



Mildura Rural City Council

AGENDA

Ordinary Meeting of Council

5:30pm Wednesday 25 August 2021

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

NEXT ORDINARY MEETING OF COUNCIL

5:30pm Wednesday 22 September 2021

Copies of Mildura Rural City Council's Agendas & Minutes
can be obtained online at www.mildura.vic.gov.au

Prayer

Almighty God,

We who are gathered together in Council,
pledge ourselves to work in harmony for
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,
help us to be fair in our judgement and
wise in our actions,
so that prosperity and happiness
shall be the lot of our people.

Amen.

Acknowledgement of Country

“I would like to acknowledge the traditional custodians of
the land on which we are meeting, and pay my respects to
Elders both past and present”.

Note to Councillors

Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

A Councillor has a *material conflict of interest* if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred –

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

An *Affected Person* includes:

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

INDEX

1	PRAYER AND ACKNOWLEDGEMENT OF COUNTRY	6
2	OPENING AND WELCOME	6
3	PRESENT.....	6
4	APOLOGIES AND ABSENCES	6
5	CONFIRMATION OF MINUTES	6
6	CONFIRMATION OF COUNCIL AUSPICED MEETINGS	7
7	NOTIFICATION OF ABSENCE	9
8	MAYORAL REPORT.....	10
	8.1 MAYORAL REPORT JULY 2021	10
9	COUNCILLOR REPORTS.....	12
	9.1 COUNCILLOR REPORTS JULY 2021	12
10	RESPONSES TO COUNCILLOR QUESTIONS	15
	10.1 CR GLENN MILNE - MURRAYVILLE COMMUNITY RADIO STATION.....	15
	10.2 CR IAN ARNEY - SALE OF UNUSED LANEWAYS	16
11	QUESTIONS FROM COUNCILLORS	17
12	NOTICES OF MOTION.....	17
13	PETITIONS, JOINT LETTERS AND DEPUTATIONS	17
14	MANAGEMENT REPORTS.....	18
	14.1 COUNCILLOR EXPENSES REPORT 1 APRIL 2021 - 30 JUNE 2021	18
	14.2 ADOPTION OF MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN (FINAL DRAFT)	21
	14.3 ADOPTION OF ABORIGINAL RECOGNITION POLICY CP058	76
	14.4 PROCUREMENT AUSTRALIA CONTRACT 2306/0843 LIBRARY COLLECTIONS, FURNITURE, EQUIPMENT & ASSOCIATED REQUIREMENTS	91
	14.5 2022 GENERAL REVALUATION	94
	14.6 ADOPTION OF S11A INSTRUMENTS OF APPOINTMENT AND AUTHORISATION.....	96
	14.7 AUDIT AND RISK COMMITTEE MEETING 1/2021-2022 - MINUTES SUMMARY - 14 JULY 2021	102

14.8	ADOPTION OF PLAYGROUND STRATEGY 2021-2026	106
14.9	USE AND DEVELOPMENT OF A DWELLING - 747 ONTARIO AVENUE, MILDURA	158
15	URGENT BUSINESS	208
16	COMMUNITY QUESTIONS	208
17	CONFIDENTIAL BUSINESS	208
17.1	TENDER AWARD - CARD FUEL AND ASSOCIATED PRODUCTS - STATE PURCHASING CONTRACT C370	208
	Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released	
17.2	TENDER AWARD - PROVISION FOR BANKING AND BILL PAYMENT SERVICES - CONTRACT 2021/55	208
	Section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that –	
	(i) relates to trade secrets; or	
	(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage	
17.3	RELEASE OF CONFIDENTIAL COUNCIL REPORTS	208
	Section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	
18	CLOSURE	208

MARTIN HAWSON

ACTING CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

2 OPENING AND WELCOME

3 PRESENT

4 APOLOGIES AND ABSENCES

5 CONFIRMATION OF MINUTES

Ordinary Meeting of Council held on 28 July 2021

That Council confirm the minutes of the Ordinary Meeting of Council of 28 July 2021 as a correct record

Confidential Meeting of Council held on 28 July 2021

That Council confirm the minutes of the Confidential Meeting of Council of 28 July 2021 as a correct record

6 CONFIRMATION OF COUNCIL AUSPICED MEETINGS

In accordance with Part 23 of Council's Governance Rules, records of Council Auspiced Meetings must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

A Council Auspiced Meeting is defined in the Governance Rules as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

The record is therefore presented for Council's noting.

Recommendation

That Council note the following records of Council Auspiced Meetings:

- **Draft Mildura CBD Access & Mobility Strategy Briefing - 15 July 2021**
- **Planning Forum - 26 July 2021**
- **Council Forum - 11 August 2021**

RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Draft Mildura CBD Access & Mobility Strategy Briefing 15 July 2021	Cr Modica Cr De Pieri Cr Eckel Cr Power	Martin Hawson, General Manager Community Mark Jenkins, Manager Community Futures Peter Douglas, Strategic Planning Coordinator Bernadette George, Strategic Planner Vaughn Allan, Senior Transport Analyst - Institute for Sensible Transport	1. Draft Mildura CBD Access & Mobility Strategy	Nil
Planning Forum 26 July 2021	Cr Modica Cr Healy Cr Arney Cr Eckel Cr Milne Cr Power Cr Reynolds Cr Wood	Phil Shanahan, Chief Executive Officer Mandy Whelan, General Manager Development Andrew Millen, Manager Development Services Damien Sutton, Statutory Planning Coordinator Matthew Jackson, Principal Statutory Planner Ebony Cetinich, Senior Statutory Planner	1. Planning Application 005.2014.00000288.001	Nil
Council Forum 11 August 2021	Cr Modica Cr Healy Cr Arney Cr De Pieri Cr Eckel Cr Milne Cr Power Cr Reynolds Cr Wood	Martin Hawson, Acting Chief Executive Officer Mandy Whelan, General Manager Development Mark Jenkins, Acting General Manager Community Chris Parham, General Manager Corporate Larni Baird, Manager Governance & Performance Charmaine Calis, Governance & Risk Coordinator Vinnie Rodi, Communications Officer	1. Hands Up Mallee Update 2. Draft Community Health and Wellbeing Plan 2021-2025 3. Impacts of COVID-19 on Community Wellbeing and Crime 4. Playground Strategy 5. Aboriginal Recognition Policy CP058 6. New Year's Eve Community Event Discussion 7. Adoption of Mildura South Neighbourhood Activity Centre Masterplan - Final Draft 8. Irymple Structure Plan and Urban Design Framework 2020 9. Development of Carbon Farming Policy 10. Community Satisfaction Survey Results 2021 11. Video Presentations Follow Up 12. Monthly Management Report 13. Councillor Issues & Questions	Nil

7 NOTIFICATION OF ABSENCE

8 MAYORAL REPORT

8.1 MAYORAL REPORT JULY 2021

File Number: 02/01/06

1. Summary

The following is an update on the activities and functions attended by the Mayor, Cr Jason Modica during the month of July 2021.

2. Recommendation

That Council note the contents of this report.

3. Comments

- Bendigo Health Strategic Planning Consultation Session
- Mildura Riverfront Powerhouse Briefing
- The Christie Centre Collective - Opening Event
- Meeting with Mildura Airport Pty Ltd.
- Hattah Desert Race
- NAIDOC Flag Raising
- MAV Councillor Development - Community Leadership
- Mattman Show - Radio Interviews
- Meeting with Ratepayer
- Councillor Briefing regarding the naming of the Mildura South Regional Sporting Precinct
- Meetings with South Mildura Sporting Club
- Sunraysia Community Health Service Indigenous Courtyard Opening & NAIDOC Tree Planting
- Mildura Base Public Hospital Patient Safety Program Presentation
- Quarterly Confidential Report Register Review
- Special Council Meeting to consider Mildura South Regional Sporting Precinct Proposed Naming
- Mayoral Videos
- Murray Darling Basin Authority Meetings
- Meeting with CEO & Ali Cupper MP
- 106.7 Hot FM - Radio Interviews
- Meeting with Mobile Consular Services to Turkish Citizens living in Rural Victoria
- Murray River Group of Councils Chair & Executive Officer Catch-ups
- Meeting with Mildura Basketball Association
- Aboriginal Action Committee Meeting
- Meeting with Adult Multicultural Education Services
- Audit & Risk Committee Meeting
- Council Forum
- Sunraysia Lower Darling Community Forum
- Making Mildura Home Session
- CBD Access & Mobility Strategy

- Special Confidential Meeting of Council
- River1467 - Radio Interviews
- Meeting with Parliamentary Secretary for Water, Ms Harriet Shing MLC
- Mildura Community Leaders Forums
- Mayor & CEO Catch-ups
- Mallee Regional Innovation Centre - Hydrogen Hub Briefing
- Climate Change conversation with Professor Lauren Rickards
- Ordinary Council Meeting

9 COUNCILLOR REPORTS

9.1 COUNCILLOR REPORTS JULY 2021

File Number: 02/01/06

1. Summary

The following is a report on the activities and functions attended by Councillors during the month of July 2021.

2. Recommendation

That Council note the contents of this report.

3. Comments

Cr Ian Arney

- Refer to table

Cr Stefano De Pieri

- Meeting with Mildura Regional Development
- Meeting with Economic Development
- Meeting with Hello World
- Various Meetings regarding Economic Development
- Australia Food Bowl SBS Weekly TV Show
- Attend Australian Inland Botanical Gardens Meeting
- Meeting with Ouyen Inc. regarding Sunraysia Mallee Portlink
- Meeting with Mildura Base Public Hospital Administration
- Assisted in the future launch of new Mildura based wine label – Duxton Vineyards

Cr Mark Eckel

- MAV Leadership Development
- Dante Dinner Event
- Chair Chaffey Trail Meeting
- White Ribbon Intersectionality in the Prevention of Violence Against Women
- Thrive By Five Meeting
- Gender Equity & Social Inclusion Meeting

Cr Helen Healy

- Mildura Cemetery Trust Staff Farewell
- NAIDOC Flag Raising Ceremony
- Meeting with ANZ Chief Executive Officer
- NAIDOC Week Official Opening of Sunraysia Community Health Courtyard
- NAIDOC Week Celebration – Mildura Base Hospital
- Meeting regarding Anti-Violence Code of Conduct Discussion
- Constituent Meeting
- Northern Mallee Family Violence Network Meeting – Speaker
- Aboriginal Action Committee Meeting
- Audit & Risk Committee Meeting
- Gender Equality Ministerial Advisory Sub Committee Meeting

- Meeting with the Editor of Sunraysia Daily regarding Gender Equality Article
- Pathways for Carers Walking Group Video

Cr Glenn Milne

- Hattah Scrutineering
- Hattah Junior Racing
- Meeting with ANZ Bank Officials
- Rail Freight Alliance Meeting
- Community Leader Forum
- Rail Freight Meeting
- Various Meetings with Constituents

Cr Jodi Reynolds

- Refer to table

Cr Liam Wood

- Refer to table

This table represents attendances by two or more Councillors at the following functions, as advised by Councillor acceptances for such functions:

Function Attended	COUNCILLOR							
	Arney	De Pieri	Eckel	Healy	Milne	Power	Reynolds	Wood
Council Forum	✓	✓	✓	✓	✓	✓	✓	✓
Planning Forum	✓		✓	✓	✓	✓	✓	✓
Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓
Mildura Riverfront Powerhouse Briefing		✓	✓	✓	✓		✓	✓
The Christie Centre Collective – Opening Event		✓	✓	✓			✓	
Hattah Desert Race			✓		✓		✓	✓
MAV Councillor Development - Community Leadership	✓	✓	✓	✓				✓
Councillor Briefing regarding the naming of the Mildura South Regional Sporting Precinct	✓		✓	✓		✓	✓	
Special Council Meeting 7 July 2021	✓	✓	✓	✓	✓	✓		✓
CBD Access & Mobility Strategy		✓		✓	✓	✓	✓	
Special Council Meeting 15 July 2021	✓		✓	✓	✓	✓	✓	✓
Mallee Regional Innovative Centre - Hydrogen Hub Briefing	✓	✓	✓	✓	✓		✓	
Climate Change conversation with Professor Lauren Rickards	✓	✓	✓	✓	✓	✓		
Powerhouse Briefing		✓	✓	✓	✓			✓
Mildura Community Leader Forum			✓		✓			

Function Attended	COUNCILLOR							
	Arney	De Pieri	Eckel	Healy	Milne	Power	Reynolds	Wood
Gender Equity Action Sunraysia Monthly Meeting			✓	✓				

Attachments

There are no attachments for this report.

10 RESPONSES TO COUNCILLOR QUESTIONS

10.1 CR GLENN MILNE - MURRAYVILLE COMMUNITY RADIO STATION

Record Number: 02/01/06

"We seem to have missed the closing of the Murrayville community radio station that has happened in recent times. Is anyone aware on what the effect on the Murrayville community has been with the loss of their radio station and could there have been more done to save it? Because it's a very much needed link amongst the people."

This matter was addressed by Mark Jenkins, Acting General Manager Community in a memorandum provided to Councillors dated 13 August 2021.

Radio 3MBR-FM is a community radio station which is currently broadcasting throughout the Murrayville, Pinnaroo, Ouyen and Lameroo regions. Radio 3MBR-FM has formed partnership with HOTFM and have recently been able to attain two new volunteers to support potential grant opportunities. The Australia Communications and Media Authority (ACMA) require a new subcommittee to manage the local based news content and are also seeking sponsorship opportunities.

As explained in the memorandum, in 2019 the mast at the Murrayville transmission site (main site) was declared unsafe to climb or conduct further works. There are significant costs and challenges associated with either upgrading the current site or securing a new site. Radio 3MBR-FM have been advised to consult with respective funding bodies and members of parliament to further advocate for the project needs.

Attachments

There are no attachments for this report.

10.2 CR IAN ARNEY - SALE OF UNUSED LANEWAYS

Record Number: 08/02/01

"Where are we at with retiring some of our rural laneways and roads? So that we don't have to continue any sort of maintenance with them or any ongoing expense. That they be returned to the appropriate government agency, with possibly a recommendation that they be leased to an adjoining landholder?"

This matter was addressed by Mandy Whelan, General Manager Development in a memorandum provided to Councillors dated 17 August 2021.

Council Officers have not commenced the detailed review of the Road Management Plan that will incorporate the process around rationalisation of the road network, as previously advised this is expected to occur over the next 18 months.

Attachments

There are no attachments for this report.

11 QUESTIONS FROM COUNCILLORS

12 NOTICES OF MOTION

Nil

13 PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil

14 MANAGEMENT REPORTS

14.1 COUNCILLOR EXPENSES REPORT 1 APRIL 2021 - 30 JUNE 2021

File Number: 02/01/06
Officer: Acting Chief Executive Officer

1. Summary

In keeping with Council's Council Expenses Policy CP012, Councillor expenses are reported quarterly to an Ordinary Meeting of Council. Accordingly, this report presents Councillor expenses for the period 1 April 2021 – 30 June 2021.

2. Recommendation

That Council note the contents of this report which details Councillor expenses for the period 1 April 2021 – 30 June 2021.

3. Background

This report has been prepared in accordance with the Council Expenses Policy CP012.

4. Consultation Proposed/Undertaken

Councillors have been provided with a summary report on their expenses on a monthly basis.

5. Discussion

Summarised in the document attached are figures for allowances and expenses for the Mayor and Councillors for the period 1 April 2021 – 30 June 2021.

6. Time Frame

The report presents Councillor expenses for the period 1 April 2021 – 30 June 2021.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.4 Financial Sustainability

Goal to be achieved:

- Meet the community's needs in a financially responsible manner.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report aligns with the Council Expenses Policy CP012.

Legal/Statutory

There are no legal/statutory requirements associated with this report.

Financial

Financial costs are in accordance with Council's 2021/2022 Operational Budget.

Environmental

There are no environmental impacts associated with this report.

Social

There are no social impacts associated with this report.

Economic

There are no economic impacts associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1** [!\[\]\(c7dc060c3452bb436913132f744278b8_img.jpg\)](#) Councillor Expenses 1 April 2021 - 30 June 2021

Councillor Expenses for the period 1 April – 30 June 2021

Councillor	1. Allowance	2. Travel & Accommodation	3. Car Mileage	4. Information & Communication	5. Conferences & Training	6. Catering / Meals	7. Misc
Cr Mark Eckel	7,184.25		302.40	324.54		65.05	
Cr Helen Healy	7,184.25	2,314.71	54.72	324.54	1,399.09		
Cr Jason Modica	22,229.88	3,315.06		120.00	1,969.09	91.69	85.00
Cr Glenn Milne	7,184.25		563.76	324.54		165.00	
Cr Ian Arney	7,184.25			120.00			
Cr Stefano De Pieri	7,184.25			120.00			
Cr Cyndi Power	7,184.25			120.00			
Cr Jodi Reynolds	7,184.25			120.00	790.00		
Cr Liam Wood	7,184.25			120.00			

Definition of Expenses

1. Mildura Rural City Council is a Category Two Council and must set allowances within range in line with the Local Government Act 1989. An adjustment is made annually and gazetted by the Minister. Allowances must also include amount in lieu of superannuation.
2. Travel Costs include cost of flights, taxis, public transport fees, and accommodation etc associated with undertaking duties of a Councillor
3. Car Mileage recognises the private vehicles costs associated with Councillors travelling and fulfilling Council duties. Rates are set at State Public Service levels.
4. Communication expenses include costs associated with provision of equipment (l-pad, fax, phone), phone reimbursements and monthly telecommunications charges are set to a maximum \$75 per month.
5. These include registration fees, educational / training costs and meeting expenses
6. Catering costs associated with undertaking responsibilities of Councillor including meal reimbursements,
7. Includes carer expenses, printing, and other expenditure / reimbursements associated with responsibilities in performing Councillor role

14.2 ADOPTION OF MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN (FINAL DRAFT)

File Number: 13/03/49
Officer: Acting General Manager Community

1. Summary

The purpose of this report is to outline the process of preparing the Mildura South Neighbourhood Activity Centre (NAC) Masterplan (the Masterplan), together with a brief summary of its contents and recommend that Council adopt the Masterplan.

2. Recommendation

That Council:

- (i) adopt the Response to Submissions Summary Table as presented;
- (ii) adopt the Mildura South Neighbourhood Activity Centre Masterplan - Final Draft (with modifications) in accordance with the recommended Response to Submissions Summary Table as presented; and
- (iii) request authorisation from the Minister for Planning to prepare a Mildura Planning Scheme amendment to implement the recommendations of the finalised Mildura South Neighbourhood Activity Centre Masterplan.

3. Background

In 2014, *Mildura South Precinct Structure Plan (PSP)* and *Mildura South Development Plan (Sixteenth and Deakin West)* were adopted to meet the demands of long-term population growth, in terms of land, housing supply and community facilities. The Mildura South Neighbourhood Activity Centre (NAC) is located on the corner of Ontario Avenue and Sixteenth Street, which is within the Development Plan area.

Following introduction of the Urban Growth Zone (UGZ) to the land by Amendment C75 in 2016, Council commissioned preparation of the Masterplan, with assistance from the Victorian Planning Authority (VPA).

