and presumably maintained in perpetuity. An application could be made to change the use to that of a commercial activity but it would need to be established that the change would not result in the intensification of a non-conforming use. The limited options for the site and potential to be surrounded by non-residential development are unlikely to encourage any significant investment in landscaping and maintenance.
2. Incorporate the house lots into larger development sites – this is not likely to be an attractive option as the lots have no development potential due to the setback requirements of the DDO's. This effectively means if the house sites are acquired by an adjoining lot they would need to be demolished as part of any development on the larger lot.
3. The zone allows for some commercial uses within the houses but they would then lose their non-conforming use rights as dwellings. Commercial activity within the setbacks could have a detrimental impact on the objectives of the DDO's by introducing built outcomes that make the buildings more noticeable (advertising, building colours and materials etc.).

Clause 63 of the Scheme provides a range of special controls where sites enjoy existing use rights. These provisions are complex in nature and typically require legal interpretation to ascertain what intensification could occur to a site that enjoys existing use rights. If an application is sought for works, alterations and additions to the existing dwellings would not be possible due to mandatory front setback requirements outlined in DDO10 and DDO11.

Overall there is no incentive to change the use or invest in significant improvements in the existing dwellings. The result is that the houses are likely to continue to function as a dwelling not complying with the setback objectives and potentially being a visual intrusion into landscaped environment.

What alternatives exist?

There are several options available and in considering them the key overriding objective should be the long term outcome as envisaged by the zones and overlays. Clearly, the DDO seeks a landscaped and aesthetically attractive treatment, the existence of the houses is contrary to the specific requirements of the overlays but the houses do and are most likely to continue to exist. Perhaps the best outcome is a compromise on the DDO requirements as they apply to the existing dwellings. The situation is compounded by the specific function and purpose of each zone. The Special Use Zone 8 is essentially providing for community uses and uses compatible with residential land use, the Special Use Zone 9 is akin to a commercial zone encouraging non-residential land use.

An option available is to address dwellings specifically in the zones and to introduce new planning requirements to address the matter.

Options include:

- Option 1- No change

Accept that the houses will exist, as a non-conforming use, and will have limited potential to be modified or altered. It may be possible to introduce some commercial uses within the houses but this is likely to entrench buildings existing within the setbacks.

- Option 2 – Plan of Restructure

This option incorporates a “restructure overlay” onto the special use zone areas. This will introduce into the planning scheme, under the overlay, a plan identifying any lots that must be consolidated into one lot prior to any permit for development or subdivision being issued.

This would have each of the house lots identified as needing to form part of a large lot. Both would need to be consolidated into a larger development lot and any dwelling removed.

While providing a solution, this option is not likely to be attractive to the market and may well limit any investment in developing the larger vacant lots.

The imposition on development would be the need to purchase a house and land and remove the house prior to development of the combined sites occurring.

This has the impact of adding several hundred thousand dollars of cost to a development with no tangible benefit as the house sites will largely be retained for landscaping. This is likely to be a disincentive to investment.

- Option 3 – selective special provision in the zones and DDO's.

This option recognises that the houses and anomalies including a school and a shop do exist, and are likely to continue to exist at several sites within both the Special Use Zone 8 and 9, within the setback areas prescribed by the DDO's.



Fig. 3 House Lots

Dwelling and shop

A key consideration is that there is no financial motivation for adjoining lots to acquire and incorporate existing houses into new developments.

If this is the resultant outcome then the specific requirements of both DDO's in seeking to provide setbacks to Fifteenth Street that are landscaped and provide a visually attractive Gateway to Mildura will not be able to be achieved as prescribed by the overlays.

The existing limitations presented by the planning scheme may make investment in these sites unlikely or even prohibited. This also will not result in the objectives of the DDO being achieved.

One approach is to reach a solution which delivers the best outcome having regard to the objectives of the zones and overlays to deliver a better aesthetic appearance rather than a rigid appearance of the requirement. In this instance some compromise may be required to achieve the best, most realistic outcome.

In making this observation, the objectives of the overlays, to provide an improved aesthetically attractive approach to Mildura should not be abandoned.

While overall, the DDO's should not change, new provisions and amendments to the scheme should be included which recognise that the houses and small lots do exist and the scheme should clarify their position within each zone as a contiguous land use.

Given the unique circumstances of each zone it is proposed to address them and the specific provisions for considering dwellings separately.

Special Use Zone 8 and Design and Development Overlay 11

In the case of SUZ8 and DDO11, which is essentially a community uses precinct which allows for uses such as schools and services, there is not likely to be any significant conflict in land use as both residential and the uses allowed by the zone are generally compatible and the discretionary uses under the Special Use Zone 8 are also discretionary in the General Residential Zone.

The outcome recommended anticipates that through certainty of the right to exist improvements and investment in landscaping may well result or be conditioned on a permit where new works are proposed.

This provision seeks to remove any ambiguity associated with the interpretation of "intensification" under "existing use rights provisions" of the scheme and allow the existing dwellings to remain and be improved subject to a planning permit.

A change should occur to the SUZ8 and DDO11 to recognise existing dwellings.

Special use Zone 9

Special use Zone 9 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.

Existing non-conforming use rights under the scheme should continue to apply.

General Residential/Commercial 1 Zone

A former shop and vacant lot exist on the south side of Fifteenth Street at the corner of Sandilong Avenue. These sites are impacted by the Design and Development Overlay 11 which effectively eliminates any ability for the site's to be developed. While these sites are west of Sandilong Ave, they form a contiguous part of the General residential zone running along Sandilong Avenue. The sites however, are effectively sterilised for development as it sits almost entirely within the setback area. Several options exist including;

- Modify the DDO to reflect the situation and have reduced setbacks
- Remove the sites from the DDO as it is residential and not Special Use Zone 8
- Change the boundary between DDO 11 and DDO 13 (Irymple) to include the sites in DDO 13.

