

SCHEDULE 9 TO THE SPECIAL USE ZONE

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

MILDURA – IRYMPLE URBAN TRANSITION AREA**Purpose**

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

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

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

Table of uses**Section 1 - Permit not required**

| Use | Condition |
|------------------------------------|--|
| Apiculture | Must meet the requirements of the Apiary Code of Practice, May 1997. |
| Carnival Circus | Must meet the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997. |
| Electoral office | May be used for only 4 months before an election and 2 weeks after an election. |
| Equestrian supplies | The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone. |
| Informal outdoor recreation | |
| Lighting Shop | Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 500 square metres. The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone. |
| Mail center | |
| Mineral Exploration | |
| Mining | Must meet the requirements of Clause 52.08-2. |
| Minor utility installation | |
| Natural systems | |
| Party supplies | The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone. |

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| Use | Condition |
|---|---|
| Railway | |
| Restricted retail premises (other than Equestrian supplies, Lighting shop, and Party supplies) | Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 1000 square metres. |
| | The combined leasable floor area for all restricted retail premises must not exceed any amount specified in the schedule to this zone. |
| Road | |
| Search for stone | Must not be costeaning or bulk sampling. |
| Telecommunications facility | Buildings and works must meet the requirements of Clause 52.19. |
| Trade supplies | The combined leasable floor area for all trade supplies must not exceed any amount specified in the schedule to this zone. |
| Tramway | |

Section 2 - Permit required

| Use | Condition |
|---|--|
| Agriculture (other than Apiculture and Intensive animal husbandry) Caretaker's house Convenience shop | |
| Education Centre | Must not be a primary or secondary school. |
| Industry (other than Material recycling) | |
| Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone. Motel | |
| Office (other than Electoral office) | The leasable floor area must not exceed 500 square metres. |
| Place of assembly (other than Carnival and Circus) Retail premises (other than Shop and Trade supplies) Service station Utility installation (other than Minor utility installation and Telecommunications facility) Warehouse (other than Mail center and Shipping container storage) | |
| Any other use not in Section 1 or 3 | |

Section 3 -Prohibited

Use

- Accommodation (other than Caretaker’s house and Motel)**
- Adult sex bookshop**
- Extractive industry**
- Hospital**
- Intensive animal husbandry**
- Major sports and recreation facility**
- Materials recycling**
- Motor racing track**
- Shipping container storageShop (other than Convenience shop, and Restricted retail premises)**

2.0

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C38

Use of land

Amenity of the neighbourhood

Application requirements

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

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.]
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

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

- Transport of materials, goods or commodities to or from the land.
- The likely effects, if any, on nearby land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Works Approval, or Waste Discharge Licence is required from the Environment Protection Authority.
 - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
 - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008)
- The Mildura Irymple Interface Study (2006)
- The provisions of Design and Development Overlay (Schedule 10).

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Subdivision

Permit requirement

A permit is required to subdivide land.

Exemption from notice and review

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

Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- The interface with adjoining zones, especially the relationship with residential areas.
- The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008)
- The Mildura Irymple Interface Study (2006)
- The provisions of Design and Development Overlay (Schedule 10).

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GC8**Buildings and works****Permit requirement**

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

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Application requirements

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

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
 - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

Exemption from notice and review

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

Decision guidelines

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

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- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, including outdoor advertising structures, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or near the land.
- Interface with non industrial areas.
- Outdoor storage, lighting and storm water discharge.
- The design of buildings to provide for solar access.
- The Urban Design Guidelines Mildura Irymple Urban Transition Area (April 2008)
- The Mildura Irymple Interface Study (2006)
- The provisions of Design and Development Overlay (Schedule 10).

Maintenance

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

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Advertising signs

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

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

Check whether an overlay also applies to the land.

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