Preparation of the Masterplan was commenced by Hansen Partnership in 2019, supported by Tim Nott's *Mildura South NAC Economic Assessment (August 2018)*.

4. Consultation Proposed/Undertaken

Three rounds of public consultation were held as follows:

April 2019 - Round 1

The purpose of the first round of consultation was to present the Development Plan to the stakeholders and gain better understanding of the issues and opportunities within the study area and community's needs; as well as to confirm the Vision and Principles that had already been identified by the Development Plan. In addition, a preliminary sketch framework through a collaborative discussion with the participants was prepared.

Hansen Partnership organised a two-day consultation workshop in Mildura. The attendees of the first day workshop (2 hours) were relevant Council staff and the VPA, this collaboration assisted with progress of sketch framework and preparation for Day 2.

The relevant landowners participated in the second day workshop in the morning (2 hours). The outcomes from the first day, including the Vision and Principles, as well as emerging draft sketch Framework Plan, were discussed with the landowners to improve the outcomes by implementing their inputs.

Another 2-hour meeting was held in the afternoon to gain more inputs from Referral Authorities, Council Project Managers and the VPA.

November and December 2019 - Round 2

After considering the inputs received from the first round of consultation the draft NAC Masterplan was prepared and publicly consulted for a month in November and December 2019. It was available on Council's website (PDF format), as well as in Council offices and Mildura library (hard copy). In total nine written submissions were received. The landowner showed objections to the size of the proposed supermarket and the typology of the residential dwellings.

March and April 2021 - Round 3

In 2020, Hansen Partnership, in conjunction with CHC Architects, made further changes to the Masterplan. After the Councillors' briefing session on the 20 January 2021, the updated Masterplan went under public consultation for a month in March and April 2021. This time six submissions were received (provided to Councillors under separate cover).

Two out of the six submitters showed objection to having a full-line supermarket and the rest supported the proposed Masterplan. The landowner proposed an alternative Masterplan, but it showed no capacity for long-term supermarket or other commercial expansion.

Following close of exhibition, further discussion was held with the land owner to clarify their submission.

5. Discussion

The future Mildura South Neighbourhood Activity Centre (NAC) Masterplan seeks to implement the strategic intent of the *Mildura South Precinct Structure Plan* and *Mildura South Development Plan* which were adopted in 2014. These requirements were introduced to the Mildura Planning Scheme (MPS) in 2016 by Amendment C75 which introduced the Urban Growth Zone to the eight hectare land identified for the NAC.

Based on the economic advice prepared by HillPDA (2011) The Development Plan (2014) outlined the following indicative land use parameters for the Neighbourhood Activity Centre:

- Commercial precinct (2ha), which should include a 3,500 – 4,000sq m full-line supermarket and associated retail and commercial use
- Community Hub Precinct (2ha)

- Residential Precinct with higher density around the retail area (2ha)
- Public Open Space (2ha).

The schedule to the zone required a Masterplan to be prepared in order to guide the future development of the site, in terms of layout and design and to define the precise zone boundaries prescribed by the Urban Growth Zone which contains (Commercial 1 Zone, Residential Growth Zone, Public Use Zone, and Public Park and Recreation Zone).

In 2018, the VPA commissioned further retail and commercial demand analysis to be prepared by Tim Nott. This was due to landowner representation to the VPA, seeking a much reduced area of commercial land and size of the supermarket to that adopted by Council.

Tim Nott's assessment found that: *"Given the population forecasts a medium-sized supermarket (1,500+sq m) could be provided initially and expanded at a later date to a full-line supermarket (3,000+sq m)."*

Using all the relative background studies the first Masterplan was prepared and publicly consulted in 2019. The initial Masterplan showed four sub-precincts within the neighbourhood activity centre as follows:

- Commercial precinct (1.6ha), representing a 2,500sq m medium-sized supermarket with potential to be expanded to a 4,000sq m full-line one. The preserved land was considered for the required carpark for the future full-line supermarket.
- Community Precinct (1.4ha), represented a wide-range of social services, including a community hub, an early learning childhood centre, and outdoor recreational facilities.
- Residential Precinct (2.6ha) comprised a variety of high quality medium density housing catering for a variety of household types including down-sizers and young families.
- Public Open Space (2.4ha), offered a green space for passive and active recreational activities.

Due to the landowner's continuing objection regarding the viability of a full-line supermarket in the NAC, the Masterplan was revised and updated in 2020 by Hansen Partnership in conjunction with CHC Architects who are highly experienced in retail and town centre master planning. The updated Masterplan showed:

- Commercial precinct (1.8ha), representing a 1,200-1,500sq m medium-sized supermarket with potential to be expanded to a 3,000sq m full-line one. The preserved land for the future expansion has been used as a plaza for various public amenities.
- Community Precinct (1.2ha), represented a wide-range of social services, including a community hub, an early learning childhood centre, and outdoor recreational facilities.
- Residential Precinct (3.6ha) comprised a variety of high quality medium density housing.
- Village Green (1.5ha), offered a green space for passive and active recreational activities, including a community garden and canopy vegetation as well as accommodating community events.

In summary, the masterplan was revised to represent the staged approaches to the expansion of the supermarket from a medium-sized (1,200-1,500sq m) to a full-line (3,000sq m) supermarket over time to meet future demand.

It should be noted that we already have similar commercial precincts in the region, such as Irymple Hub (1.9ha), containing an IGA supermarket (2,252sq m), which successfully provides service to almost 3,000 people.

The updated Masterplan was available for public consultation in March and April 2021. Following the feedback received, including further discussion with the landowner to clarify their submission, minor changes were made to the Masterplan as follows:

- a) Correction to the alignment of the road located on the southern side of the subject site. A subdivision application (from the landowner) has been approved recently, within which the alignment of the southern side road (Helen Road) has a minor difference to the exhibited Masterplan.
- b) Revisions were made to the Residential Precinct to allow some degree of flexibility enabling a greater diversity of medium density products, and front-loaded dwellings on larger lots along Local Street, Ontario Avenue and Helen Road.

Given all the background studies and prepared supporting materials, as well as the conducted public consultations, the Mildura South Neighbourhood Activity Centre Masterplan (final draft) report is now recommended to Council for adoption.

6. Time Frame

Event	Time
Project initiation	February 2019
Round 1 Consultation	April 2019
Preparation of draft Masterplan	April - September 2019
Round 2 Consultation	November - December 2019
Review the initial Masterplan initiation	July 2020
Councillor Briefing	January 2021
Round 3 Public Consultation	March-April 2021
Finalising the Report	June-July 2021

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Areas:

1.4 Community Services

Goals to be achieved:

- Young children have opportunities for the best start in life;
- Youth are supported to reach their full potential; and
- Older people have access to quality services.

1.6 Recreation and Sport

Goals to be achieved:

- Increased participation in sport and recreation activities; and
- Increased access to a diverse range of quality sporting and recreation facilities and programs.

2.3 Parks

Goal to be achieved:

- Clean, attractive and sustainable parks, gardens, streetscapes, reserves and wetlands.

2.5 Strategic Land Use

Goals to be achieved:

- A well-developed long-term land use vision; and
- Safe, sustainable and healthy urban environments.

8. Asset Management Policy/Plan Alignment

Provision of the assets identified in the Community Precinct will be secured in accordance with Council's Asset Management Plan.

9. Implications

Policy

All policy implications are contained within the Mildura South Neighbourhood Activity Centre Masterplan.

Legal/Statutory

The Masterplan is required by Urban Growth Zone-Schedule 1, introduced by Amendment C75.

Financial

All costs associated with the preparation of the Mildura South Neighbourhood Activity Centre Masterplan are contained within Council's operating budget 2020-2021.

Environmental

All environmental implications are contained within the Mildura South Neighbourhood Activity Centre Masterplan.

Social

All social implications are contained within the Mildura South Neighbourhood Activity Centre Masterplan.

Economic

All economic implications are contained within the Mildura South Neighbourhood Activity Centre Masterplan.

10. Risk Assessment



By adopting the recommendation, Council will be exposed to the following risks:

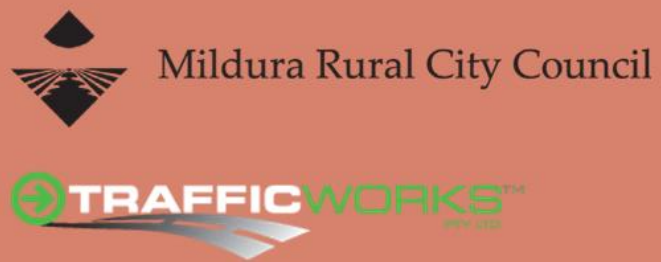
Risks	Controls	Residual Risk
Continued dissatisfaction from the landowner.	The project has been fully consulted.	Medium

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- [1](#)  Mildura South Neighbourhood Activity Centre Masterplan - Final Draft
- [2](#)  Response to Submissions Summary Table - Mildura South Neighbourhood Activity Centre Masterplan - Final Draft

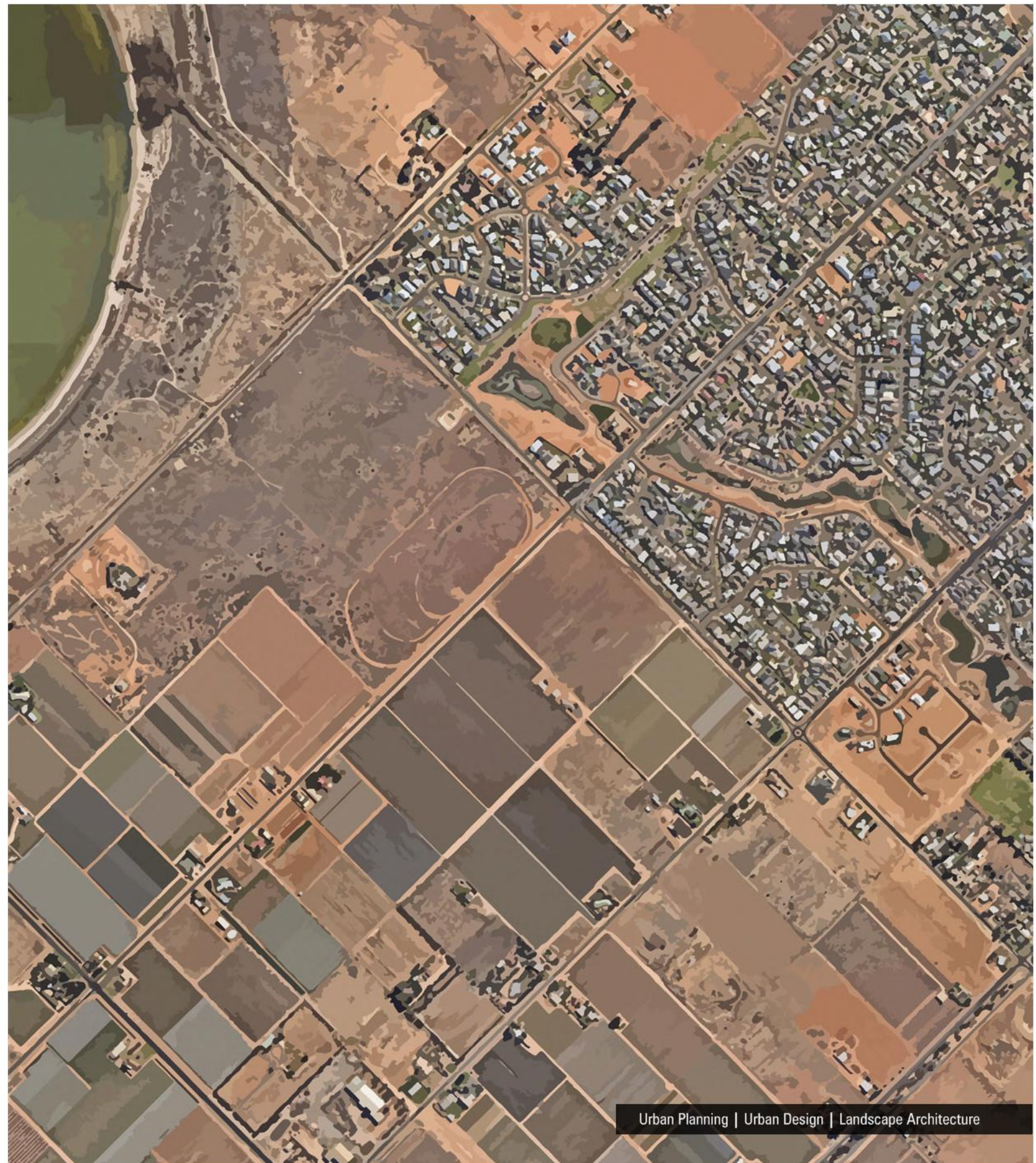


MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE **MASTERPLAN**

Prepared by **Hansen Partnership**
for **Mildura Rural City Council**

AUGUST 2021

FINAL DRAFT



Urban Planning | Urban Design | Landscape Architecture

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

Contents

INTRODUCTION	3
PART 1: BACKGROUND	4
Mildura South Context	4
Planning Policy Context	7
Reference Documents	8
PART 2: ISSUES & OPPORTUNITIES	11
Stakeholder Engagement	11
Consolidation of Issues and Opportunities	11
PART 3: MASTERPLAN RECOMMENDATIONS	14
The Vision for Mildura South NAC	14
Masterplan Ambitions, Objectives & Strategies	15
Masterplan Precincts	17
Precinct 1: Commercial Heart	18
Precinct 2: Alternative Residential	23
Precinct 3: Integrated Community Precinct	26
Precinct 4: Village Green	28
Design Themes	31
PART 4: IMPLEMENTATION RECOMMENDATIONS	32
APPENDIX 1: INDICATIVE CONCEPT SKETCH	

Version	Draft	Draft 2	Draft 3	Final Draft A	Final Draft B
Issue Date	27.06.2019	9.08.2019	05.10.2020	15.02.2021	09.08.2021

INTRODUCTION

In 2019, Hansen Partnership were engaged by Mildura Rural City Council to prepare an Urban Design Masterplan for the land designated as the Mildura South Neighbourhood Activity Centre (NAC), subject to the Urban Growth Zone (UGZ1).

Project background

The future Mildura South Neighbourhood Activity Centre forms part of the Mildura South Precinct Structure Plan adopted through Amendment C75 in 2016.

The Amendment sought to implement the strategic intent of the Mildura South Urban Design Plan Precinct Structure Plan (MSPSP) and the Mildura South (Sixteenth and Deakin West) Development Plan (MSDP) which were adopted by Council in 2014. These documents set out Council’s plan for managing residential growth and the rationale for the development of a Neighbourhood Activity Centre at Sixteenth Street and Ontario Avenue, to the north-east of the PSP study area.

The Amendment introduced the Urban Growth Zone (Schedule 1) to the land identified for the NAC. As outlined in the Precinct Structure Plan and Development Plan, the NAC illustrates indicative areas for commercial, public open space, community and medium density residential uses in association with an indicative street network that corresponds with the existing road network of Mildura and roads proposed within the broader Mildura South PSP study area . The precise boundaries of the future rezoning of the land will be determined by this Urban Design Masterplan.

The Development Plan (2014) outlined the following indicative land use parameters that make up the 8ha NAC study area. These include:

- 2ha to be allocated for retail uses which should include a 3,500-4,000m² full line supermarket and associated retail and commercial uses suitable for a neighbourhood centre;
- 2ha to be allocated for community use;
- 2ha to be allocated for public open space; and
- The remaining land – approximately 2ha - to be used for residential with higher density around the retail area.

Since the adoption of the Development Plan and prior to this Masterplan, a detailed retail and commercial demand analysis for the NAC was prepared by Tim Nott to determine the appropriate type and extent of Activity Centre uses required to support the Mildura South Growth Area (refer to the Reference Document Section on page 9).

Furthermore, in the absence of any detailed strategic analysis for Community Infrastructure, the team has engaged with internal council departments and landowners to understand the breadth of possible community uses likely to be realised in this location, based on local understanding of the market (refer to Stakeholder Engagement Summary on page 11).

What is an Urban Design Masterplan?

An Urban Design Masterplan is a document that sets out the future form and character of a particular place or locality. It is principally an urban design tool that provides a physical framework for managing change and setting new directions for the development of a place across both public and private land over time. Community values are considered alongside the needs of government departments, servicing agencies and commercial stakeholders in the overarching desire to contribute positively to the urban form of a place. A masterplan also integrates non-physical initiatives and opportunities with the built form outcomes.

Masterplans are more detailed than Structure Plans and aim to create clear parameters for the creation of practical actions, ideas and solutions that consider constraints and provide guidance for capital budgets and future planning scheme controls. A degree of flexibility is built into Masterplans in order to ensure that a particular place can adapt to different circumstances over time.

They are also intended to clearly articulate a ‘vision’ for what a place could be and, as such, act as a catalyst for positive change, particularly within the built environment.

Purpose of this Urban Design Masterplan

In accordance with Schedule 1 of the Urban Growth Zone, an Urban Design Masterplan for the Activity Centre must be prepared to the satisfaction of the Responsible Authority, prior to the approval of any planning permit for the subdivision or construction of a building on the land.

The preparation of a Masterplan for the Mildura South NAC acknowledges the vision and objectives established under the earlier Development Plan and Structure Plan. It seeks to provide clarity to ensure the land reaches its full potential as a vibrant, amenable and sustainable destination for existing and future local residents. The Masterplan is the key planning and design document that will manage development within the private realm and provide direction about public works. It outlines the preferred land use, building design, public realm, transport and infrastructure directions. In doing this, the Masterplan identifies a number of key initiatives and actions to be implemented over the next 20 years.

Project Status

In 2019, the Draft Mildura South NAC Masterplan underwent public consultation to allow landowners, stakeholders and the community to provide their feedback on the recommendations for future land use and development within the study area. Based on the review of submissions, this Masterplan has been updated in accordance with the future food, groceries, and liquor (FGL) floorspace demand over the next 20 years.

The revisions include redesigning the commercial precinct to show a 1200-1500 sqm FGL store and its expansion to a 3000 sqm supermarket overtime as demand increases; as well as, redesigning the three other precincts in accordance with this major change. In this report the FGL store is called supermarket, and council may consider a 1200 sqm as the minimum size for the first stage subject to appropriate justification.

How the Masterplan will be used

The Urban Design Masterplan will be used:

- To guide the allocation and arrangement of land uses and destinations.
- To guide built form outcomes relating to commercial, community and higher density residential development.
- To guide public realm and streetscape outcomes in the NAC having regard to the future surrounding street network.
- To inform Council’s capital works program and annual budget.
- To promote a range of partnerships and potential sources of funding for many of the initiatives identified in the Plan.