Given that the Third option has not been widely consulted upon and that the DDO 13 is essentially responding to commercial land use, more detailed consideration and consultation would be required.

The first two options essentially deliver the same outcome on the ground though in re drafting the DDO provisions, additional complexity will be introduced in having one objective but two significantly different setback requirements. The expectation is that any development on the residential lot will be suitably landscaped so as to compliment and integrate with landscaping within the 30 metre setback elsewhere. While not delivering the consistent setback envisaged by the overlay, a better aesthetic outcome is achieved compared to the appearance of the current degraded site.

On that basis the most effective outcome is to amend the provisions of the setback to recognise this anomaly and provide a lesser setback but increased landscaping and design response for the specific site. It will be important to respect this area as part of the Mildura gateway and it will need to integrate with the DDO 13 objectives as well as the DDO 11 applying to the site.

The DDO11 should be retained to accommodate the proposed changes.

05 DISCUSSION - SPECIAL USE ZONE 8 AND DESIGN AND DEVELOPMENT OVERLAY 11

5.1 Special Use Zone 8 and DDO 11 - Overview

Essentially the zone and DDO overlay was put in place to create a non-urban break between Irymple and Mildura. It recognised that traditional irrigated agriculture within this part of the Mildura irrigation district was largely no longer being practiced and it allowed for some “low intensity” community based uses subject to significant setbacks in what could best be described as a non-urban design response.

In many respects, though not specifically stated, the zones function as a holding zone for the future when the demand for land use change in the location is better known.

While no specific change is likely to occur in this area in the short term, the policy development referred to in Section 2.1 provides direction and what may occur over the next decade or more.

5.2 Special Use Zone 8

Within the zone, little has changed since its inclusion within the scheme. The uses encouraged by the zone have limited demand and take up is always likely to be slow.

Based on this observation, there appears to be no strong demand for the type of uses encouraged by the zones. This may be due to a number of influences including:

- Impact of the more restrictive nature of zone provisions impacts on the viability of a development
- The significant limitations on the uses allowed
- Low demand for the community uses envisaged
- The distance of the site (relatively) from where demand for services originates and isolation from planned growth areas

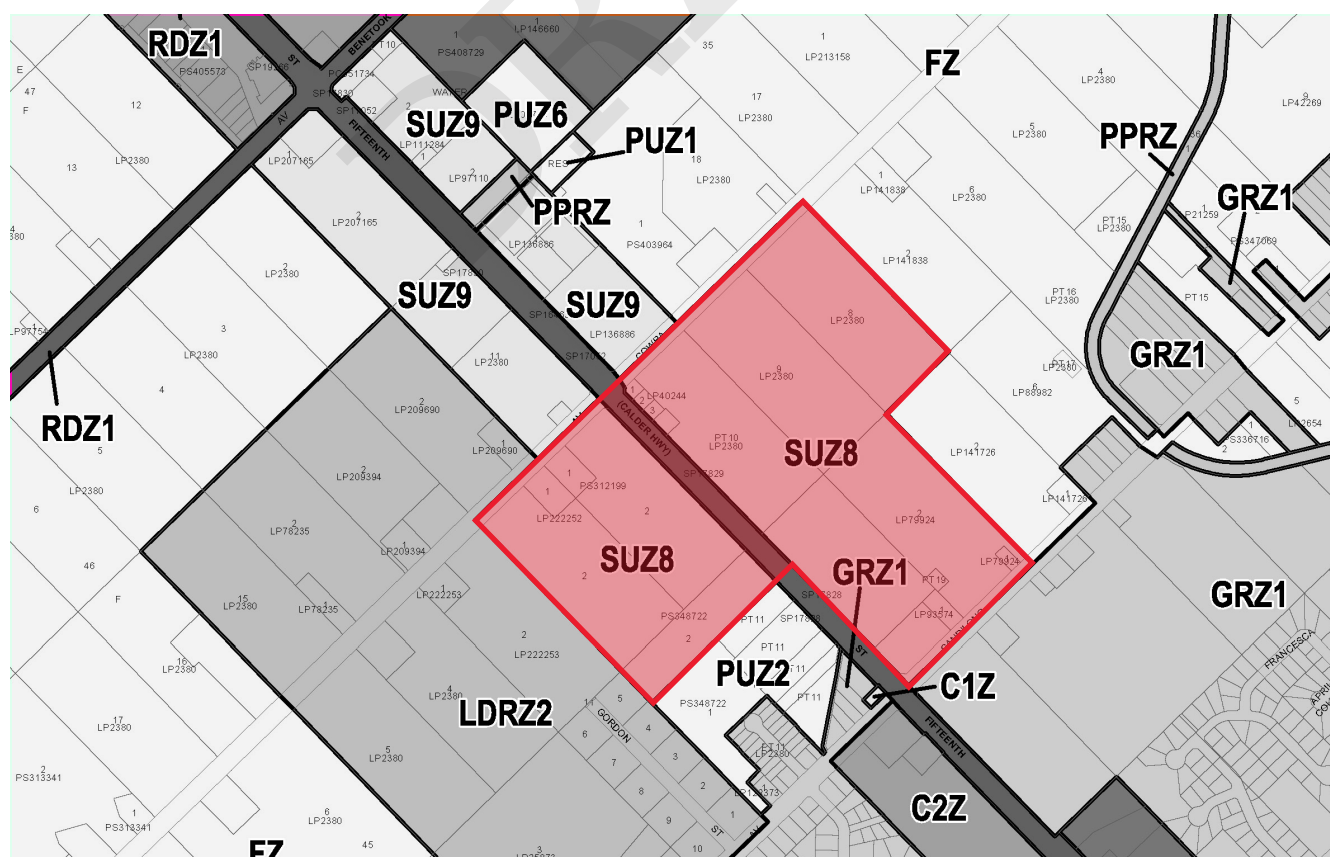


Fig. 4 Identifying the location of Special Use Zone 8

In many respects the Special Use Zone 8 is preserving options for future development of the Mildura East Growth Area. In the short term it will maintain an essentially rural character which will, for the foreseeable future, function as a break between Mildura and Irymple.

