

2 Project Description

The Mildura Marina Resort Development Plan provides for the following:

- A marina with over 100 berths for houseboats and other craft and mooring space for four paddle steamers
- Marina related land based activities including boat service and maintenance facilities, boat launching, fuelling and sewage pump out
- Water front retail for 1500 square metres
- Hotel with between 120 and 150 rooms not greater than three storeys high
- Convention Centre with capacity for 300 people not greater than three storeys high
- 24 two storey dwellings on the waterfront and a further 46 two and three storey dwellings located on the southern portion of the site
- 18 riverside dwellings located beside the hotel forming part of the hotel accommodation
- 9 storey high building containing 24 waterfront apartments with a height not exceeding 65.0m Australian Height Datum. (The 65.0m AHD level shall not be exceeded by any architectural feature, building service, electronic media, antenna, flagpole, advertising sign or other element)
- Public parking facilities
- Bus terminal
- Passive recreation areas.

3 Permit not required for use or development in accordance with Plan

In accordance with Clause 52.03 of the Mildura Planning Scheme, despite any provision of the Mildura Planning Scheme which requires that land may be used and developed only in accordance with a permit or prohibits the use of land for a particular purpose, land may be used, and buildings and works may be constructed or carried out, in accordance with this Plan, and the following plans

- Environmental Management Plan (Construction Phase),
- Landscape Plan,
- Traffic Management Plan
- Infrastructure Management Plan and
- Flood Management Plan
- Environmental Management Plan (Operational Phase)
- Urban Design Plan

which have been approved in accordance with Schedule 3 to Clause 37.01 of the Mildura Planning Scheme.

The requirements elsewhere in the Scheme for the provision of parking at specified rates for particular uses and developments are also set aside, where parking is provided for those uses and developments in accordance with this Plan and the Traffic Management Plan.

4 Expiry of a specific control

In accordance with Clause 52.03 of the Mildura Planning Scheme "Expiry of a specific control":

- the date before which the development of the project is to be commenced is 1 July 2005; and
- the date by which the development of the project is completed and the use commenced is 30 June 2014.

The periods defined by the above dates may be extended in accordance with Clause 52.03 of the Mildura Planning Scheme.

5 Plan requirements

5.1 Variations from Plan

Any proposed minor variation from the plan must be referred to the Advisory Committee established under Clause 6 of Schedule 3 to the Special Use Zone for advice. After considering the advice of the Advisory Committee, the responsible authority may allow the minor variation from the plan.

5.2 George Chaffey Bridge and boat ramp

- The former George Chaffey Bridge must be reconstructed prior to the breaching of the river bank connecting the Marina to the river to ensure continued access along the Murray River Permanent Public Purposes Reserve. The soffit of the bridge is to be above 100 year ARI flood level.
- A replacement for the existing boat ramp must be provided to ensure that the rights of existing users shall be maintained.

5.3 Bank guarantee

Prior to the commencement of the development, a bond or bank guarantee to the satisfaction of the responsible authority after consultation with the Department of Sustainability and Environment and Lower Murray Region Water Authority, being no more than 10% of the estimated total development cost at the time of commencement, must be lodged with the responsible authority to ensure and to secure satisfactory conduct, completion and rehabilitation of the works and development. The bond will be released 12 months after the completion of development to the satisfaction of the responsible authority and after the performance of the development is assessed.

The only item to be exempted from the development to be completed before the bond is released is the construction of any off-site car spaces. A sum sufficient for that construction must be retained until final car parking requirements are determined and any further construction is completed.

5.4 Traffic and car parking

Before the use commences areas must be set aside on-site for the parking of 420 parked vehicles, access lanes, and loading and unloading areas and must be:

- Designed to the satisfaction of the responsible authority.
- Properly formed to such levels that they can be used in accordance with the approved Traffic Management Plan to the satisfaction of the responsible authority.
- Surfaced with an all weather seal coat to the satisfaction of the responsible authority.
- Drained and maintained to the satisfaction of the responsible authority.
- Line marked to indicate each car space and all access lanes to the satisfaction of the responsible authority.

Parking areas under buildings are to be protected from the ingress of floodwater by berms or other devices 300mm above the 100 year Annual Recurrence Interval (ARI) flood level. These parking areas must be equipped with a sump pump(s) and provide a means to prevent the entry of flood water to any car park drainage water storage.

The responsible authority may allow the parking areas to be developed in stages corresponding with the requirements of other parts of the project.