Structure of this document

This document contains four parts, comprising:

- **Part 1:** Background analysis of the physical context, policy context and previous relevant reference documents.
- **Part 2:** Issues & Opportunities, including engagement with Stakeholder & Landowner
- **Part 3:** Recommendations for the NAC.
- **Part 4:** Implementation Table.
- **Appendix 1:** Indicative Concept Plan

PART 1: BACKGROUND

MILDURA SOUTH CONTEXT

The Study Area

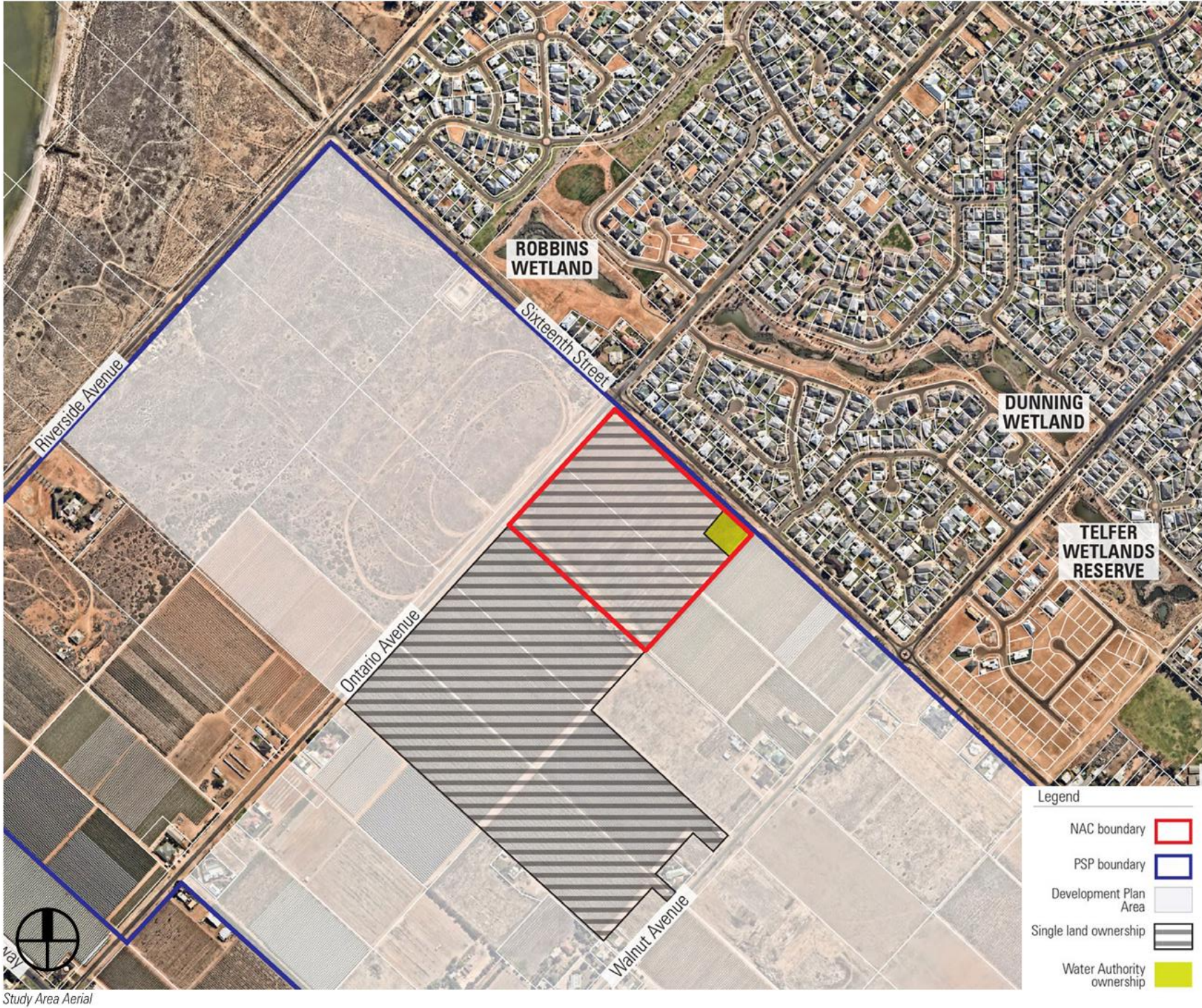
Mildura South NAC forms part of the approved Mildura South PSP area, delivered through Amendment C75. The study area is 8ha in size, positioned to the corner of Sixteenth Street and Ontario Avenue, approximately 5km to the south-west of the Mildura central business district. The study area is positioned on 2 main roads with a frontage to Ontario Avenue of approximately 260m and to Sixteenth Street of 300m. This land is currently vacant, formerly comprising a vineyard and associated horticultural uses. It is understood the study area has 2 landowner entities including a 2550m² parcel to the south-east corner of the site owned by Lower Murray Water and the remainder of the land, privately owned.

The earlier PSP and Development Plan processes determined the suitability of the NAC in this location based on extensive background research and review of existing commercial and retail catchments, ensuring adequate separation from the existing supermarkets on Fifteenth Street within and adjoining the Centro Shopping Centre. This research also highlighted the importance of new retail and commercial facilities being positioned along multiple main road frontages to maximise visual exposure and facilitate safe, convenient access from surrounding (existing and future) residential areas.

As identified within the Development Plan, the Neighbourhood Activity Centre is proposed to accommodate a combination of commercial and retail, community, medium-density residential and public open space functions. While nominal land use budget was proposed in the earlier project phases, the purpose of this work is to further refine the designation of land use and built form while having regard to the surrounding context and ambitions for future development in the Mildura South PSP area. It is also acknowledged the PSP nominates a smaller local activity centre between the proposed recreation reserve and proposed primary school site.

The diagram opposite illustrates the location of the NAC in the context of the broader PSP and Development Plan boundaries, including the land ownership pattern within and surrounding the study area.

The following page illustrates the location of the NAC in the context of the broader Mildura township including its proximity to the Mildura CBD and Fifteenth Street Activity Centre.





MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

The following key existing conditions of the surrounds are summarised as follows:

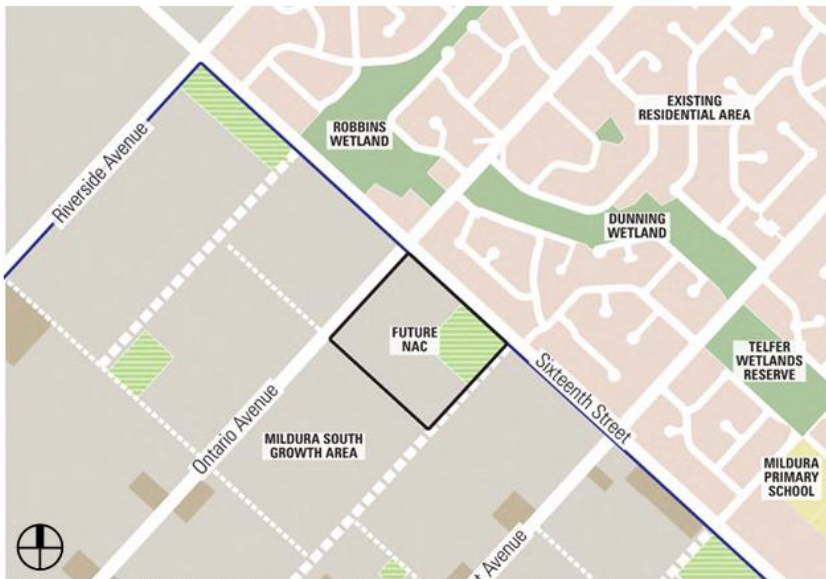
Land Use & Urban Structure

Within the immediate surrounds of the study area, an established residential neighbourhood is located opposite of Sixteenth Street to the north-east, comprising predominately single storey brick dwellings with open front gardens (void of street fences), arranged around a curvilinear road network with cul-de-sacs.

To the north-west of the NAC, opposite Ontario Avenue is further future residential land designated under the Mildura South PSP. Further to the north is Lake Hawthorn and Lake Ranfurly, forming the western ‘edge’ of Mildura. Both lakes are environmentally sensitive, with drainage from the Mildura South growth area directed to Lake Hawthorn.

The south of the NAC also forms part of the approved PSP area comprising future residential development of predominately single and double storey houses and new public open spaces. Currently this land comprises horticultural uses arranged in the traditional 4ha blocks, accommodating vineyards and associated dwellings and production sheds. Further to the south of the NAC study area, along Sixteenth Street are recently constructed single dwellings with direct vehicle access from this road reserve. South of the growth area is the Calder Highway which will form the long term boundary of the Mildura township, acknowledging the Mildura Airport further t the south-west of this major road.

Existing retail services exist at the Centro Shopping Centre on Fifteenth Street and Deakin Avenue, approximately 2.5km to the north-west of the study area. This precinct comprises a full-line supermarket, other anchor big-box retailers such as Big W, Target as well as smaller retail and non-retail uses. A second full-line supermarket is located opposite this site on a separate parcel.



Existing & proposed land use & urban structure in accordance with Development Plan

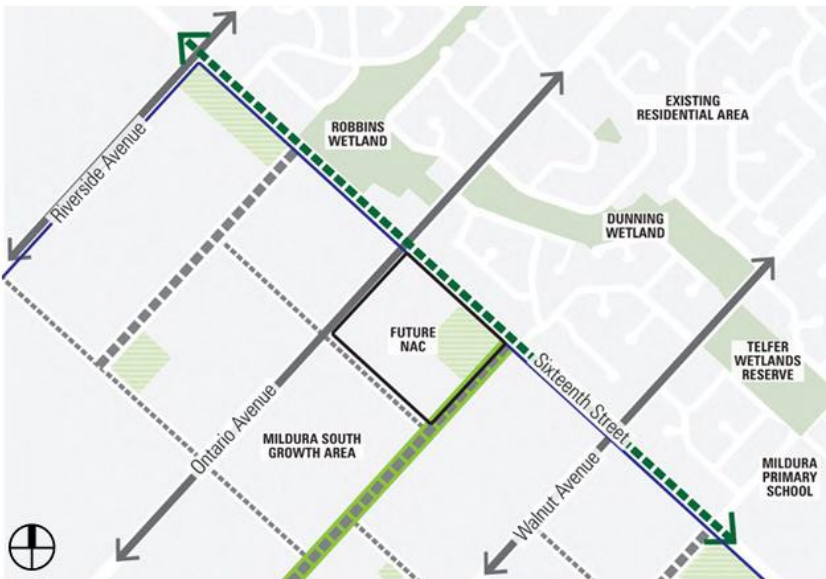
Access and Movement

Sixteenth Street to the north-east, forms the boundary between the existing Mildura South residential areas and the Growth Area. The road reserve is approximately 30m wide and designated as a future ‘Greenway’ prioritising pedestrian and cycle movement with a dedicated shared user path proposed to be located along the south-west side of the road reserve. A bus route currently operates along Sixteenth Street, and further routes to the Mildura South Growth Area are anticipated as the area develops. Cross-overs to the south-west side of this road are sought to be minimised in accordance with the recently approved DDO14 – Sixteenth Street Greenway Interface (Amendment C100 Part 2), requiring rear-loaded access for lots with a primary frontage to this road.

Ontario Avenue to the north-west boundary of the study area is a key vehicular movement corridor extending from Sixth Street in the north of the Mildura township to Sturt Highway in the south (and Mildura Airport). As part of the Development Plan and PSP, this 30m wide road reserve is proposed to be upgraded to an ‘Access Avenue’ accommodating primary traffic movement within the development area, including bus routes and stops.

With regard to other future roadways in proximity to the NAC, Elsey Parkway to the south-east boundary will facilitate the primary north-south pedestrian and cycle movement through the wider development area. This reserve is proposed to be developed in 2 stages, with the ultimate outcome comprising a central median with separated bike paths, parallel parking and carriageways framed by new landscape.

Helen Road is proposed along the south-west boundary of the NAC as a dedicated secondary road providing connections between Ontario Avenue and Elsey Parkway. Under the Development Plan, this road is designated as a 28m road reserve accommodating footpaths with generous landscape verges, dedicated bike lanes, parallel car parking and traffic in both directions.



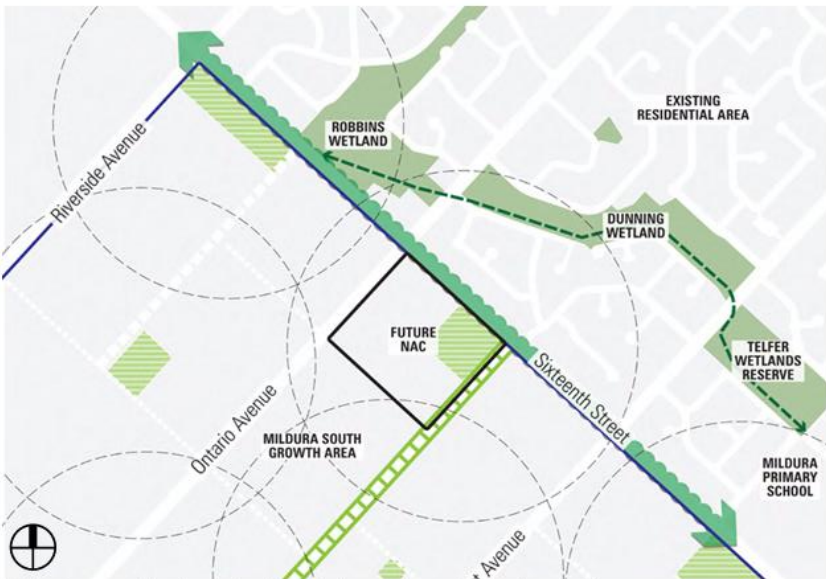
Existing & proposed access & movement in accordance with Development Plan

Landscape and Public Realm

The surrounding context is largely void of significant canopy vegetation, particularly outside of the established residential areas of the township. Medium height native canopy vegetation exists along the nature strip along the north-east side of Sixteenth Street and to original dwellings on larger lots at Ontario Avenue comprising mature native trees along boundaries. It is acknowledged that the proposed future Sixteenth Street Greenway is designated for improved landscape intervention including canopy trees, grassed verges and landscaped swales.

As previously highlighted, the lakes to the north-west of the subject site are of significant environmental value and contribute to the original landscape character found within this part of Mildura. These areas, while unassuming, comprise remnant indigenous vegetation and reflect more recent open space and wetland upgrades to the north of the NAC at Robins wetland and Ontario Park Drive.

With regard to the existing public realm condition, the north-east side of Sixteenth Street currently comprises a 7m wide verge including 2m footpath and nature strip. The residential area beyond Sixteenth Street comprises a similar public realm condition comprising 4m wide verge and 1.5m wide footpaths. A number of streets comprise footpaths on 1 side of the road.



Existing & proposed landscape & public realm in accordance with Development Plan

PLANNING POLICY CONTEXT

A range of State, Regional and Local planning policies, plans and reports are relevant to the planning, development and management of the Mildura South NAC. The following is a brief summary:

Planning Zones

The Neighbourhood Activity Centre is subject to **Schedule 1 to the Urban Growth Zone (UGZ1)**. The key purpose of the Zone is to manage the transition of non-urban land and provide for a range of uses and development in accordance with a Precinct Structure Plan.

In accordance with Schedule 1 of the Urban Growth Zone, an Urban Design Masterplan for the Activity Centre must be prepared to the satisfaction of the Responsible Authority, prior to the approval of any planning permit for the subdivision or construction of a building on the land.

The Zone Schedule nominates the following zones of which the exact boundary are to be determined as part of this Masterplan/ Urban Design Framework process:

- Commercial 1 Zone (Clause 34.01);
- Public Park and Recreation Zone (Clause 36.02);
- Public Use Zone (Clause 36.01); and
- Residential Growth Zone (Clause 32.07).

The precise boundary of the Commercial 1 Zone, Public Use Zone and Residential Growth Zone will be determined by the Urban Design Framework/Master Plan approved under the schedule.

Planning Overlays

The following overlays apply to the study area:

Design and Development Overlay – Schedule 8 (DD08) Mildura Airport – Obstacle Height Area No.1 applies to the study area. The Objective of this policy is to ensure that building height does not adversely affect the operation of the Mildura Airport.

The Development Contribution Plan Overlay, Schedule 1 (DCP01) affects the entire land located within the Mildura South Growth Area. The purpose of this Overlay is “to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence”.

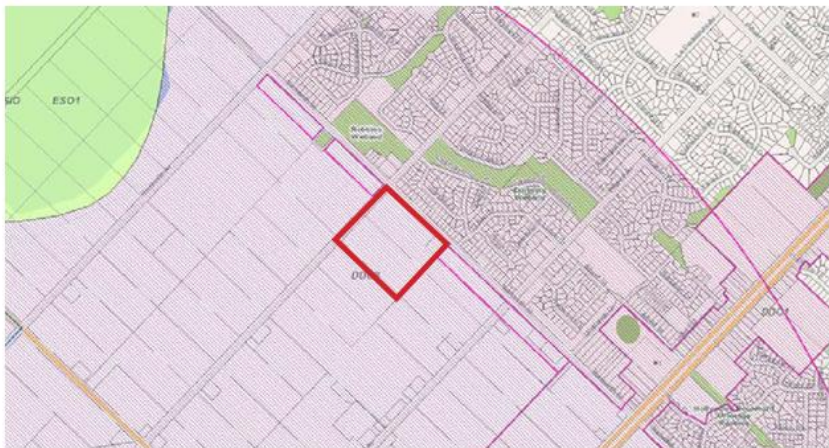
Salinity Management Overlay (SMO) affects the entire study area. As identified under this Overlay, the study area has a Level 2 – Moderate Risk.



Planning Zones



Planning Overlays: DCP01 & DPO



Planning Overlays: DDO

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
 FINAL DRAFT

Planning Policy

State Planning Policies are the overarching policies that relate to the use of land and its development throughout Victoria. Along with strategic direction for metropolitan Melbourne established through Plan Melbourne, this masterplan also seeks to improve the planning of key regional areas through the creation of regional strategies. The regional strategy relevant to Mildura Rural City Council is the Loddon Mallee North Regional Growth Plan (Clause 11-01-1R). This Strategy seeks to promote growth of Mildura as a regional city. Relevant to this project, a key strategy of Clause 11 is to “Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.”

The Planning Policy Framework (PPF) covers issues of State importance that address settlement planning, residential development, environmental and landscape values, natural resource management, built environment and heritage, housing, economic development, transport and infrastructure.

Clause 15 of the PPF sets out objectives that guide positive urban design and built form. These objectives provide the foundation for the recommendations of this project seeking to “create urban environments that are safe, functional and high quality with a sense of place and cultural identity.”

Clause 16 of the PPF sets out objectives to provide for housing diversity that improves housing choice, particularly in those locations well serviced by public transport and activities.



Extract of Loddon Mallee Regional Growth Plan

Local Policy

The Local Planning Policy Framework (LPPF) is made up of two key sections: Municipal Strategic Statement (MSS) and Local Planning Policies. The Municipal Strategic Statement sets out the vision for Council and more specifically the Mildura urban area, acknowledging the township is expected to increase in population in the coming years and the Mildura South Area is 1 of 2 key precincts to accommodate this anticipated growth.