Slow take up or no take up of land for the uses encouraged by the zone should not be an unreasonable expectation given its restrictive nature.

5.3 Emerging Influences

5.3.1 Planning direction

Future growth of Mildura

If the findings of the Mildura Housing Strategy are advanced with more detailed planning then the Special use Zone 8 is likely to form part of a future growth area, preserving this area for more detailed planning and the potential to accommodate more intensive urban development is a serious consideration and perhaps an objective for the zone that needs to be addressed.

Practicality of the Urban Rural break

Given the restrictive nature of the zone and requirements of the DDO, take up of land for non-rural land use is likely to be slow. For the foreseeable future this zone will continue to function as a non-urban break and as a “holding zone” until more detailed planning for the future growth of Mildura occurs.

Gateway to Mildura

This is a significant role the interface with Fifteenth Street has through the zone. Fifteenth Street is the Calder Highway. An integrated approach along the full length of Fifteenth Street to provide some consistency in setbacks and landscaping treatment should be considered. While implementation may be slow, long term integrated delivery of a landscaping response will deliver a consistent treatment.

5.3.2 Advertising Requirements of the Planning Scheme

The Schedule to the Special Use Zone 8 provisions apply the Clause 52.05 Category 4 provisions with regard to the extent of signage available.

This is a category of advertising that has been designed for sensitive locations, typically rural in nature, areas of landscape significance or areas that function as gateways or entries to townships on major highways.

The Special Use Zone 8 is a low intensity zone, with low density community focused development encouraged. It will one day integrate with the Mildura East Growth Area but at present it is part of the break between Mildura and Irymple. As such the category of signage is appropriate and still allows a great deal of flexibility on advertising. Given the location will be low density or rural, the category of signage allowed (subject to a planning permit) will have higher visibility than in higher density urban areas.

5.3.3 Drivers for change

Essentially, there are no strong drivers for change within this area based on the planning policy development and background studies prepared over the past decade. What has resulted from this work is a clearer direction that this area may contribute to the likely long term future growth area (Mildura East) for Mildura but little detail is available until that strategic planning occurs. Clearly, if the general recommendations of the Mildura Housing Strategy is considered and practically applied, in the long term there is no real alternative but for growth to occur to the east of the existing city which may well incorporate the special use zones. Preserving options for the future is an emerging function of the Special Use Zone.

5.4 Community response

The key input from the local community identified the following key issues:

- Slow take up of land for development – there was a concern that the zones were restrictive in the nature of the land uses allowed and the demand for such uses limited to the point that there would be very little interest in investment.
- No continuous commercial development – community representations, particularly from Irymple residents expressed a desire that a noncommercial break exist between Mildura and Irymple.
- An opportunity for residential development – several land owners expressed a desire for this area to be rezoned to residential land use.
- Existing dwellings – owners of existing dwellings have a real concern that they are non-conforming uses within the zone and impacted by the DDO setback requirements. There is little incentive for adjoining sites to acquire and integrate these into new developments and limited opportunities to do anything other than maintain the existing dwelling. This outcome significantly impacts on the ability to sell the dwelling and the value of the site

5.5 Summary

5.5.1 Special Use Zone 8

The overall place and purpose of the zone and more recent influences on it are discussed above. The conclusions of the above review and discussion are:

- The zone is unique and was introduced to reinforce an essentially rural break while recognising traditional farming is no longer practiced
- The zone is very restrictive which limits any potential to develop the area rapidly in the short term
- The result of the zone provisions, in conjunction with the DDO requirements is an increased cost (and therefore constraint) for development interests.

- The current zoning in part fulfils a role of a holding zone pending further planning for Mildura's Growth which may then, in an informed manner, be reviewed. The uses allowed by the zone are of a low intensity and low impact and are likely to be able to be integrated into any future residential community should that be the outcome of planning for the growth of Mildura.
- Significantly, Special use zone 8 and the DDO controls form part of a gateway objective for Mildura, in conjunction with the DDO 10 and DDO 9 along Fifteenth Street and some consistency across all areas should be an objective for the city.

Overall the land use mix that is either as of right or discretionary appears to match what the objectives for the zone (a low density non-urban break).

5.6 Design and Development Overlay 11

5.6.1 Built form response

The design and development overlay is detailed in its requirements for built form response and setbacks seeking to retain low density form of development and rural appearance. This overlay supports a less intensive built form outcome.

The DDO also is very specific with regard to materials and finishes which is in some cases contradictory. E.g. Schedule 10, clause 3, Building and design, dot points 13 "Monotonous repetition of material and colour is to be avoided" and 18 "Variation in colours should be kept to a minimum" with dot point 19 "Extensive use of primary colours should be avoided".

Landscape requirements

The landscaping provisions of the DDO appear prohibitive and inconsistent with the objectives elsewhere on Fifteenth Street. This may have been introduced to differentiate the "break" from the rest of the gateway. Given the low delivery of landscaping and the potential for a gateway treatment consistency, it could be more appropriate for a consistent treatment to be implemented for all of Fifteenth Street from Irymple into the commercial zones to the west.

Car Parking and loading

The DDO places requirements for parking and loading that in some cases replicate what is already in the planning scheme under clause 52.06, e.g. "adequate provision of onsite car parking for employees and visitors should be provided". As such these appear somewhat superfluous and repetitious.

Diagram supporting the schedule

The diagram forming part of the schedule presents an indicative form of development for the overlay area that does not respond to optimum development potential allowed by the zone and overlay. As such it is somewhat misleading, presenting only as one scenario for how development might occur. Given the significant variation between this diagram and the setback requirements it is suggested that this should be replaced or removed.

The DDO schedule raises specific areas for discussion but the overall observation and starting point is that the schedule could be reduced in content to remove inconsistencies and duplication of other areas of the planning scheme.