In addition to the above, parking arrangements to the satisfaction of the responsible authority must be put in place for the parking of an additional 200 cars.

5.5 Shop

- The total maximum leasable floor area for all shops on the land is 1500 square metres.

5.6 Floor levels

- All accommodation, the hotel and convention centre buildings must have floor levels (other than for basements) 300 mm above 100 year Annual Recurrence Interval (ARI) and vehicular access to these buildings is to be on roads above the 100-year ARI level.

5.7 Fuel inspection chamber

A fuel inspection chamber must be provided adjacent to the Marina fuelling point to facilitate the pump out of spills, bilges etc., to the satisfaction of the responsible authority.

5.8 Town water supply – protective measures

5.8.1 Protective options for the development

Prior to the commencement of any part of the development, appropriate protective measures for the quality of the town water supply must be achieved by adopting one of the following options:

- Option 1 – the construction of a Marina flushing system from the Marina by way of a pipeline (with a pumping mechanism in accordance with the final adopted design) discharging to a point located not less than 200 metres downstream measured along the bank from the Lower Murray Region Water Authority town water intake pumps; or
- Option 2 – a modified point of discharge from the Marina flushing system closer to, or upstream of, the present location of the town water intake points provided that the Lower Murray Water Authority pumping station is relocated together with associated pipeline and other infrastructure in accordance with Clause 5.8.2 of this Schedule.

5.8.2 Section 173 Agreement

If option 2 of Clause 5.8.1 is adopted, an agreement pursuant to section 173 of the Planning and Environment Act 1987 must be entered into by the developer and owner, Lower Murray Region Water Authority and the responsible authority and must include provisions to the following effect:

- The owner and developer is to make a financial contribution to the cost of construction of the new pumping station to be located east and upstream of the proposed Marina mouth, to service the present and future needs of Lower Murray Region Water Authority in meeting its obligation to supply water to the City of Mildura.
- The financial contribution of the owner and developer to construction will be divided into three components namely:
 - a contribution to the cost of a new low lift pumping station;
 - a contribution to the cost of that portion of the new pipeline approximate to the cost of providing the existing rising main from the

existing pumping station to the existing water treatment plant. The first section of the new pipeline will be approximately 330 metres in length and is to be constructed of 750mm diameter pipeline replacing the existing 450mm and 600mm diameter pipelines;

- to pay the total cost of the second section of the new pipeline of some 615 metres from the first section of pipeline to a point beyond the Mildura Marina Resort Development;

The design standard must be commensurate with the appropriate standards for current day design of an urban water supply system and of not less than the equivalent capacity of the current infrastructure.

- The third section of pipeline, commencing from the second section of pipeline, upstream of the Mildura Marina Resort Development to the new pumping station shall be at the cost of Lower Murray Region Water Authority;
- The financial contribution of the owner and developer to the new pumping station and the first section of pipeline will be calculated by reference to the remaining predicted life of the existing pump station and the existing rising main to the town water treatment plant respectively. Particulars of the predicted life of those assets are:
 - existing pump station – 80 years, of which as at 1 July 2001, 38 years remain;
 - existing rising main (to be replaced by the first section of pipeline) – 50 years of which as at 1 July 2001, 15 years remain.
- The owner and developer will also pay all costs associated with the planning, design, tendering, contracting, administration of contract, and any other reasonable administrative costs associated with the works in respect of the new pump station, new pipeline and associated infrastructure;
- Prior to the commencement of any design works associated with the new pump station, pipeline and associated facilities, the owner and developer's total financial contribution must be estimated and the owner and developer shall provide to Lower Murray Region Water Authority a bank guarantee or like security to secure the payment of the financial contribution;
- Upon the completion of the construction and the commissioning of the new pumping station, new pipeline and associated facilities, the final cost will be calculated and any additional financial contribution by the owner and developer must be paid;
- Appropriate provision for the appointment of an independent expert (but not an arbitrator) to resolve any disagreements between the parties concerning financial contributions. The expert must apply appropriate accepted engineering and economic practices.

The agreement must be registered on all titles to the land comprising the Mildura Marina Resort Development.

For the purposes of this clause "owner" refers to an owner of any part of the site (other than the Murray River Permanent Public Purposes Reserve), from time to time.

5.8.3 Preconditions to commencement

Until such time as the works described in Option 1 or Option 2 necessary for the protection of the town's water supply have been completed, the Marina mouth may not be breached and no water may be discharged from the Marina (during construction), except with the written consent of Lower Murray Region Water Authority.