Clause 21.04- Settlement and Housing, recognises Mildura South as one of the 2 main urban growth areas for the municipality. Relevant to the NAC, Objective 5 seeks to provide a diversity of housing to meet the needs of Mildura’s current and future communities. Relevant Strategies include:

- Strategy 5.4 Support the development of medium density housing options, particularly townhouse development in response to changing demographics.
- Strategy 5.9 Encourage the provision of accessible housing to support ageing in place, and support development that considers future adaptability in design.

Clause 21.07-4: New Residential Development seeks to ensure that neighbourhood design and the development of new dwellings is responsive to Mildura’s climate and considers the likely impacts of climate change (Objective 6). Relevant Strategy includes:

- Strategy 6.2 Ensure that neighbourhood design encourages the use of active transport and public transport over private vehicular usage.

Objective 8, seeks too consider the impacts on health and wellbeing outcomes for future residents in the design of new subdivisions, and require that new subdivisions are planned to provide best practice in urban design for ‘healthy living’. Relevant Strategies include:

- Strategy 8.1 Require that new residential areas are designed to facilitate attractive, safe and legible connections for pedestrians and cyclists between key areas of activity and within neighbourhoods.
- Strategy 8.4 Require new residential neighbourhoods to incorporate greenways or linear parks to connect key areas of activity and encourage active transport and incidental exercise.
- Strategy 8.6 Require the design of development adjoining key public spaces such as parks or identified key pedestrian routes to respond to this.

Clause 21.08 – Economic Development identifies the Mildura South Growth area to accommodate future neighbourhood centre facilities in association with the established major retail centres including the Mildura CBD, City Gate Activity Centre and the Fifteenth Street Precinct. A key objective of this policy is to “achieve balanced and sustainable retailing facilities that serve the needs of, and are accessible to, residents and visitors”.

Clause 21.10 – Local Areas outlines out the strategic direction for development of the Mildura South area as a result of the Mildura Housing and Settlement Strategy and subsequent Mildura South Strategic Framework plan, Mildura South Development Plan and Precinct Structure Plan. The Policy acknowledges longer term development will be delivered within this Growth Area.

Key Reference Documents

The NAC The following documents were reviewed as part of the background analysis:

- Mildura South Neighbourhood Activity Centre Economic Assessment (August 2018)
- Sixteenth Street Greenway Interface: Amendment C100 Part 2 (June 2018)
- Mildura South (Sixteenth & Deakin West) Development Plan (October 2014)
- Mildura South Urban Design Plan: Precinct Structure Plan (October 2014)

A summary of each document and its relevance to the Mildura NAC is outlined below:

Mildura South Neighbourhood Activity Centre Economic Assessment: (Tim Nott, August 2018)

This report provides an economic assessment of the proposed Mildura South Activity Centre having regard to residential development and retail/commercial development.

With regard to residential development opportunities, the report determined that the provision of medium density housing, including terrace housing or townhouses, is appropriate in this context and there is a demonstrated demand for such housing throughout Mildura. It was highlighted that medium-density housing in the Growth Area (in proximity to services and public transport) allows the area to be a “more complete community in itself, catering for a wide range of household types, aspirations and price points”.

With regard to Retail/Commercial offerings, it was determined that a medium-sized super market would be able to support the anticipated Growth Area population of 8,000 people including a range of speciality shops and non-retail uses. It was recommended that a medium-sized supermarket is delivered in the short-term while providing opportunities for expansion (and future-proofing) in the event the catchment exceeds the requirements of this retail offering.

Sixteenth Street Greenway Interface: Amendment C100 Part 2 (Hansen Partnership, June 2018)

The amendment applies to land located on the south-west side of Sixteenth Street, Mildura between Deakin Avenue and Riverside Avenue (excluding the study area). The amendment introduces a new DDO Schedule 14(Sixteenth Street Greenway Interface) to the Mildura Planning Scheme. The DDO seeks to guide the development of residential land along the south-west side of Sixteenth Street consistent with the strategic vision and objectives outlined within the Mildura South PSP and Development Plan (Sixteenth and Deakin West).

Specifically, the DDO applies design requirements to the development of lots including the orientation of dwellings to the street frontage and siting of vehicle access to the rear of lots (to reduce crossovers along Sixteenth Street).

The purpose for these design requirements is to facilitate a protected shared user path along the Sixteenth Street Greenway and reduce opportunities for vehicle and cycle/ pedestrian conflict along this important road reserve.

Mildura South (Sixteenth & Deakin West) Development Plan & Precinct Structure Plan (Hansen Partnership, October 2014)

The Mildura South Development Plan (Amendment C75) is the overarching planning document guiding the development of the Mildura South growth area defined by Deakin Avenue, Sixteenth Street and Riverside Avenue, including the land designated as the Neighbourhood Activity Centre on Sixteenth Street and Ontario Avenue. The Development Plan is based on a Precinct Structure Plan (PSP) which has been prepared for the broader Mildura South growth area (south of Sixteenth Street).

Critical to the NAC, the report outlines the rationale for the location of the centre along the future greenway spine to ensure key activities are accessible by sustainable transport modes and can service as a key destination between existing and future residential communities.

The Development Plan outlines the following relevant principles for development:

- Design the centre as an integrated whole with community facilities and parkland.
- Ensure that fine grain speciality shops/ hospitality uses are provided adjacent to both the village green and the Greenway. Discourage establishment of any drive-thru takeaway outlets within the centre.
- Include higher density housing within the centre where achievable.
- Locate the village green at the intersection of Sixteenth Street and the new Parkway.
- Locate the community facilities to the south of the parkland
- Provide direct pedestrian access to the supermarket from both Sixteenth Street and car parking areas.
- Ensure clear and amenable pedestrian access is provided to and between different land uses within the centres.
- Incorporate generous pedestrian pavement areas between parkland and the retail development sufficient to accommodate generous landscaping and outdoor dining opportunities.
- Require access to loading to be provided from Ontario Avenue rather than Sixteenth Street.
- Locate car parking off Ontario Avenue and provide a skin of residential or commercial uses at the interfaces. Where a skin of uses is not provided, require generous landscape screening to be provided, where access is not required.

A comprehensive review of background documents was undertaken as part of this project process. It includes a table of recommendations outlining key considerations found within the earlier Development Plan (2014), Economic Assessment Report (2018) and the Sixteenth Street Masterplan (2016) and how they may influence the curation of the masterplan.

Other Reference Documents

Mildura Tracks and Trails Strategy (2012)

The purpose of this study is to identify, develop, upgrade, manage and maintain a network of linked and shared on and off road cycling and walking paths suitable for commuting and recreation purposes.

Specific to this study, development of the Mildura South growth area is likely to contribute to create greater congestion on roads and potentially greater demand for cycling and walking opportunities to link these communities to the CBD and key recreational and entertainment areas.

The report identifies the importance of carefully planned and constructed walking and cycling infrastructure as part of new development areas. The cycling / walking networks must be developed in such a way so that they link to the broader network, enabling local residents to link to other on and off road trails in the municipality.



PART 2: ISSUES & OPPORTUNITIES

Stakeholder Engagement

Consultation between relevant internal and external stakeholders provides the opportunity for masterplanning projects such as this to be more fully understood, to be better informed, and to encourage greater ‘buy in’, improving the opportunity for a more implementable outcome. Stakeholder Consultation was held over two days on the 8th and 9th of April 2019 in Mildura. Three Stakeholder groups were identified across three separate sessions, facilitated by Hansen Partnership, to identify and discuss the critical issues and opportunities that will impact the future development of the Neighbourhood Activity Centre. The three stakeholder groups included the Land owner and consultants, Internal Council Departments (including Planning, Engineering, Community Care Services/ Early Years); and External Authorities (Bus operations & DEWLP). The key themes discussed in the workshops can be summarised as follows:

Council internal departments

- While there was support for the NAC accommodating an Early Learning Centre, it was acknowledged that the State Government prefers new facilities to be co-located with Primary Schools. It was determined that the existing Mildura South Primary School is at capacity and has limited potential for expansion or integration of new/complementary uses.
- Council are currently in the process of preparing a community use strategy to identify types and sizes of facilities required across the municipality. It is difficult to determine the exact requirements for community uses within the NAC.
- While the PSP identifies land for a primary school, the location of any potential future primary school in the vicinity is yet to be determined by the State Government.
- Strong support for the integration and alignment of community uses with public open space.
- Council see merit in the masterplan accommodating for a broad (and flexible) range of community services such as adult learning centre, childcare, maternal health, outreach programs, library outstand, medical and health promotion and multi-faith meeting facilities;
- Opportunities to facilitate youth engagement activities and facilities to engage young local residents with their community.
- Council support privatised or non-council owned community uses as part of the 2ha (approximately) land allocation.
- Retirement living or alternative housing options for down-sizers was supported by Council as a way for their aging population to maintain physical connections with services and facilities.
- Council planners were supportive of rear-loaded housing products as a means of limiting crossovers and facilitating a high quality public realm within the NAC.

- Council were supportive of future-proofing any commercial and retail offering by allowing for the expansion of a medium sized supermarket if required.

External Stakeholders

- The location of the proposed bus interchange within the NAC may present safety and amenity issues and there is a preference for other locations to be further explored.
- The bus operator is currently undertaking a review of existing and future bus route operations and at the present time, have limited information regarding the alignment of any future bus route or bus route extension within the future NAC.
- The bus operator was supportive of a new bus stop/ or interchange located within proximity to the commercial and community uses within the NAC.
- A school bus interchange may be co-located with township bus stops, acknowledging safety and pedestrian access requirements.

Land Owner

- The landowner has an approved planning permit for a 187 lot residential subdivision to the immediate south-west of the NAC study area. A key component is to acknowledge the road alignment of Helen Road and Elsey Parkway as illustrated within the endorsed plan.
- Discussion on the commercial/retail land designation is appropriately sized to a portion suitable land holding for short to long term needs for future community. It acknowledges demand for shopping centres in the area, including Centro at Fifteenth Street. A small to medium sized supermarket is preferred in this instance.
- Ensuring the land dedicated to medium density residential development offers a level of flexibility to deliver a product suited to the future housing market in this area of the Mildura township.
- It was acknowledged that a 3000m2 parcel of land to the corner of Sixteenth Street and the future Elsey Parkway is currently owned by the Water Authority, requiring Council to purchase land to deliver the public open space and road reserve.
- The alignment of any bus route within the broader development plan area must have regard to minimum carriageway requirements efficiency of bus stop distribution.
- The landowner saw merit in the NAC offering an alternative housing product such as a park frontage townhouse or dwelling with rear-loaded access. This could potentially be a preferred future housing type appealing to down-sizers or young professionals who would like to live in close proximity to services and benefit from a high amenity outlook.

The following section identifies a summary of the key issues and opportunities associated

Consolidation of Issues & Opportunities

with the development of a masterplan for the NAC study area, informed by a review of background documentation, including the earlier Development Plan and PSP as well as consultation with relevant stakeholders.

Access & Movement

Issues:

- Ensuring the NAC masterplan and surrounding residential subdivision acknowledges the proposed road network hierarchy approved in the earlier PSP and Development Plan.
- Bus interchanges can present amenity and safety issues when positioned along streets with high pedestrian volumes. Consider alternative locations that will still provide convenient pedestrian connectivity to activities and services.
- Facilitating safe and manageable loading/unloading infrastructure for any proposed supermarket or retail premises, having regard to proximity to major intersections and future residential areas.
- Any new road access through the NAC from Sixteenth Street should have regard to pedestrian and cycle safety given the alignment of the 3m shared user path along the study area boundary.

Opportunities:

- Prioritise new vehicle crossovers for commercial and retail uses including those for loading and unloading to Ontario Avenue.
- Position car parking to the periphery of the NAC study area with vehicle access gained from main roads while accommodating direct pedestrian connections to activities and services.
- Advocate for new bus routes servicing the NAC to operate along Ontario Avenue and Sixteenth Street, avoiding Elsey Parkway given its designation as a key on-road cycleway.
- Consider the alignment of a dedicated cycle facility within the NAC street network facilitating direct connections with the Sixteenth Street Greenway.
- Ensure the internal Main Street is dedicated to pedestrian access between commercial/ retail and community/public open space uses.

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

Land Use

Issues:

- The extent of the supermarket provision having regard to economic reports prepared by various parties which suggest a medium sized supermarket is adequate in servicing the existing and future residential community, however 1 report advocating for land to be set aside for potential future expansion of the commercial/retail offering.
- Prior to the completion of a future needs assessment, it remains unclear as to the exact provision and type of community uses required within the NAC to service the future residential population.
- Medium-density housing products are vastly different to those found in metropolitan areas. Consideration is required to determine a suitable dwelling option that offers housing diversity while meeting the needs (and market demand) of the future residential community.
- Consideration for the dwelling typology for residential parcels with frontage to Ontario Avenue or Helen Road.

Opportunities:

- Opportunity for community uses to be positioned directly adjacent to the proposed public open space.
- Opportunity to deliver a range of community uses in an integrated hub including but not limited to early learning centre, adult learning, youth services, health promotion and medical, library outstand, community meeting rooms, multi-faith services and amenities.
- Acknowledge the recently approved DDO8 along Sixteenth Street and seek to provide a similar rear-loading medium density housing type that benefits from outlook to public open space and proximity to services and facilities.
- Facilitate the short-medium term development of a medium sized supermarket with associated retail and non-retail offerings.
- Set aside land for potential future expansion of the commercial offering, exploring implementation opportunities for the delivery of a full-line supermarket or alternative development options in the event it remains unviable.

Built Form

Issues:

- Managing commercial and/or retail interfaces to Sixteenth Street having regard to the future character of the Greenway.
- Managing the staged development of land within the NAC ensuring a high quality centre can be delivered in the short-term.
- Ensuring residential products are of a high quality construction and financially viable in the local context.

Opportunities:

- Seek to position active/vibrant retail uses to the internal Main Street with outlook to the public open space and pedestrian-oriented main street.
- Position commercial and non-retail uses to the Sixteenth Street Greenway.
- Position built form to the Sixteenth Street and Ontario Avenue intersection to maximise exposure and access.
- Residential built form to offer a mix of 1 and 2 storey forms to cater to a range of owners and occupiers including down-sizers and young families.
- Community buildings to provide opportunity to temporarily expand or open toward the public open space.

Public Realm & Landscape

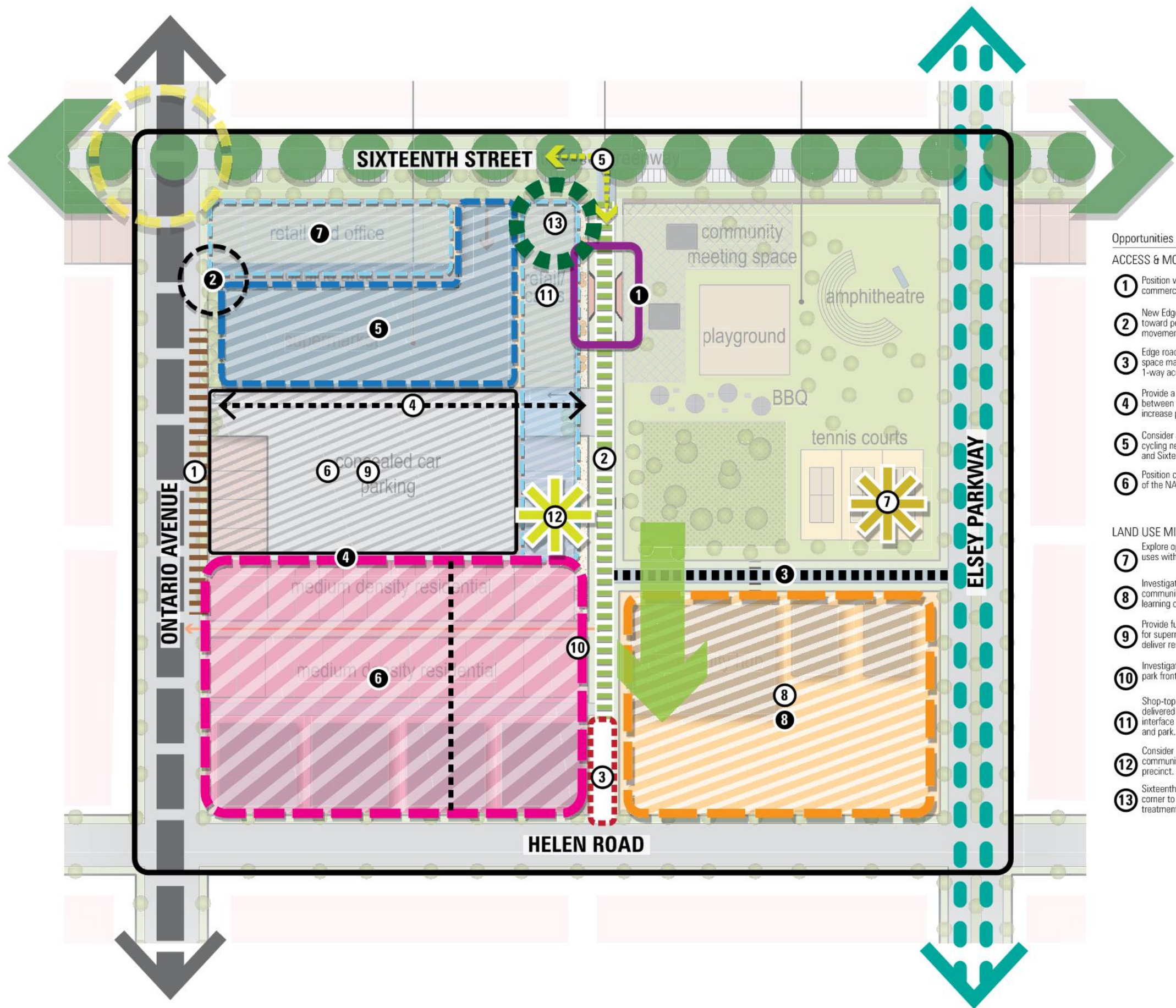
Issues:

- The area is largely void of any significant vegetation and the soil may present salinity issues limiting the growth of new vegetation in the future.
- Managing the staged development of new streets and public spaces within the NAC to encourage walking and cycling in the short-term.

Opportunities:

- Build on the proposed landscape concept established under the Sixteenth Street Greenway Masterplan and facilitate a green public realm providing extensive canopy vegetation for shade and amenity.
- Establish a focal point at the commercial node and internal Main Street such as a forecourt or urban plaza to draw pedestrians into the NAC from Sixteenth Street.
- Facilitate a diverse range of activities and functions within the public open space catering to all-ages.
- Council to aim to deliver public open space within the short-term to encourage investment within the centre.
- Refer to the Issues and Opportunities diagram on the opposite page, providing a review of the earlier concept sketch within the Development Plan.

The diagram on the following page illustrates the key issues and opportunities stemming from the earlier masterplan from the Precinct Structure Plan.



**MILDURA SOUTH NAC
URBAN DESIGN
FRAMEWORK**

ISSUES & OPPORTUNITIES
(Review of Development Plan Concept)

Opportunities

ACCESS & MOVEMENT

- ① Position vehicle crossovers for commercial uses to Ontario Avenue
- ② New Edge Road to be prioritised toward pedestrian and cycle movement through the NAC.
- ③ Edge road to the west of the open space may be suited to no-thru or 1-way access to Helen Road.
- ④ Provide a vehicle and pedestrian link between car park and Edge Road to increase permeability of centre.
- ⑤ Consider alignment of dedicated cycling network between the NAC and Sixteenth Street
- ⑥ Position car parking to the periphery of the NAC, access from main roads.