Significantly, discussion needs to occur on the way in which the DDO should respond to the Fifteenth Street as a gateway to the city of Mildura and the desirability of consistency in landscaping.

Figure 7 (in section 6 of this report) maps the application of the various DDOs that exist between Deakin Avenue and Irymple. This provides a basis for options for introducing some consistency in delivering a long term gateway to Mildura responding to setbacks and landscaping. This is addressed in more detail in section 5.

5.7 Existing Dwellings

The DDO requires a built form setback for all new buildings and intensification of any existing buildings. While the overlay applies predominantly to the Special Use Zone 8, it also applies to a small area of land zoned general residential at the corner of Fifteenth Street and Sandelong Avenue.

As discussed section 4 (Special Use Zone 8) there is little incentive for land owners to change anything or invest in their sites which in itself contradicts the objectives of the overlay. A mechanism for improving the aesthetics of the sites within delivering the objectives of the zone needs to be identified.

5.8 Existing Shop

A raised previously and as identified in figure 7, a commercial /residential lot exists on the south/western corner of Sandelong Avenue and Fifteenth Street, fully within the setback area to Fifteenth Street required by the DDO 11. This site is in a similar position to the remnant dwellings and the site is significantly encumbered.

The existing old, weatherboard shop has non-conforming use rights but there is no incentive to improve and no ability to expand the operation. There is every incentive for the land owner to keep the existing building as the only other alternative is to comply with the setback requirements which would sterilise the site for development.

As with the dwellings referred to separately, this site and the treatment of Fifteenth Street will benefit from the overlay provisions recognizing the existing situation and introducing some flexibility for the site through a maintenance of the existing setbacks that would encourage use of the land consistent with zone provisions with an emphasis on landscaping if and when a town planning permit is sought for development.

06 DISCUSSION - SPECIAL USE ZONE 9 AND DESIGN AND DEVELOPMENT OVERLAY 10

6.1 Special Use Zone 9 and DDO 10 - Overview

From the available background reports and adopted design guidelines, the zone was put in place to facilitate a transition to urban Mildura, with a “Highway Frontage” commercial development with a strong focus on creating a gateway statement through building design and landscaping. The current planning controls result in a density of development that is not rural but lower than what would normally be provided for commercial and industrial development in an urban context.

The draft Mildura Retail Strategy 2017 indicates that take up of commercial activity elsewhere on Fifteenth Street and at other locations, will be moderate and that existing zoned land has the capacity to accommodate projected demand. Indicatively, with the slow take up of industrial land adjoining the special use zone 9, this is also likely to be slow.

The Special Use Zone 9 is, along with Special Use Zone 8, an interface to the potential future growth of Mildura as outlined in the Mildura Housing Strategy.

6.2 Special Use Zone 9

6.2.1 Land Use Change

While there 3 small food premises and a car sales yard have been approved, development take up over the past decade has been slow. Despite this, anecdotal evidence from Council indicates that expressions of interest exist for development.

The slow take up rate is relative and needs to be viewed in the context size of the Mildura economy and against the availability of other commercial land.

It is appropriate to plan for the supply of land long term and take up should not be expected to be immediate.

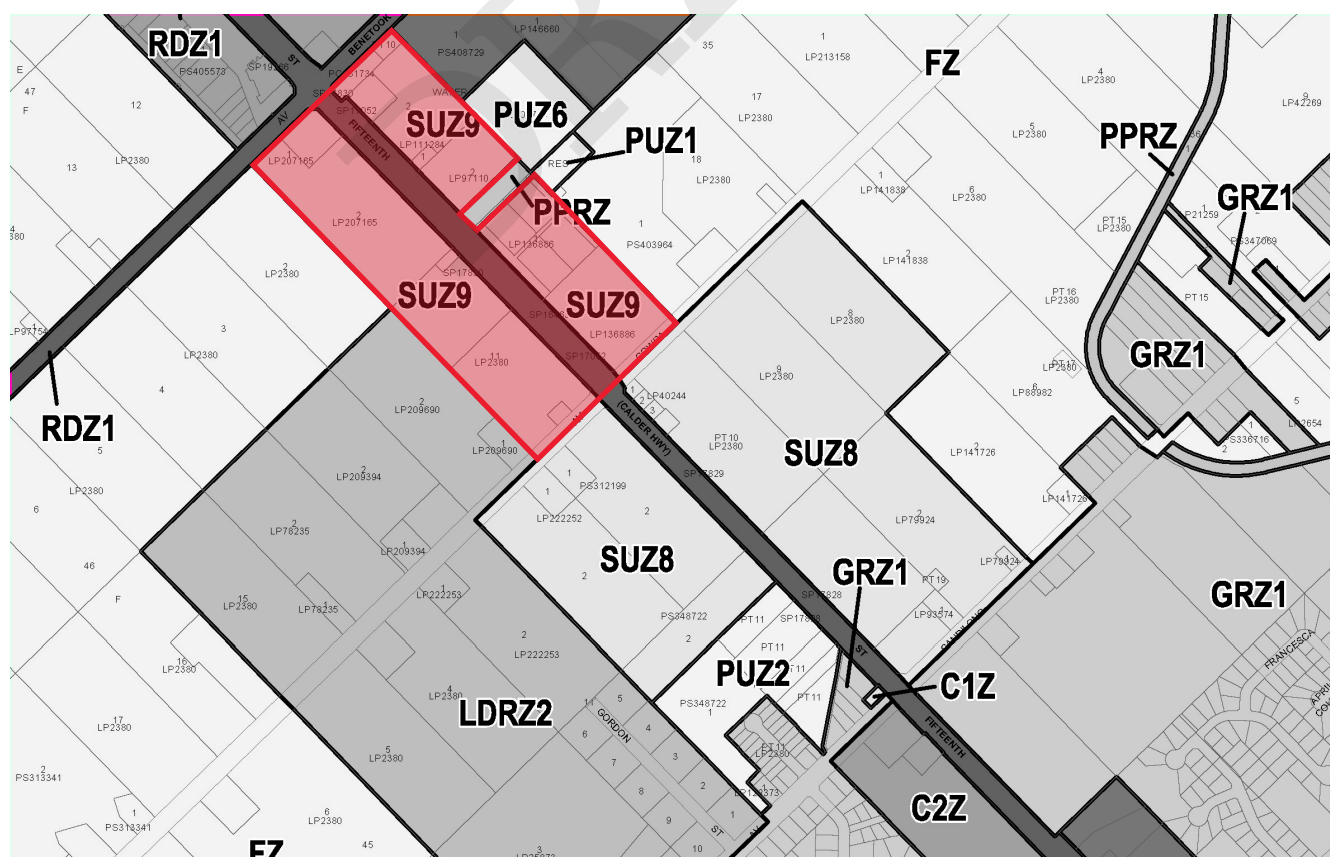


Fig. 5 Identifying the location of Special Use Zone 9

6.3 Emerging Influences

6.3.1 Planning direction

Future growth of Mildura

One of the most significant influences on this zone is the potential for more detailed planning for the east Mildura growth area to better define a role for both of the Special use zones.

The special Use Zone 9 is at a juxtaposition between existing commercial, existing industrial zoned land and an unknown influence that will result from planning for future growth. Given the slow take up of development since the inception of the zone and the likely slow take up of land, there is likely to be a strong relationship between planning for the future growth of Mildura and this area.

Retail Strategy 2017

The findings of the draft retail strategy indicate that current commercially zoned land is likely to provide adequate supply for the foreseeable future and given the more restrictive design requirements for the Special Use Zone 9 (through DDO10) that the area will be less attractive to development.

Practicality of the non urban break

The zone, if developed to the density envisaged by the corresponding DDO 10 will deliver a lower density development than other commercial or industrial areas. This will not be rural in nature but low density urban development. As a permanent gateway, assuming no land use change was to occur in the immediate environs, this may well present as a good gateway urban design response. Given, however, that the area is likely to one day be a part of a larger Mildura, preserving options for the future is increasingly important. This area may be an integral part of an expanded Mildura and a low density response not appropriate.

Without any detailed planning for growth any assumption will be speculation.

Gateway to Mildura

Fifteenth Street is the Calder Highway and will be a gateway to Mildura by road. Ensuring consistency in the treatment of the interface by built form and landscaping will contribute to a sustainable long term outcome regardless of land use change in the future.

6.3.2 Advertising Requirements of the Planning Scheme

The Schedule to the Special Use Zone 8 provisions applies the Clause 52.05 Category 3 provisions with regard to the extent of signage available.

This is a category of advertising that has been designed for lower density, highly visible urban development.

While the Special Use Zone 9 is a commercial and industrial zone and typically a higher category of signage might be expected, it is at the gateway to Mildura and all developments should be treated equally under the zone. With large frontages and good exposure, excessive signage should not be required to identify any individual operation. Providing all developments are treated consistently the category 3 is appropriate.

It should be noted that, subject to a permit, the types of signage permitted in the zone does extend to:-

- Electronic signs (3m² in area)
- Floodlit signs
- High wall sign (Business logo only)
- Internally illuminated signs
- Pole sign

Given that Fifteenth Street is the gateway to Mildura then applications need to be treated consistently across all sites and have regard to the gateway objective.

6.3.3 Drivers for change

The area is likely to develop slowly for some time with the risk of speculative subdivision to create lots that avoid the restrictions of the DDO with regard to setbacks.

6.4 Community Response

Community feedback identified the following observations with regard to the implementation of the zones and corresponding overlay:

- Slow take up of land – There was some concern by landowners that the demand for the commercial type land use envisaged by the zone has limited demand and that take up would be slow.
- Restrictions on setback requirements by the DDO 10 (See section 3) – while more specifically relating to the overall land area lost to setbacks, was raised as a specific issue that affects the viability of development on a site.
- Existing dwellings with the setback requirements - owners of existing dwellings have a real concern that they are non-conforming uses within the zone and impacted by the DDO setback requirements. There is little incentive for adjoining sites to acquire and integrate these into new developments and limited opportunities to do anything other than maintain the existing dwelling. This outcome significantly impacts on the ability to sell the dwelling and the value of the site.

6.4.1 Community expectations

It is understood that Council has received feedback from land owners and potential developers indicating that the setback requirements are prohibitive from a commercial perspective.

It is understood that the current DDO 10 provisions seek to deliver lower density development as a transition to the non-urban break, a response to the broader community desire at the time of the introduction of the zone to maintain a break between Irymple and Mildura.

6.5 Summary

6.5.1 Special Use Zone 9

The conclusions of the above review and discussion are:

- The zone was introduced to allow for commercial development with highway frontage adjoining the existing commercial 2 zones and industrial zone.
- The zone allows a wide range of land uses but within it there has been very little take up
- Significantly, Special Use Zone 9 and the DDO 10 controls form part of a gateway objective for Mildura, in conjunction with the Special Use zone 8 and DDO 11 along Fifteenth Street and some consistency across all areas should be an objective, to ensure that the entry to the city presents well.
- The area is intrinsically linked to the future growth of Mildura to the East (north of the zone)

6.6 Design and Development Overlay 10

Built form response

The front setback requirements deliver a building setback generally consistent with other development further to the west along Fifteenth Street and as such treats the gateway to Mildura, consistently, from a built form perspective requiring a 30 metre setback for part of the building and 40 metres for the remainder is generally consistent with a somewhat variable setback requirements between Deakin Avenue and Irymple.

Figure 6 maps the DDO setback requirements between Deakin Avenue and Irymple.

The design and development overlay is detailed in its requirements for built form response and setbacks with some questionable objectives. Notably is the requirement for rear setbacks of at least 10 metres (perhaps as a setback to existing adjoining Farming zone and rural living) and the variation inside setbacks.