LAND USE MIX

- ⑦ Explore opportunity for community uses within public open space
- ⑧ Investigate potential for integrated community use hub and early learning centre adjacent to POS.
- ⑨ Provide future expansion opportunity for supermarket with flexibility to deliver residential or other uses.
- ⑩ Investigate opportunity to deliver park frontage townhouse product.
- ⑪ Shop-top accommodation could be delivered at Sixteenth Street interface overlooking public realm and park.
- ⑫ Consider integrating privately-owned community uses within commercial precinct.
- ⑬ Sixteenth Street and Edge Road corner to accommodate gateway treatment within public realm.

Issues

- ① Location of bus interchange along Edge Road, compromising pedestrian safety and movement.
- ② Location of proposed loading area in proximity to future signalised intersection.
- ③ Investigate suitability of Loop Road around public open space dividing community uses.
- ④ Provision of vehicle access and parking to medium density residential lots.
- ⑤ Future population projection supports medium-sized supermarket. Consider viable floor space configuration that will allow for future expansion.
- ⑥ Understanding market viability of medium density products in NAC context and Mildura more broadly.
- ⑦ Consider suitability of interfaces and activation between commercial/retail uses and Sixteenth Street Greenway.
- ⑧ Council's requirement for the community uses is yet to be determined however there will be a need for a range of facilities.

Project Ref: 18.669
Dwg No.: UDD-001
Scale: 1:1500 @A3
Date: 6.03.2019
Revision: A

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

PART 3: MASTERPLAN RECOMMENDATIONS

URBAN DESIGN MASTERPLAN

The following chapter contains the vision and masterplan for the Mildura South NAC, framed by a series of overarching ambitions, objectives and strategies, to guide the use and development of the NAC. The masterplan recognises the potential of the site to deliver a vibrant, amenable and sustainable destination for existing and future residents.

An important consideration of the masterplan is to facilitate a flexible approach for future development, allowing detailed design processes to find the best ‘fit’ for the study area, having regard to timing of staged development. This masterplan therefore has a degree of in-built flexibility and should not be read as a prescriptive document.

The Urban Design Framework / Masterplan (Figure 1) and the associated objectives and guidelines found in this document will be the basis upon which planning decisions and future applications be assessed against, consistent with the provisions found in UGZ1.

A Vision for Mildura South NAC

A vision for Mildura South Neighbourhood Activity Centre, as it relates to the existing and future residential community, was developed with reference to the earlier Precinct Structure Plan and Development Plan as well as consultation with relevant Stakeholders.

The Vision for Mildura South NAC is:

- A Neighbourhood Activity Centre which supports a diverse mix of commercial, retail and service-based uses to meet the needs of the future residential population with consideration of long-term expansion opportunities.
- A Neighbourhood Activity Centre which supports a range of inclusive community-oriented activities and services targeted toward a diverse population, centred around a generous and welcoming public open space.
- A vibrant, inviting and safe NAC supporting a public realm which facilitates walking and cycling to key destinations and surrounding residential areas.
- An Activity Centre which offers diverse housing types for all age groups, family types and lifestyles benefiting from green outlook and proximity to services and facilities.

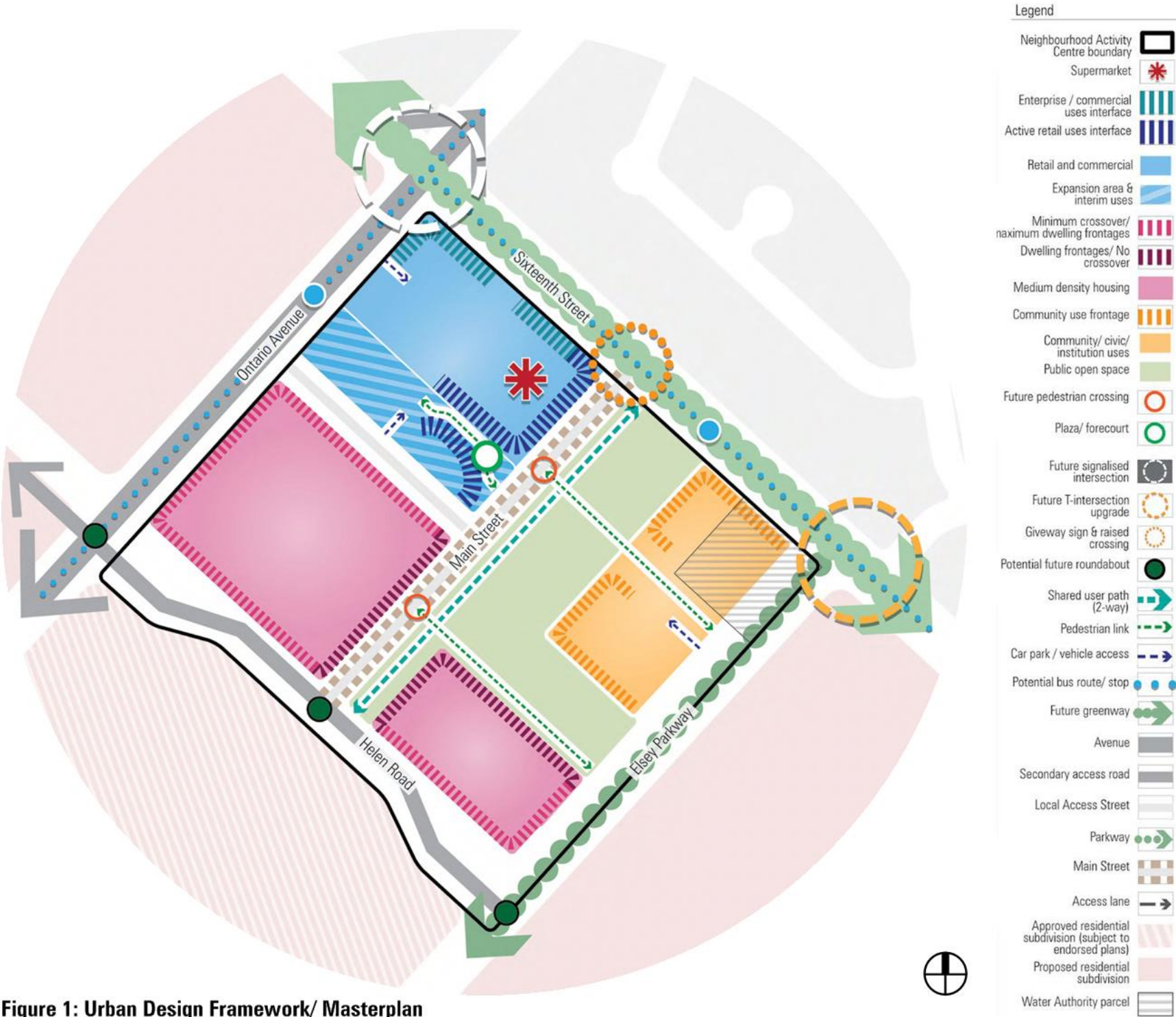


Figure 1: Urban Design Framework/ Masterplan

Masterplan Ambitions, Objectives & Strategies

The Vision for Mildura NAC can be realised through 4 overarching ambitions and associated strategies. This includes:

1. *A Neighbourhood Activity Centre that embraces its role as a key destination for established and future residential areas.*
2. *A Neighbourhood Activity Centre which supports environmentally sustainable and convenient lifestyles.*
3. *A Neighbourhood Activity Centre which facilitates the equitable and safe movement of people.*
4. *A Neighbourhood Activity Centre which celebrates its unique regional and environmental setting.*

These masterplan ambitions include a guiding objective and associated strategies to clarify the preferred future land use, built form and design outcomes.

Ambition 1

A Neighbourhood Activity Centre that embraces its role as a key destination for established and future residents.

Objective:

To establish a resilient and adaptable activity centre that offers an adequate range of services to the community in the medium and long term as the Mildura South Growth Area evolves.

Strategies:

- Facilitate the development of a retail and commercial precinct supporting supermarket (minimum 1200-1500m2), complemented by a suite of specialty retail and commercial uses positioned to address Sixteenth Street and the Main Street.
- Future-proof the commercial and retail offering of the NAC by accommodating the potential expansion of the supermarket to a full-line facility (up to 3000m2), including the expansion of associated commercial/retail floorspace and car parking requirements.
- Minimise the under-utilisation of land in the precinct (in the short to medium term) by supporting multi-purpose functions of the car park and vacant sites for additional public open space to accommodate events, markets or temporary activities including pop up shops, landscaping and sitting areas.
- Acknowledge the Main Street as a local pedestrian priority street through the positioning of more active frontages and alfresco dining areas to maximise vibrancy and outlook to the park.
- Support a free-standing commercial building (comprising a medical centre, swim school or other use) at the corner of Sixteenth Street and Ontario Avenue as a complementary function to the NAC.
- In the short-term, support the implementation of a landscape buffer the Sixteenth Street interface to create a welcoming ‘green’ entry into the precinct.
- Acknowledge the role of Sixteenth Street as a future cycle corridor and support the positioning of commercial frontages with some retail activity for its activation with no additional vehicle crossovers.
- Establish a public plaza between the supermarket and retail hub providing an activated pedestrian link between the car park and Main Street/ open space.
- Create a new, inviting public open space providing a range of passive and active recreation functions, centred around high-quality landscape with a focus on shade during summer months. The new open space will be framed by community retail activities with direct pedestrian and cycle links to the future Greenway and Parkway.

Ambition 2

A Neighbourhood Activity Centre which supports sustainable and convenient lifestyles.

Objective:

To provide diverse housing options and community facilities which benefit from direct outlook to public open space and proximity to retail and commercial services.

Strategies:

- Establish medium-density housing products suited to a regional housing market including townhouses and attached, semi-detached and duplexes (1 to 3 storeys) at the south-west of the NAC which benefit from outlook to a public open space as well as proximity to services and facilities.
- Support the provision of smaller housing products that cater to a more diverse demographic and reinforce an alternative urban lifestyle that is distinctive from typical residential products found outside the NAC and consistent with the policy ambitions of the Residential Growth Zone.
- Position an integrated community hub to the intersection with Sixteenth Street and Elsey Parkway benefiting from a direct abuttal with future public open space. This facility is to provide opportunities for a range of community services including but not limited to early childhood learning centre, adult learning centre, maternal child health care, library outpost, gymnasium, meeting rooms and function centre or youth outreach services.
- Ensure future commercial, residential and community development does not adversely impact on pedestrian access and amenity of the public realm with a consideration toward avoiding overshadowing, mitigating visual bulk and supporting passive surveillance.
- Ensure new buildings in the NAC are embedded with environmentally sustainable design principles by achieving best practice water sensitive design outcomes (in accordance with Water Sensitive Urban Design Guidelines for Mildura City Council prepared by Parsons Brinckerhoff, 2005) and minimising carbon footprint.

Ambition 3

A Neighbourhood Activity Centre which facilitates the equitable and safe movement of people.

Objective:

To establish a legible street network which acknowledges the peripheral road hierarchy recommended under the Development Plan and accommodates vibrant and safe pedestrian connections between commercial, retail, open space, community and residential uses.

Strategies:

- Recognise the established road hierarchy set out in the Development Plan including the alignment of Ontario Avenue, Elsey Parkway and Helen Road by continuing the ‘grid’ street network into the NAC.
- Prioritise sustainable transport within the NAC, with priority pedestrian access along the north- south aligned Main Street. The Main Street will be supported by east- west pedestrian/ cycling links.
- Facilitate pedestrian and cycle connections from existing and future residential areas, acknowledging the role of the Sixteenth Street Greenway as a designated sustainable transport corridor.
- Position 2 consolidated at-grade car parks to the periphery of the NAC, accessed from Ontario Avenue and Elsey Parkway, to reduce vehicle movement along the Main Street and facilitate a pedestrian-focused centre.
- Loading/ servicing and car parking for commercial/ retail facilities is to be provided off Ontario Avenue to avoid large vehicles from traversing along the Main Street.
- Advocate for the location of new bus stops to Ontario Avenue, adjacent to the commercial uses and Sixteenth Street, adjacent to the public open space, facilitating direct pedestrian connections to key activities and services.
- Maintain the ambition of the Sixteenth Street greenway as a pedestrian and cycle focused corridor, by limiting the establishment of new crossovers into the NAC from this road.
- All residential lots fronting Main Street and future open space are to be provided with garages at the rear, accessible via laneways to facilitate uninterrupted pedestrian paths.
- Advocate for the signalisation of the Ontario Avenue and Sixteenth Street intersection as well as the upgrade of the Elsey Parkway and Sixteenth Street intersection to facilitate the safe movement of people to and from the NAC.

Ambition 4

A Neighbourhood Activity Centre which celebrates its unique regional and environmental setting.

Objective:

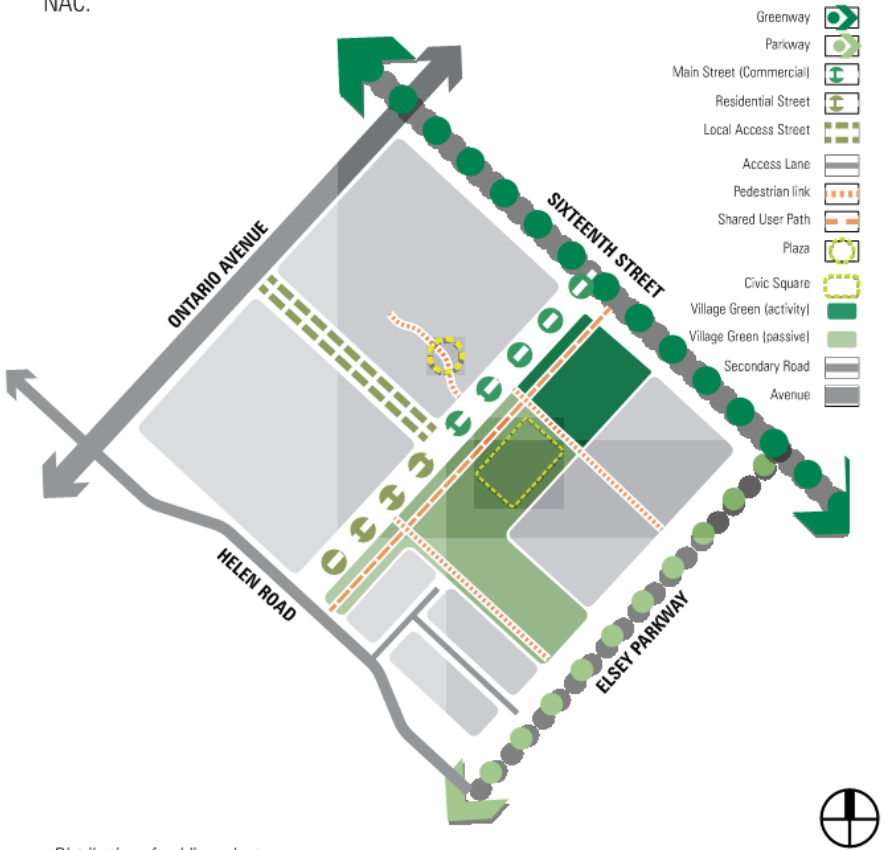
To establish a public realm that reflects a sense of localness and acknowledges the surrounding landscape character while managing climate constraints and sustainability opportunities.

Strategies:

- Acknowledge the slope of the NAC area through the design and management of onsite detention storage for 1 in 100 year storm events within car park areas, public open spaces and/or development footprints.
- Explore opportunities for benchmark Water Sensitive Urban Design (WSUD) initiatives in accordance with Council and Water Authority guidelines as part of place creation in future streetscape design to manage stormwater run-off and quality to distribute back into the public realm to maintain landscaping.
- Support the integration of public art, quality building frontages, active uses and tree planting at and around primary entry points to enhance the sense of arrival.
- Encourage creative artistic community-led expression within the public realm, particularly in the short to medium term, supporting multi-purpose functions of the car parks and temporarily vacant sites for events, markets which contribute to a visually engaging place creation.
- Establish generous landscape buffers around the perimeter of the NAC, with particular focus along the Greenway and to Elsey Parkway incorporating native (and where possible indigenous) planting that references the Murray River environs.
- New streets to accommodate substantial canopy vegetation and other shade mechanisms to facilitate a comfortable public realm during summer months.
- At-grade car parking should comprise substantial tree planting at the perimeter and between bays for shading and amenity.
- The public realm and open space framework within the NAC will be defined by four key public realm types, exhibiting a distinction in landscape character, while utilising a complementary suite of materials and finishes that contributes to wayfinding and placemaking. The public realm types include:
 - Urban Plaza:** between the supermarket and retail hub, comprising primarily paved areas with some garden beds. It will accommodate seating, relaxing and gathering areas with urban and feature ambient lighting. Include integrated signage for wayfinding that references local context to enhance its sense of identity as a place.

- Greenway/Parkway/ Main Street:** These are priority pedestrian and cycling routes which are tree lined with low understorey planting in garden beds. Tree species between the east- west and north- south aligned streets may vary to assist with wayfinding and sense of place.
- Village Green:** The village green will be a welcoming open, grassed area for informal passive and active recreational activities. It will perform as a neighbourhood play space and gathering space, including formal equipment such as play equipment, exercise equipment and barbecue facilities. Future play space will be located to the east, taking advantage of activities and surveillance provided by the retail node. To the south-west, at the interface with residential and community uses, the park will offer more contemplative areas of recreation including native garden beds, large shade trees and environmental learning spaces such as a dry creek bed or native fruit and vegetable gardens.
- Pedestrian Links:** are pedestrian linkages that connect car parking to various destinations in the NAC. These paved paths are to be well- lit and tree-lined, or provided with canopy for shading. Passive surveillance onto this space from residential/retail/ commercial buildings are essential for improved perception of safety.

The diagram below illustrates the proposed distribution of public realm types within the NAC.



Distribution of public realm types

Masterplan Precincts

The Masterplan is divided into four precincts, determined by the varied uses and development outcomes required across the NAC. Refer to the diagram opposite for an illustration of the precinct extents. The precincts can be defined as:

- Precinct 1: Commercial Heart
- Precinct 2: Alternative Residential
- Precinct 3: Integrated Community Hub
- Precinct 4: Village Green

These precincts have been curated through a consideration of the ambitions from the earlier Development Plan and Precinct Structure Plan as well as consultation with relevant stakeholders. The purpose of the precincts is to recognise the importance for the Neighbourhood Activity Centre to provide for diverse uses and ensure built form and public realm outcomes are suited to the needs of the existing and future community.