Significantly, the side setback requirements of 4 metres to the boundary where lots are greater than 1.5 Hectares and no setback provision for smaller lots encourages subdivision into lots of less than 1.5 Hectares. Alternatively, large buildings will have setbacks to the side while smaller developments will not. The benefit of these controls is questioned.

Dot point two under Building Design requires single frontages to be no more than 30 metres wide. This requirement may work against the type of commercial activity allowed by the zone, it appears as a "one size fits all" approach which may have financial and commercial

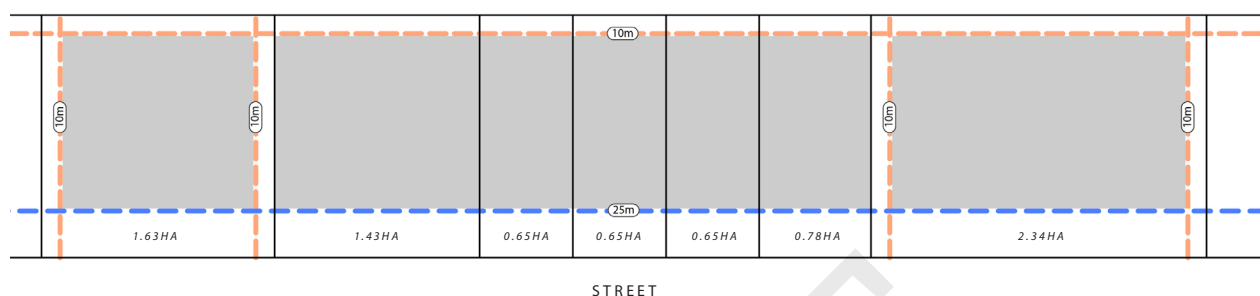
Implications depending on the uses proposed. This appears inconsistent with setback requirements elsewhere on Fifteenth Street.

The DDO also is very specific with regard to materials and finishes which is in some cases contradictory. For example, Schedule 10, clause 3, Building and design, dot points 13, "Monotonous repetition of material and colour is to be avoided," and 18, "Variation in colours should be kept to

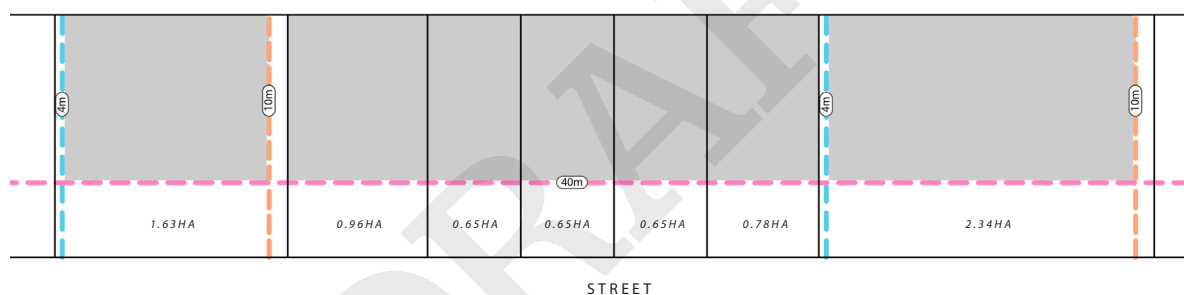
A minimum," with dot point 19, "Extensive use of primary colours should be avoided". The same requirement that is applied to DDO 11.

Car Parking and loading

The DDO places requirements for parking and loading that in some cases replicate what is already in the planning scheme e.g. adequate provision of onsite car parking for employees and visitors should be provided. This appears somewhat superfluous given the clause 52.06 requirements.



DESIGN AND DEVELOPMENT OVERLAY - SCHEDULES 10 - VIGNETTE



DESIGN AND DEVELOPMENT OVERLAY - SCHEDULES 11 - VIGNETTE

Fig. 6 Indicative Setbacks

Landscaping Plan

Along with DDO 9 and DDO 8, landscaping requirements for the Calder Highway/Fifteenth Street presents as the main gateway to Mildura. The delivery of a consistent landscape treatment will present as the best outcome over time.

One of the medium term obstacles is the fragmented nature of development which will inevitably deliver an “ad hoc” appearance to any landscape treatment. Any planning for delivery must have long term vision.

While only a minor matter the requirements of the overlay place an emphasis on native plants in landscaping is questioned. Native plants have not been used in the two recent developments and potentially limit the diversity of response. If a consistent landscaping theme is sought for the “gateway” then clearer direction and even a single landscape concept plan should be considered.