A breakdown of designated precinct areas (indicative) are outlined in the following table:

Table 01: Proposed Land Budget		
	Description	Approximate Area (m²)
Precinct 1: Commercial Heart (C1Z) / Ultimate Outcome		
Commercial	Corner commercial	1000
Retail	Supermarket	3000
	Enterprise	850
	Specialty Retail to Main Street	1813
	Pedestrian plaza	2471
Car Parking	Car Park and loading area	7000
Road reserve	Main Street	1834
Total Precinct Area		1.8ha
Precinct 2: Alternative Residential (RGZ)		
Residential	Townhouses	17559
Road reserve	Helen Road, Elsey Parkway, Main Street, Local Access Street & Lanes	19601
Total Precinct Area		3.7ha
Precinct 3: Integrated Community Hub (PUZ)		
Community	Early Childhood Learning Centre	3128
	Community Centre	3276
Car Parking	Car Park and access	3490
Road reserve	Elsey Parkway	2438
Total Precinct Area		1.2ha
Precinct 4: Village Green (PPRZ)		
Public Open Space		14734
Road reserve	Elsey Parkway	814
Total Precinct Area		1.5ha
Total Masterplan Area		8.2ha

As outlined within Schedule 1 of the Urban Growth Zone (UGZ1), this masterplan seeks to confirm the precise boundary of land use precincts (and zones) to guide the future development of the Neighbourhood Activity Centre, refer to figure 2 and table 01.

The precincts include an overarching description of the preferred future character, strategies for the 'key moves' for the siting and development of uses within the precinct including an illustrative precinct plan and finally a series of targeted design guidelines which seek to shape specific built form, access, landscape and public realm outcomes having regard to the land use role of the precinct.

The Strategies and Design Guidelines for the precincts have regard to the state-wide Urban Design Guidelines for Victoria found within the State Planning Policy Framework of the Victoria Planning Provisions. These guidelines are underpinned by best practice knowledge and are relevant to the planning and design of regional townships as well as metropolitan areas.

Indicative Concept Plan (Appendix 1)

An **indicative concept plan (Appendix 1)** and the corresponding indicative precinct plans were prepared to illustrate clear examples of how the overarching ambitions, strategies and design guidelines can be applied across the various land use precincts within the study area, to achieve feasible development outcomes. It is **acknowledged any future development application on the site may vary from the indicative concept plan while still meeting the requirements of the masterplan objectives and guidelines**, particularly in relation to the preferred minimum supermarket size, commercial expansion area and maximum lot sizes for residential development.

Following the public consultation of the masterplan in August 2020, further inputs were sought from CHC Architects and Trafficworks. This process included the refinement of the masterplan based on consultation feedback and to clarify a feasible commercial development footprint, across multiples stages of development. Trafficworks also provided traffic engineering advice relating to the street network, commercial car parking and loading bay arrangements.



Figure 2. Designation of Masterplan Precincts and intended future zoning

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

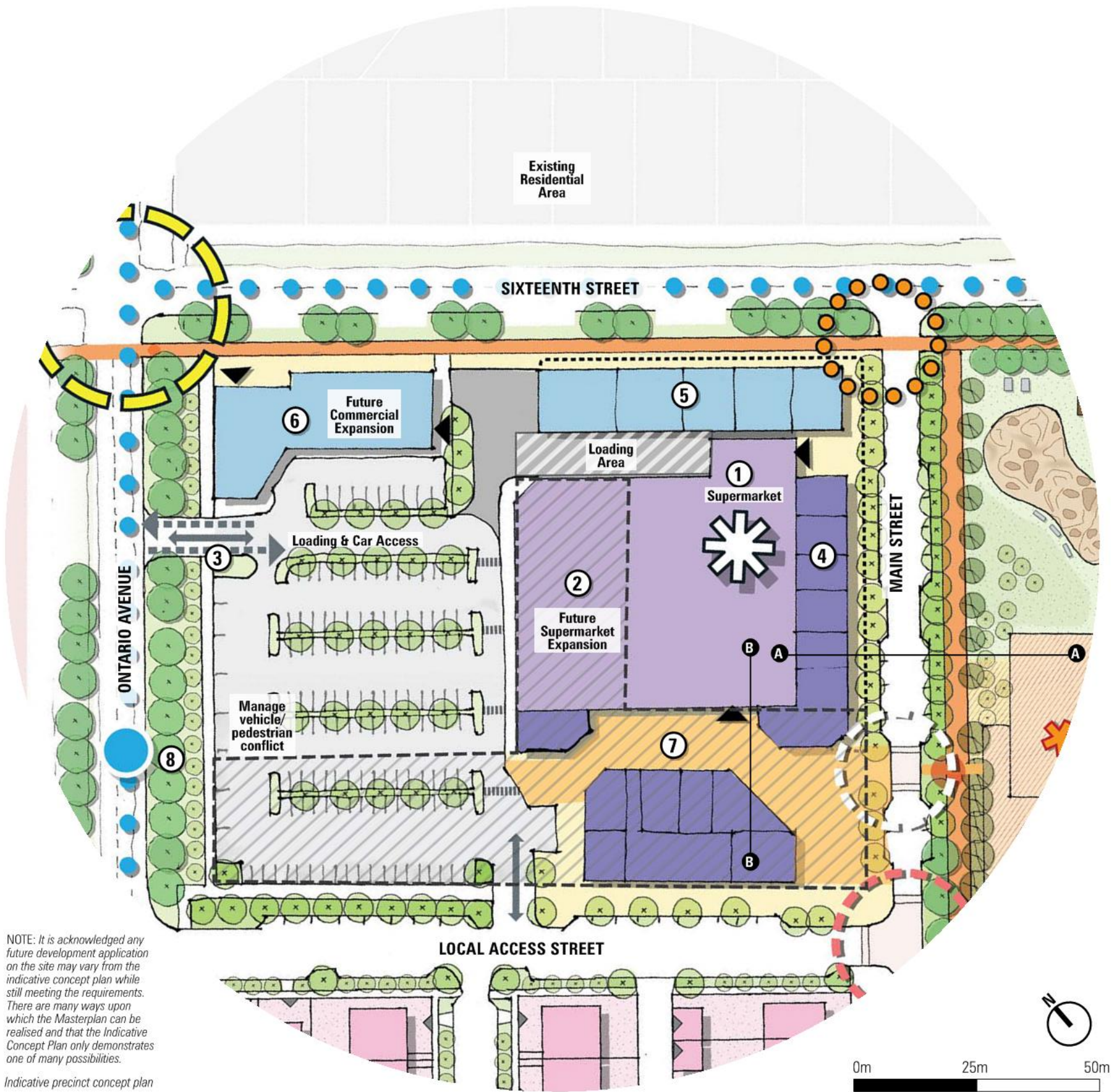
Precinct 1: Commercial Heart

Precinct Description

The Commercial Heart will be a vibrant anchor into the Mildura South Growth Area offering a range of retail, commercial and service based uses, benefiting from direct connections with the future Sixteenth Street Greenway and Village Green. The precinct will accommodate car parking and vehicle access from Ontario Avenue, to facilitate a pedestrian-oriented 'main street' setting to the internal Main Street.

Precinct Strategies

1. Deliver a Neighbourhood Activity Centre comprising a **supermarket** (of a minimum 1200-1500m²) positioned to Sixteenth Street and the Main Street. This retail anchor will be 'sleeved' by specialty retail and commercial uses to take advantage of visual exposure along these streets.
2. **Future-proof** the precinct for the expansion of a full-line supermarket by retaining a **3000sqm** land holding (approximately), which should be used for a temporary public plaza and community events area, or other interim multi-purpose functions. The future expansion should continue to activate Sixteenth Street and the Main Street while retaining 'back of house' (loading, car parking) functions from Ontario Avenue.
3. Position **car parking and loading facilities** associated with commercial uses behind the supermarket, with access off Ontario Avenue. Dedicated pedestrian crossings through the car park should be established to manage pedestrian safety. Ensure the loading bay is located to efficiently manage the expansion of the supermarket in the long-term.
4. Position **fine grain speciality shops** and hospitality uses to the Main Street and built to the street (and plaza) boundaries. These uses will benefit from outlook to the public open space and opportunity to activate the public realm, including a new public plaza. Outdoor dining should be encouraged to establish a vibrant, inviting entry into the NAC.
5. **Commercial and enterprise uses** are to be positioned to the Sixteenth Street Greenway, benefiting from green outlook while acknowledging the role of the street as a critical cycle corridor.
6. Position a **free-standing commercial form** at the Ontario Avenue and Sixteenth Street junction to provide a visual anchor to the NAC. This building could comprise a privately-operated swim school. Buildings should be positioned to street frontages, with pedestrian entries directly accessible from the footpath.
7. Establish a **public plaza** between the supermarket and retail hub providing an activated pedestrian link between the car park and Main Street/ open space, incorporating outdoor seating, public art, shade structure/awnings and end of trip facilities for cyclists.
8. Advocate for a new **bus stop** at on Ontario Avenue, providing access via the new pedestrian link to the Main Street.
9. Acknowledge the sloping topography of the precinct through **onsite detention and storage of stormwater within at-grade car parks** to manage flooding impacts to surrounding commercial and retail development in accordance with Council's WSUD Guidelines.



Design Guidelines

Building Massing and Design

- Implement a new supermarket to a minimum area of 1200-1500m2 with the opportunity accommodate a future expansion of a full-line supermarket (up to 3000m2).
- The preferred maximum building height is 2 storeys, or 8m. There is opportunity to increase building height at the corner of Ontario Avenue and Sixteenth Street to 3 storeys, or 12m to demarcate this key junction of the NAC.
- Ensure the massing of the primary commercial building appears as a 'suite of forms' to street frontages, offering division and grain as well as a mix of colours and material treatments to avoid the appearance of a singular, monotonous form. This includes ensuring tenancies comprises individual entries to the street and are located along pedestrian desire lines.
- Position the supermarket entry from the pedestrian plaza to the west to ensure the entry is visible from both the car park and Main Street.
- Utilise materials and finishes which exhibit depth, texture and fine grain details that exhibit commercial character including (but not limited to) glazing, brick, stone, vertical cladding, powder-coated seam cladding or corrugated iron and textured precast concrete. Aluminium cladding products should generally be avoided or used sparingly.
- New development should incorporate weather protection, or canopy, extending over the public realm (to the back of kerb) as part of the building design to allow for continuous undercover walkways for pedestrians. This includes to Sixteenth Street, Main Street and the pedestrian plaza. Consider integrating landscape within canopies (i.e. climbing species).
- The design of commercial buildings should incorporate highly functional and adaptable spaces to accommodate various uses over time. This may include allowing for the consolidation of tenancies to accommodate to the needs of new local businesses.

For further guidance, refer to **Section 5.1 (Buildings in Activity Centres)** of the Urban Design Guidelines for Victoria.

Building Setbacks

- Setback built form to the corner of Sixteenth Street and the Main Street to accommodate a public plaza as an entry feature to the NAC.
- Position the primary commercial/retail form to boundary along the Main Street establish a clearly defined urban edge to accommodate outdoor dining and a pedestrian footpaths outlook to the public open space.
- Setback the retail hub approximately 10m from Main Street to enable an open, splayed area to the pedestrian plaza to establish a clear visual link between the car park and street. The retail hub should offer generous pedestrian areas to all sides to enable adequate circulation, landscape and spilling of retail/hospitality activities.
- Position built form to boundary along Sixteenth Street (0m setback). Allow for the expansion of non-retail and commercial uses along the Sixteenth Street frontage to connect with the free-standing form at the corner with Ontario Avenue overtime.
- Built form to the corner of Ontario Avenue and Sixteenth Street should be built to the street boundaries along Sixteenth Street and Ontario Avenue to hold the junction.

Building Presentation to Streets

- A minimum 70% of the street frontage should be transparent glazing and minimise the presentation of visible 'blank' walling along Sixteenth Street, Main Street and the pedestrian plaza.
- The northern interface of the supermarket (to the carpark) should provide transparent glazing where possible. Where glazing cannot be achieved (due to internal storage or services) consider the integration of textured materials, art murals, tree planting/ vertical landscaping and super-graphics to minimise blank walls and enhance the commercial precinct's identity when viewed from the public realm.
- Encourage operable glazed frontages to the Main Street and the pedestrian plaza, where hospitality uses are proposed to encourage active uses to 'spill' out onto the footpath.
- Establish a decorative semi-transparent fence or screen with landscape buffers (including trees) to the perimeter of the loading and unloading area to screen views from the commercial car park and minimise pedestrian/ vehicle conflict.
- Encourage uses which operate during evening periods to maximise the use of the NAC outside of daytime business hours, providing light spill, surveillance and activity within the public realm.
- Commercial and retail buildings should be designed to respond to the fall of the land ensuring pedestrian entries are void of steps at doorways which inhibit accessibility or alternatively provide over engineered ramp structures which detract from the building design. Any required level transitions are to be level transition contained within the building envelope.



Example of a mixed use Supermarket form addressing multiple street frontages



Example of Supermarket form providing entries and outlook to car park



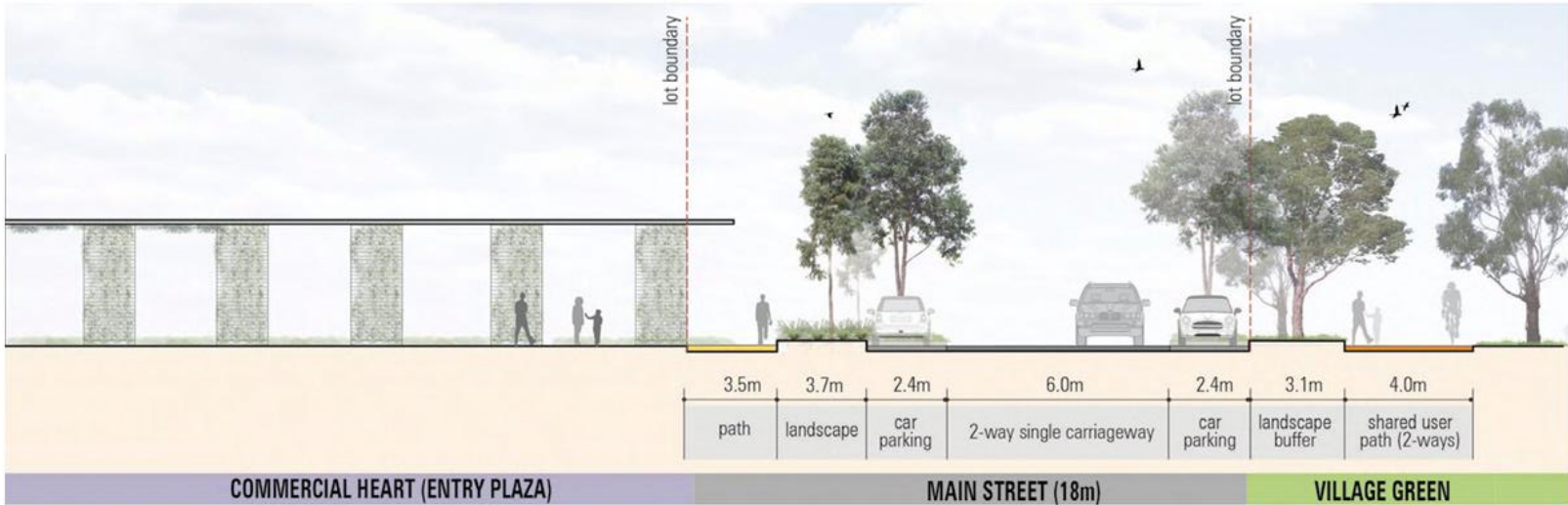
Example of fine grain frontages to open plaza

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
 FINAL DRAFT

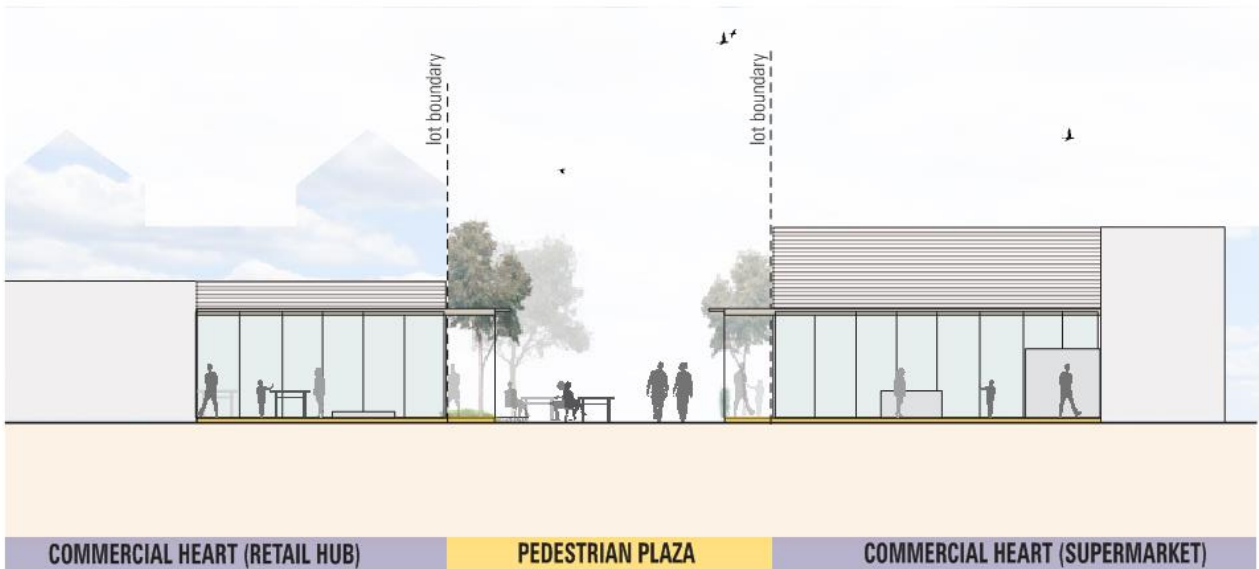
Vehicle access and parking

- Avoid new crossovers to Sixteenth Street to ensure pedestrian and cycle safety is maintained, acknowledging the road is identified as a future pedestrian and cycle corridor (in accordance with Amendment C100).
- Position all vehicle crossovers into at-grade parking and loading areas from Ontario Avenue, while ensuring adequate distance from the intersection with Sixteenth Street.
- Designate loading access and the primary car parking access via a shared crossover from Ontario Avenue to the south-west of the Ontario Avenue and Sixteenth Street intersection. Position a second dedicated crossover for vehicles from the local access street to the west.
- Ensure loading and unloading operations can be maintained in a forward direction by accommodating dedicated reversing/ turning bays adjacent to the loading area and separated from pedestrian movement.
- Facilitate a an east - west pedestrian connection between the car park and Main Street through an open pedestrian plaza. Provide a dedicated pedestrian path along the north of the supermarket to safely filter pedestrians to and from the car park.
- Implement dedicated pedestrian crossings and wayfinding through the car park to pedestrian paths.
- Provide short-term loading bays to service specialty retail along the east side of the Local Access Street.
- Establish a raised (wombat) crossing at the Main Street from the pedestrian plaza, connecting to the Village Green.
- Ensure the main street is managed as a ‘slow’ street implementing kerb outstands to reduce perception of road width and create an inviting/safe pedestrian environment.
- Integrate secure bike parking and a bike station to the Main Street pedestrian plaza.
- Provide short-term parallel parking to both sides of the Main Street, framed with canopy trees and landscape to either side of the road reserve.

For further guidance, refer to **Section 2.7 (On-Street Parking)** and **Section 2.8 (Car Parking Lots)** of the Urban Design Guidelines for Victoria.



Section AA - Proposed Main Street configuration



Section BB- Proposed pedestrian plaza configuration

Landscape & Public Realm

- The landscape palette within this precinct should reference the horticultural surrounds of the locality, balanced with native, drought tolerant species to provide for lower maintenance landscape offering.
- Frame car parking to street frontages including Ontario Avenue and Sixteenth Street with generous landscape setbacks (minimum 2m wide) to screen views to impermeable surfaces and provide shade to the public realm.
- Provide high quality landscaping including trees within the car park to provide shade and amenity, noting residential interfaces to the south-west.
- Implement distinctive surface treatments within streetscapes and car parks to define pedestrian priority areas, outdoor dining, plazas and shared zones.
- Utilise unique pavement along the pedestrian plaza and Main Street footpath to enhance the amenity and vibrancy of the activity centre.
- Implement landscaped kerb outstands (comprising rain gardens where possible) along the main street to slow vehicle movement, frame on-street car parking and reduce hard surfaces.
- Implement a minimum 3.5m footpath plus a minimum 2.5m nature strip along the internal Main Street incorporating canopy trees and under-storey planting, maintaining views to the Village Green.
- Ensure the Main Street and pedestrian plaza, comprises seating areas at building entries and along pathways for street engagement and amenity.
- Establish a minimum landscape verges comprising canopy trees and understorey planting along the Local Access Street to provide a visual buffer to residential uses.
- Ensure any required retaining walls are designed to be no greater than 1m in height and are treated with textured materials which complement the preferred character of the Activity Centre.

For further guidance, refer to **Section 3.2 (Streets Spaces and Plazas) & Section 6 (Objects in the Public Realm)** of the Urban Design Guidelines for Victoria.

Stormwater Management

- The below ground piped system located within Sixteenth Street, Ontario Avenue and within the NAC area shall be designed to convey a 1 in 5 year storm event (all precincts).
- The overland flow path for volumes above the 1 in 100 year event to be conveyed out into Sixteenth Street and Ontario Avenue (all precincts).
- Onsite detention storage for a 1 in 100 year storm event must be designed to be accommodated within the NAC area, such as car park areas and/or development footprints.



Example of Supermarket car-park with dedicated pedestrian crossings



Example of a shade structure with integrated climbing landscape.



Example of an outdoor dining space at frontage to main commercial building footprint

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
 FINAL DRAFT

Interim Use Opportunities

It is important that any set aside vacant land within the precinct offers interim uses until a the expansion of the supermarket (and associated uses) is facilitated. There are many types of interim uses suited to the Mildura South NAC context. Given the expansion parcel will ultimately provide a pedestrian plaza and additional retail uses, the following interim uses are suggested as a guide:

- Public open space to host community events, public art and markets.
- Food truck park accommodating outdoor dining with shade and public amenities.
- Basketball court / tennis courts and additional recreation facilities.
- Overflow car parking.
- Other ‘pop-up’ businesses on a lease arrangement.



Example of a pop-up food truck park

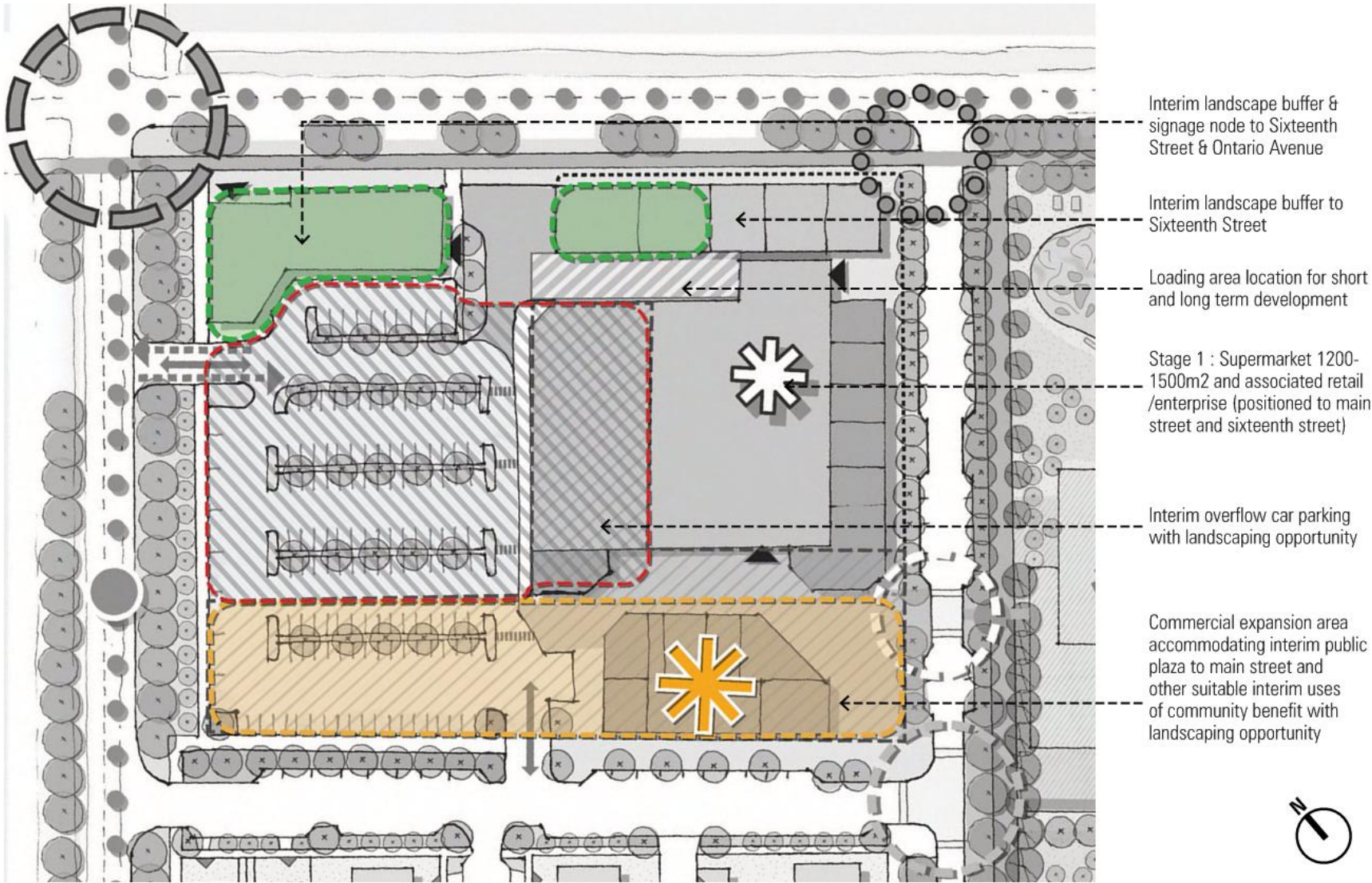


Example of a temporary public space/ events area

Acknowledging the indicative concept plan illustrates the ultimate development outcome of the commercial precinct, the following diagram indicates the preferred siting of a 1200-1500m2 supermarket footprint and the indicative expansion area which can accommodate interim uses in the short-medium term.

The following table 02 also indicates the required development area to accommodate the expansion of a full line supermarket (and associated uses).

Table 02: Precinct 1 Land Budget		
Precinct 1: Interim development of minimum 1200-1500m2 supermarket		
Commercial	To Sixteenth Street frontage	430m2
Retail	Minimum supermarket	1200-1500m2
	Specialty Retail to Main Street	670m2
Car Parking	Supermarket Car Park (including overflow and pedestrian paths)	4427m2 (approx.)
	Future expansion area	4160m2 (approx.)



Indicative Site Plan Concept to demonstrate one possible staging outcome for the commercial precinct

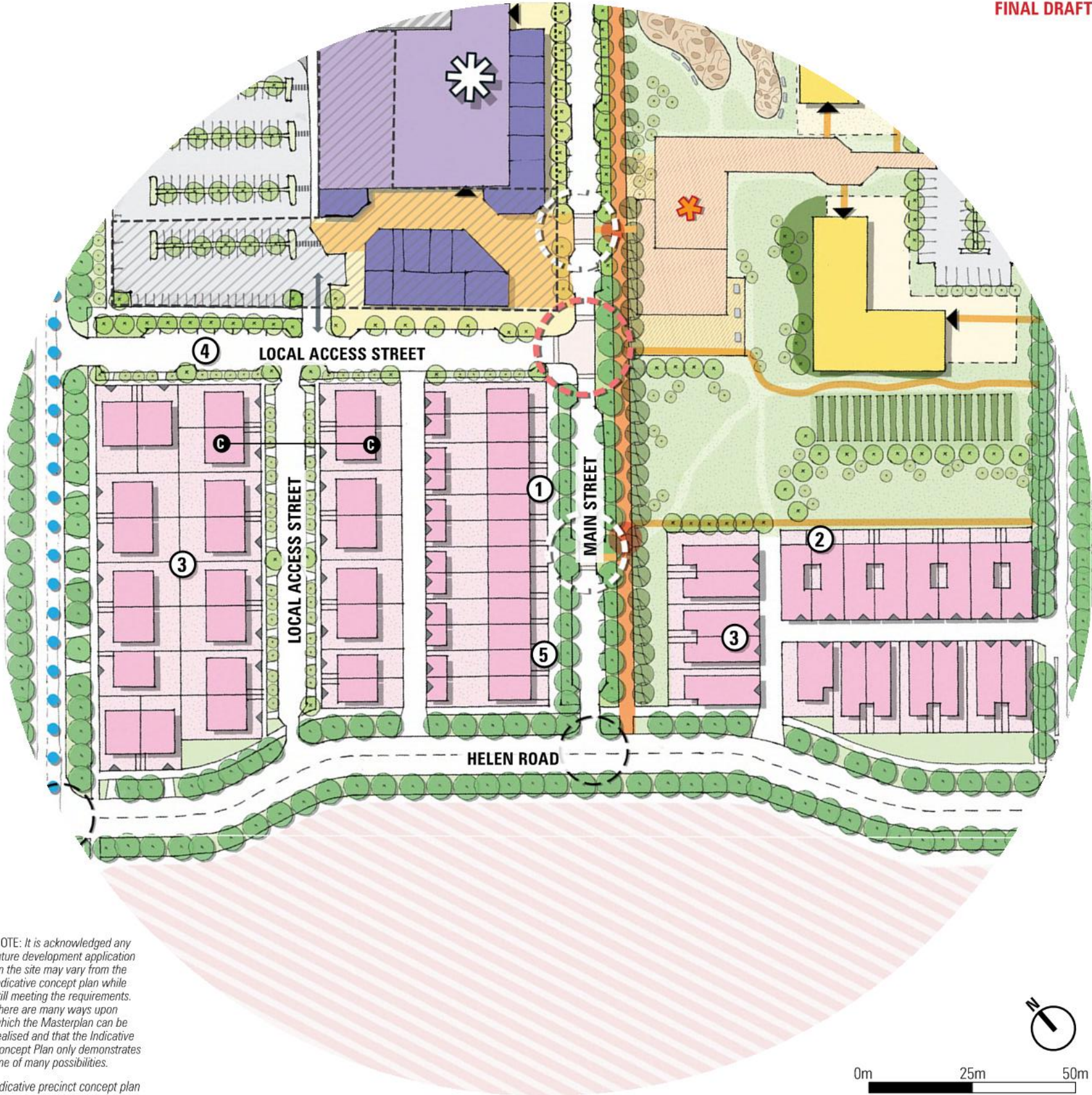
Precinct 2: Alternative Residential

Precinct Description

The Precinct comprises a variety of high quality medium density dwelling types offering alternative lifestyle options that cater to a variety of household types including down-sizers and young families. Future residents will benefit from amenity, services and public transport within a walking distance, minimising over-reliance on car trips. Living population in the NAC will contribute to its day and night activation and vibrancy.

Precinct Strategies

1. Establish a precinct of well-designed, **medium density residential dwellings, maximising outlook to public open space and minimising** footpath disruption along the main street network to support a high quality pedestrian environment.
2. **Maximise the amount of park frontage.** Residential land by extending a linear park setback to the west of the Main Street comprising canopy trees and a shared user path within the Village Green
3. Provide a diverse mix of townhouses and attached, semi-detached and duplexes (1 to 3 storeys) to support a range of household types, access needs and age groups.
4. Implement an east-west 18m **Local Access Street** between Ontario Avenue and the Main Street providing a buffer from the commercial precinct. Verges are to comprise native landscape to frame footpaths to both sides of the street.
5. Ensure dwellings maximise passive surveillance onto the public realm and are benefited with established garden setbacks to provide passive shading and amenity.



MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

Building Siting and Design

- Lot sizes should not exceed 350sqm and should accommodate attached, or semi-detached dwellings with sufficient area for secluded private open space (a minimum in accordance with ResCode Standard B28).
- Standard single storey detached dwellings within the NAC are generally discouraged.
- A mix of dwellings between 1-3 storeys should be encouraged with a comprising 1, 2, 3 and 4 bedroom dwellings that cater to a range of household types. Affordable, cluster or co-housing residential development models are strongly supported.
- Encourage frequent building breaks between attached housing to provide visual relief and opportunity for landscaping.
- Buildings should be setback a minimum 5m from Main Street, Helen Road and Ontario Avenue frontage accommodating front gardens including a minimum of one canopy tree (mature height of 8m).
- Dwelling entries must be clearly defined and identifiable from the street including separate pedestrian pathways to front doors.
- Dwelling orientation and separation, including upper level setbacks must be designed to maximise direct sunlight into private open space and public footpaths.
- Dwelling siting and setbacks must minimise reliance on window or balcony screening to mitigate overlooking issues.
- Utilise materials and finishes which are suited to a residential context and exhibit depth, texture and fine grain details including (but not limited to) bricks, stone or painted and natural lightweight panel/ cladding system (non-reflective).
- Roofing materials should include low profile or slimline tile roofing or powder-coated corrugated iron.
- Attached dwellings should adopt a varied palette of materials and façade articulation that enables visual breaks and dwelling definition.

For further guidance, refer to **Section 5.3 (Higher Density Residential Buildings)** of the Urban Design Guidelines for Victoria, and **the Small Lot Housing Code (VPA)**.

Fencing & Services

- Dwellings should have no, or low front fences (1m high or less) and should be visually permeable. Where fencing along side boundaries is visible from the public realm, it should be 1m high, or less for the first 5m and up to 1.8m for the remainder. A minor landscape setback forward of the fence is encouraged
- Side fencing along pedestrian footpaths and roads should be visually permeable.
- Ensure service infrastructure such as air conditioning units are concealed and are not visually prominent from the street. Locate infrastructure services to minimise acoustic impact on adjacent properties.
- Private open space should be clear of site services.
- Dedicated bin collection areas should be located to the rear or along secondary side streets.

Private open space and landscape

- Ensure all dwellings are provided with adequately sized private open space in the form of ground level courtyard, balcony or upper level courtyard/ rooftop area.
- Ensure private open space is highly functional and incorporates canopy vegetation and a pergola to support use during peak summer months.
- Provide 70% permeable surfaces to front setbacks, incorporating garden beds, lawn areas, gravel and permeable paving.
- Encourage the integration of plants that are drought resistant and easy to maintain.
- Ensure any required retaining walls within private open space are designed to be no greater than 1m in height and are treated with textured materials or integrated with landscape.

Public realm and landscape

- The landscape palette for this precinct should adopt a native theme referencing the Murray River and lake surrounds, including large native trees within nature strip to provide shade and amenity.
- Grassed verges are generally discouraged in favour of native, drought tolerant species.
- Incorporate paving bands along laneways to define entries into garages and provide visual breaks along the linear concrete surface.

Stormwater Management

- Onsite detention storage for a 1 in 100 year storm event must be designed to be accommodated within the NAC area, such as gardens or swales within nature strips, permeable paving along on-street car parking and individual water collection within residential lots (rain water tanks).



Example of highly sustainable park frontage attached townhouses.



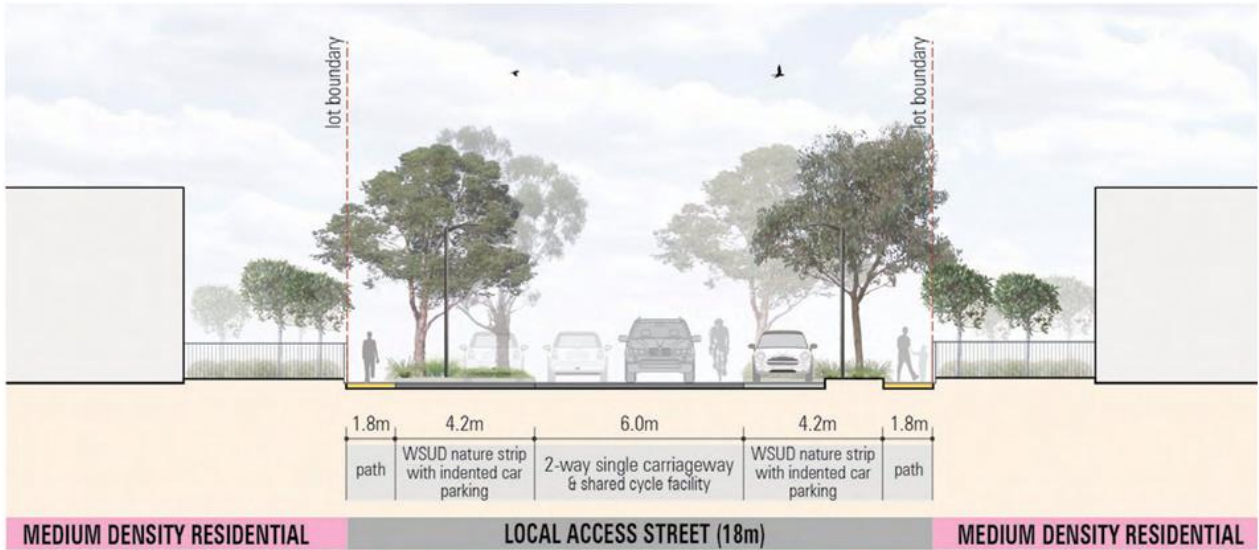
Example of an alternative housing product with limited crossovers from the primary street frontage.



Example of attached duplex style dwellings with a combined crossover.