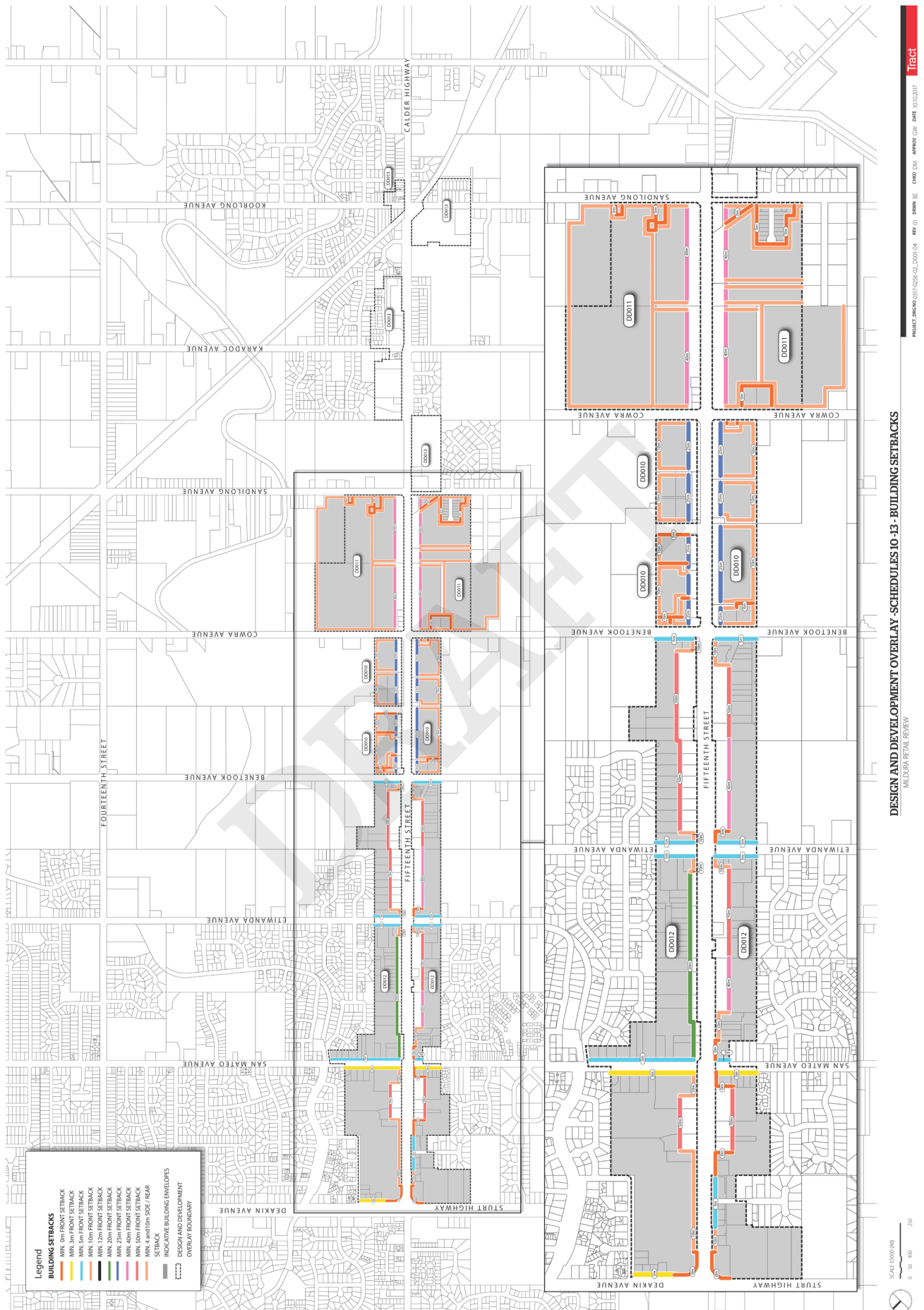


Fig. 7 DDO setbacks along Fifteenth Street

07 PUBLIC ACQUISITION OVERLAY - FIFTEENTH STREET

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.

Implications for Design and Development Overlay setbacks

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.

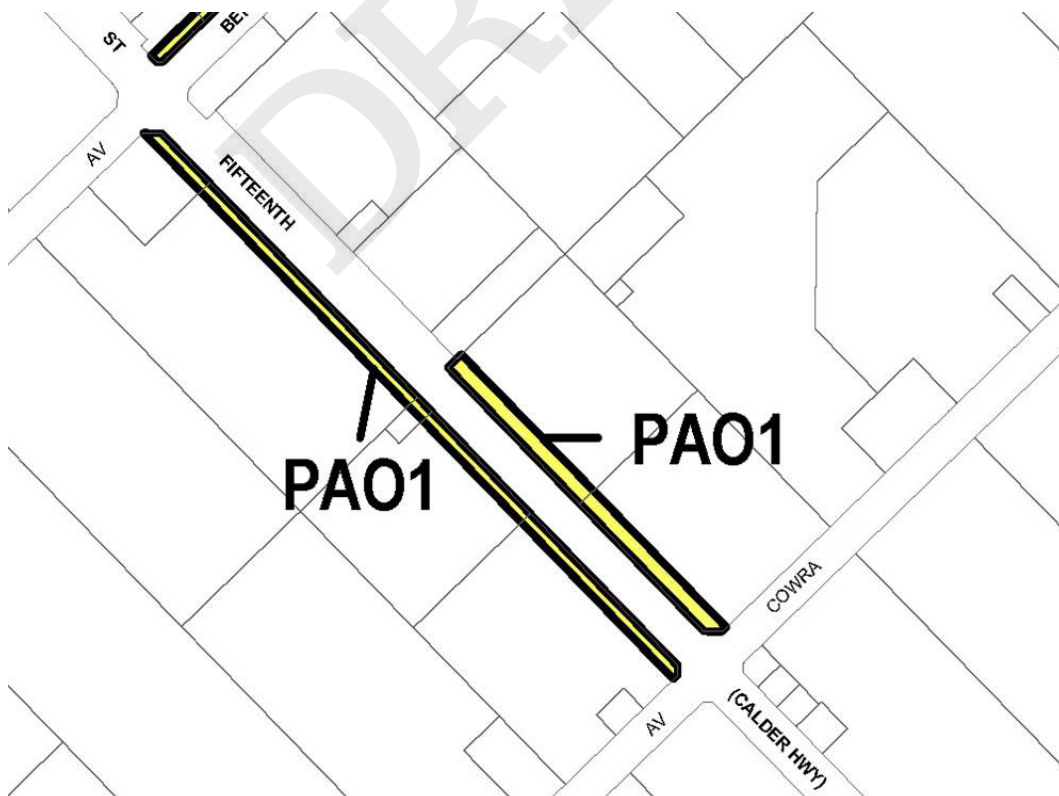


Fig. 8 PAO Fifteenth Street

08 CONCLUSION

Each Zone and Design and Development Overlay serves a different purpose and will need to be addressed separately.

Special Use Zone 8 and DDO 11

Overall there is no strong driver to change the planning scheme provisions for this area. The issues raised in the paper relate predominantly to matters specific to individual sites and existing developments that are non conforming.

Recent policy development, specifically the designation of the future "Mildura East" Growth Area will require more detailed planning at the appropriate time, which may require changes but until that work occurs any change other than a response to existing used, is premature.

As the zone ... the uses currently facilitated by the zone are likely to be able to integrate into any future urban fabric, particularly residential development.

While existing dwellings restrict the ability to fully implement the building setback requirements and landscaping objectives, the dwellings do exist and there is little incentive for house sites to be incorporated into development.

An alternative approach that recognizes the existing dwellings is required. The objective of this should be to encourage investment and upgrading of the buildings and landscaping which in turn compliments the setbacks and landscape objectives.

Special Use Zone 9 and DDO 10

Based on the findings of the "Mildura retail Strategy 2017". It is likely that the take up of land will be slow. Given the potential for multiple occupants it will be necessary to maintain the service road treatment to minimise traffic conflict on Fifteenth Street.

Anecdotally, the interest in Special Use Zone 9 is increasing. It should be recognized that the economy of a regional city that land use change will not occur immediately in most cases.

Overall, Special Use Zone 9 compliments the commercial land use along Fifteenth Street and provides for future development.

With regard to setback requirements of the zone, front setback requirements are generally consistent with Fifteenth street further to the west. As indicated in Figure 7 this is variable from 10 metres to 50 metres. At 30 metres stepping back to 40 metres, the front setbacks maintain some consistency.

The additional side setbacks requirements on larger lots only (greater than 1.5 Ha), appears restrictive and presents as an incentive to create lots of less than 1.5 ha. An approach more consistent with commercial development on Fifteenth Street is recommended.

Given that the Special Use Zone 9 is effectively a commercial zone, entrenching the existing dwellings is contrary to the zone objectives and the existing planning scheme provisions with regard to dwellings should remain.

09 RECOMMENDED CHANGES TO THE PLANNING SCHEME

9.1 Overview

The review of the two zones and overlays included the following:

- Existing zone provisions review
- Applications for development since the introduction of the zone
- Land owner and community comments
- A review of the schedule provisions having regard to other sections of the planning scheme

As a result, the changes to both zones and overlays have been recommended 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.

Special Use Zone 8

Recommended Planning Scheme Changes

In the schedule to Clause 37-01.08 (Schedule 8 to the SUZ)

- Under heading "Purpose", delete point four "to encourage use and development of tourism related activities"
- In section 2 – discretionary uses add "Dwelling" with the following condition "must be in accordance with section 5 of this schedule."
- Section 3 – prohibited uses, next to "Dwelling" add the following condition "other than in accordance with section 5 of this schedule."
- In Section 4 - Delete Section 4 and renumber schedule.
- In dot point 4 replace with "Buildings must be setback a minimum of 4 metres from at least one side boundary".

- Add a new section 5 – “Existing Dwellings – Special provisions”
 - “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.
 - This provision does not apply if the site containing the dwelling is incorporated into any other lot nor is the subject of a boundary adjustment after 1 January 2018, other than as a result of an acquisition or requirement of a government agency.”

Design and Development Overlay 11

- Section 2 Buildings and works – change:
 - Dot point 1, after “buildings and works must be setback a minimum of 40 meters from the Fifteenth Street boundary” add “unless the site is an existing dwelling site, land within a General Residential Zone or land within a Commercial 1 Zone.
 - Dot point 3, after “for those” add “adjoin land zoned farming zone, buildings must be setback a minimum of 10 metres from the rear boundary” .
 - Dot point 4 replace with “Buildings must be setback a minimum of 4 metres from at least one side boundary”.
- Section 3 – Building design - delete:
 - Dot point 14 “ Variations to colour should be kept to a minimum and shall be in subdued tone”.
- Section 3 – Access and car parking – delete:
 - Dot point 5 “Adequate provision of onsite parking for employees and visitors is to be provided”.
 - Dot point 7 “Car parking to be dimensions to be in accordance with Australian Standards AS 2890 1 and be disability discrimination act compliant
 - Dot point 8 “car parking must be clearly marked”

- Section 4 – Landscaping – delete:
 - The use of the word “native” in reference to landscaping.

Special Use Zone 9

- Purpose of the zone

Reword to state “To reinforce Fifteenth Street as part of the gateway to Mildura”.

Design and development overlay 10

- Recommended Planning Scheme map Change.

Modify the boundary of the design and development overlay to exclude land zoned “General Residential Zone” at the intersection of Fifteenth Street and Sandelong Avenue.

- Section 1 “Design Objectives” – change first point to:

“To provide consistent built form environment to that further west on Fifteenth street.”

- Section 2 – Setbacks

Dot point 4, after “ buildings must be setback a minimum of 10 metres from the rear boundary” add:

- a 3 metre setback should be provided to side boundaries

Or

- A minimum 6 metre separation must be provided between buildings where one building adjoins a property boundary

- Section 3 – Design Guidelines

Subdivision and Site Layout

- Delete dot point 1 “existing lots exceeding 1.5 ha may be subdivided to accommodate no more than two building forms fronting Fifteenth Street”

- Section 3 – Building design

- Delete dot point 4 “Building frontages are encouraged to have lightweight appearance”
- Delete dot point 7 “Buildings should not exceed a width of 100m”
- Delete dot point 13 “Monotonous repetition of material or colour to be avoided.”
- Delete dot point 15 “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.”
- Delete dot point 18

- Section 3 Floodlighting – Delete:

- Dot point 9 “Adequate provision of onsite parking for employees and visitors is to be provided”.
- Dot point 11 “Truck access ways must be in accordance with Australian Standard 2890-2”.
- Dot point 12 “Car parking to be dimensions to be in accordance with Australian Standards AS 2890 1 and be disability discrimination act compliant”

- Section 4 landscape plan – Delete:

- The use of the word “native” in reference to landscaping.

- Section 7 “Fifteenth Street Special Use (Business) Precinct Concept Plan”

- Replace with Fifteenth Street frontage cross section from the existing diagram.