Vehicle access and movement

- Car parking and garages should be located away from Main Street and future open space. Rear-loaded housing typologies is strongly supported in this location.
- Where vehicle crossovers must be provided to a street frontage, they must be designed to prioritise the safety of pedestrians and minimise pedestrian- vehicular conflict.
- Ensure crossovers are no greater than 4m wide. The consolidation of cross-overs are encouraged.
- Ensure garages and carports do not occupy more than 50% of the site frontage.
- Minimise the number of crossovers from residential lots onto Helen Road (designated secondary access road) to protect cyclist safety.
- Seek to limit vehicle access or restrict right-turning movements onto Helen Road where practical to minimise rat running through the NAC and maintain pedestrian safety between Ontario Avenue and Village Green.
- Ensure the Local Access Streets provide a minimum 1.8m wide pedestrian path and 4m wide nature strips to both sides of the street.
- Ensure driveways and laneways utilise materials and finishes, reflective of the surrounding landscape character. Suitable materials include paving, exposed aggregate and coloured concrete incorporating paving bands. Permeable paving is highly encouraged.
- Provide 1 on street visitor car space for every 2 dwellings.



Section CC - Potential local access street profile (Indicative only)

NOTE: It is acknowledged any future development application on the site may vary from the indicative concept cross section while still meeting the requirements. There are many ways upon which the Masterplan can be realised and that the Indicative cross section only demonstrates one of many possibilities.



Example of detached 2-storey townhouses with consolidated car park and communal open space with limited crossovers from the primary street frontage.



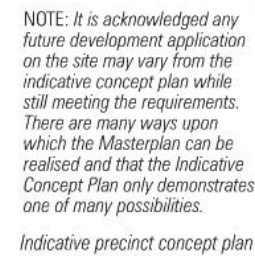
Examples of 2-storey semi-detached townhouses with front-loaded and visually recessive garages.



Example of 2-storey duplexes with front-loaded and visually recessive garages.

The Integrated Community Precinct will be a highly sustainable and functional precinct offering a wide-range of services for a diverse population. The precinct will benefit from a direct frontage to Village Green and Sixteenth Street Greenway as well as key pedestrian and cycle connections from the future Elsey Parkway. Uses within the precinct will include a balance of public and private offerings, dependant on the nature of investment within the NAC over a medium-long term period while the residential area at its periphery is established.

1. Establish **free-standing buildings** positioned to address Elsey Parkway, Sixteenth Street and the Village Green, offering outlook, pedestrian connectivity and potential expansion of uses during special events.
2. Support the development of **highly adaptable and functional** community buildings which can accommodate a diverse mix of uses both inside and outside. Uses may include privately owned community-based functions such as early childhood learning centres while allowing shared uses after hours.
3. Facilitate the integration of community uses which operate during both **day and evening** periods to maximise activation and surveillance within the NAC.
4. Ensure new community buildings **achieve benchmark measures Environmental Sustainable Design** and adopt low carbon footprint, integrating renewable energy, sustainable materials and passive heating/cooling to better manage long term maintenance costs for government and private community use providers.
5. Vehicle access is to be provided via a **single, crossover from Elsey Parkway** to a consolidated car parking servicing both buildings.
6. Provide **clear pedestrian connections** from surrounding precincts, through the public open space to the community buildings.
7. Acknowledge location of the precinct at the highest point in the NAC through management of **onsite detention and storage** of stormwater to avoid flooding of surrounding residential and commercial areas.



Design Guidelines

Building Siting and Design

- New buildings should not exceed 3 storeys in height and avoid overshadowing of footpaths and outdoor communal spaces.
- Buildings should be designed in the round to minimise visual exposure of ‘back of house’ from Elsey Parkway, Sixteenth Street and the Main Street.
- Buildings should be setback a minimum 5m setback to Elsey Parkway and Sixteenth Street to accommodate new landscape, wrapping from the public open space and car park edge between buildings and public footpaths.
- Buildings should be setback a minimum 3m setback to Public open space to accommodate landscape and open space areas for community uses.
- Ensure pedestrian entries (to all uses) are designed and sited to avoid steps or complicated ramp structures at building frontages. Any required level transitions are to be level transition contained within the building envelope.
- Building should incorporate operable façades to the public open space interface, allowing the expansion of uses for special community events.
- Encourage no fencing along the street frontage. Where fencing is to be provided for functional reason, it should be permeable to avoid inactive, blank walls and encourage passive surveillance to the surrounding public realm.
- Buildings should be designed to allow for flexibility and adaptable spaces to accommodate a range of uses.

Vehicle access and parking

- Avoid multiple crossovers to street frontages or crossovers within close proximity to the Sixteenth Street and Elsey Parkway intersection which disrupt pedestrian and cycle paths.
- Refer to General Design Guidelines for design and management of at-grade car parking.

For further guidance, refer to **Section 2.7 (On-Street Parking)** and **Section 2.8 (Car Parking Lots)** of the Urban Design Guidelines for Victoria.

Landscape & Public Realm

- Frame street frontages to Helen Road and Sixteenth Street with generous landscape setbacks, comprising low shrubs and grasses as well as staggered canopy vegetation, to screen views to impermeable surfaces and provide shade to the public realm.
- Incorporate native and where possible indigenous species as part of the planting regime within all setbacks.
- Provide wayfinding signage along pedestrian paths at Sixteenth Street, Elsey Parkway and within the public open space to entries of community buildings and various uses.
- Fencing to the public open space should be semi-transparent to allow outlook and passive surveillance between uses.
- Provide multiple (gated) access points from the Village Green to community uses to manage both connectivity and privacy between precincts (particularly for early childhood centres).

Stormwater Management

- Manage onsite water detention and storage for a 1 in 100 year storm event within the site including car parking areas and/or within the building footprint (rain water tanks).



Example of outdoor community spaces and facilities



Example of a low carbon footprint early childhood learning centre



Example of a community building screened with native landscape and trees

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

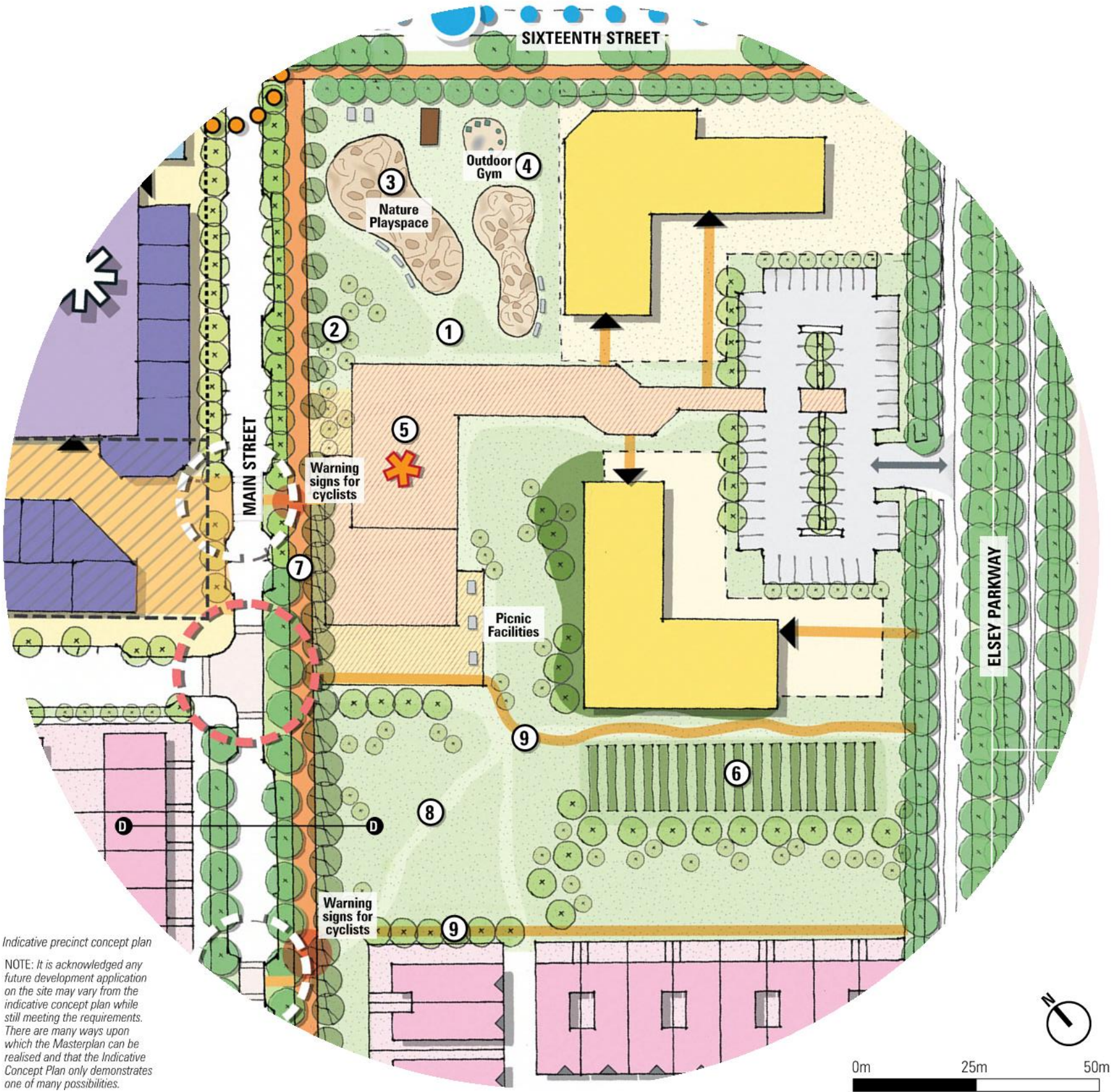
Precinct 4: Village Green

Precinct Description

The Village Green will be an inviting public open space in a highly accessible location at the edge of the future Greenway and Elsey Parkway. The open space will offer a range of active recreational and passive recreational activities, benefiting from direct abuttal with community uses and outlook from commercial and residential uses. The public open space will include canopy vegetation offering shade and respite to local residents, while accommodating community events during evenings and weekends to maximise the function of this important public asset.

Precinct Strategies

1. Establish distinct precincts for uses within the public open space with the east functioning as an **active recreation** precinct, benefiting from direct connections to the Greenway and the Commercial Heart, while the south east offering **passive recreation** and contemplative spaces benefiting from direct outlook from the Lifestyle living precinct.
2. Provide a **gradual shift in landscape character** within the park between the Commercial Heart Precinct, referencing the horticultural operations of the surrounds, toward the Lifestyle Living Precinct, referencing a rural native palette of the Murray River.
3. Position a **Nature Playground and picnic area** to the north-east of the precinct benefiting from direct pedestrian connection and views from the Commercial Heart and Sixteenth Street.
4. Establish an **outdoor gym station** adjacent to the Greenway providing a bike station and rest area to maximise exposure and connections to residential areas.
5. Establish a **civic square/ flexible event space** between the Community Hub and Civic Precinct comprising an open paved area with flexible seating and framed in trees and landscape.
6. Establish a **community garden** adjacent to the community precinct and Elsey Parkway to maximise the functional use of the parkland and connect with community buildings.
7. Implement a 3m wide **shared user path** along the boundary of the precinct, adjacent to the Main Street, providing off-road cycle connections between the Greenway and Helen Road to key destinations.
8. Establish a **passive recreation area to the Main Street frontage** between the Civic Square and Helen Road offering generous garden beds and canopy planting for shade and green outlook .
9. Implement key **pedestrian pathways** through the Precinct, connecting the Parkway with the Main Street at the Commercial Heart and local street.
10. Acknowledge the sloping topography of the precinct through **onsite detention and storage** of stormwater to avoid flooding of adjacent residential and commercial areas.



Design Guidelines

Siting and Design

- Support the realisation of a small pavilion, or shade structures and public toilets. These structures should be located closer to other activity to benefit from passive surveillance while not dominating the Village Green.
- Future pavilions/ shelter should be designed as lightweight structures maintaining views between and avoiding the presentation of high blank walls to the public realm.
- Position the nature playspace to the north-east of the Village Green to benefit from pedestrian connectivity and outlook from the active retail uses of the Commercial Heart.
- Position park benches and flexible seating nodes (i.e. seating rocks or logs) surrounding by landscape to the periphery of the nature play area to allow parental/guardian surveillance.
- Establish a low and permeable fence and gate to the perimeter of the nature playspace to restrict children from running onto the street. Position the playground access to the inside of the Village Green (south).
- Avoid siting substations or service-related infrastructure in public open space.
- Position an outdoor gym to Sixteenth Street encouraging arrival by walking and cycling. The outdoor gym should incorporate free-standing equipment and exercise facilities.
- Support a community garden hub to Elsey Parkway which provides cycle and pedestrians links to the surrounding residential area and offers opportunity for future expansion as the community grows.

For further guidance, refer to **Section 3.3 (Local Parks)** of the Urban Design Guidelines for Victoria.

Landscape & Vegetation

- Establish open lawn and garden areas to the frontage of row townhouses and the park frontage of the community precinct. Elsewhere, utilise drought tolerant, native planting or permeable surfaces such as compacted gravel where possible to avoid reliance on frequent maintenance and water.
- All grassed areas should be designed with slopes no steeper than 1:6 to manage ongoing maintenance such as mowing.
- Establish low planting in garden beds within the park, particularly to the interface with the community precinct as well as surrounding the nature playspace, picnic area and outdoor gym, to maintain views throughout the precinct.
- Establish tree planting every 10m along the shared user path adjacent to the Commercial Heart to provide views between retail uses and Village Green.
- Establish tree planting every 5m along the shared user path adjacent to the Residential Precinct to provide green outlook from dwellings and shaded recreation.
- Incorporate a mix of deciduous and evergreen canopy vegetation between the Community and Residential Precincts to provide a balance of shade and sunlight throughout the year.



Example of a nature play space



Example of pedestrian paths surrounded by native landscape



Example of an outdoor gym station



Example of a multi-functional path network providing active and passive uses

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
 FINAL DRAFT

Public Realm

- Ensure the use of colour and materials for playground and public furniture elements has regard to the landscape character of the surrounds.
- Encourage the use of exposed aggregate or paving for new pedestrian paths in the park. Avoid the use of plain concrete.
- Implement a mix of lighting types including low level bollard, in-ground lighting and pole lighting along footpaths and at key activity areas at the north of the Village Green. Ensure lighting adjacent to the Residential precinct limits excessive spill or reflection into dwellings.

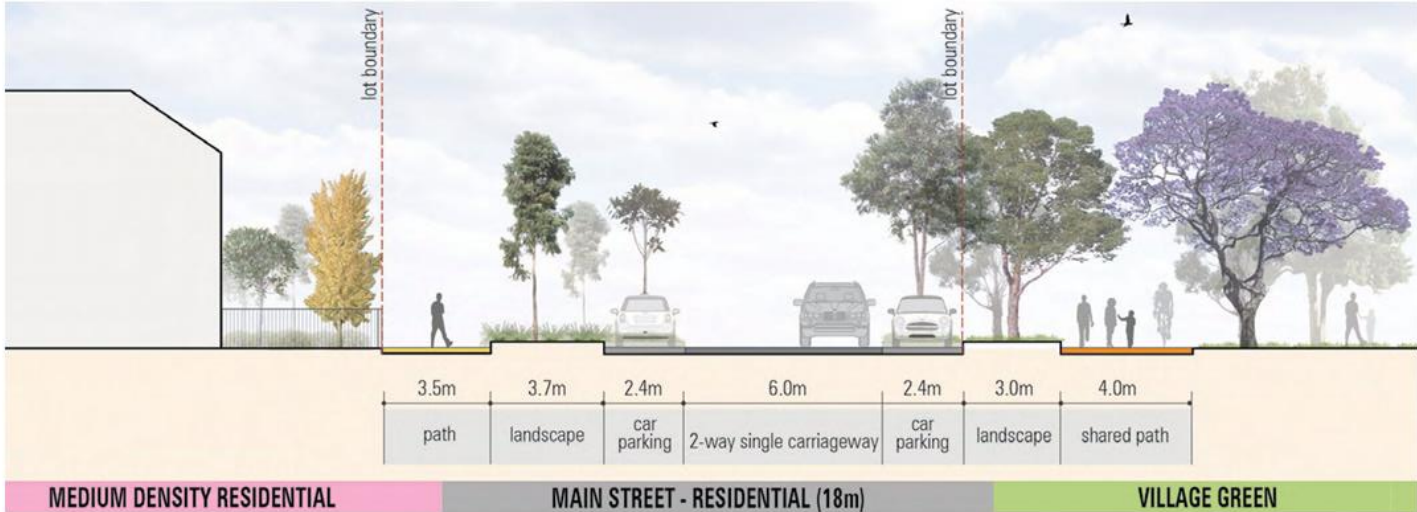
For further guidance, refer to **Section 6 (Objects in the Public Realm)** of the Urban Design Guidelines for Victoria.

Stormwater Management

- Manage onsite detention and storage for a 1 in 100 year storm event within permeable areas of the Village Green.

Access and Movement

- Establish 2 pedestrian crossings along the Main Street, including adjacent to the Commercial Heart and the Local Access Street adjacent to the Alternative Residential Precinct, providing direct pedestrian and safe pedestrian access between precincts (and uses).
- Establish warning signs to cyclists along shared user path to give way to pedestrians crossing Main Street to the Village Green. Treatments could include painted surfaces and pole signs.
- Ensure pedestrian crossings are clearly defined along the Main Street integrating signage and where possible raised treatments (i.e. wombat crossings).
- Establish parallel parking to the Main Street at the park interface to the village green.
- Establish several landscaped pinch-points along the Main Street (removing 1 parallel car park to each side of the street) between Helen Road and the Access Lane to reduce the width of the road and visual extent of parallel car parking.
- Establish bike parking at key uses within the public open space including at the playground and outdoor gym.
- Investigate opportunity for roundabout at Helen Road and Main Street intersection to calm traffic along Helen Road. This will need to consider the transition of the Helen Road eastbound bike lane onto footpath level. Alternatively a T-intersection could be accommodated in tandem with a right-turn lane.



Section DD - Proposed Main Street (Alternative Residential to Village Green)



Example of a raised wombat crossing with landscape pinch-points



Example of a mid-block pinch-point



Example of a shared user path within public open space

Design Themes

The facilitation of a high-quality arrival experience and legible navigation through the future NAC is integral in ensuring a sense of place is achieved, framed by its unique regional landscape attributes. The NAC should exhibit a strong presence at the Sixteenth Street and Ontario Avenue junction, welcoming people on all modes of transport including pedestrians and cyclists.

The Masterplan has identified 3 key design themes which can influence design language, material and landscape palette for the precinct.

Murray River Heritage

The Murray River is a significant environmental and cultural asset of the Mildura Region. It is the longest river in Australia, supporting an extensive ecosystem of flora and fauna with evidence of Aboriginal occupation from over 20,000 years ago.

While views to the river cannot be experienced from within study area, its proximity to Lake Hawthorn and Lake Ranfurly to the north, provide exceptional landscape and material palette references. This character can be established within the residential and community interface streets as well as within the adjacent public open space (to the west of the NAC).

Horticultural Surrounds

The introduction of irrigation within the region in the late 19th century facilitated a rapid expansion of farming for the production of fruit and vegetables, establishing as a critical economic and employment contributor for Mildura.

Acknowledging the most recent use of the land as a vineyard and existing horticultural operations at the periphery of the Mildura South Growth Area, references to this unique character can be recognised within the public realm, particularly surrounding the Greenway and commercial area and potentially to vacant sites in the interim.

Greenway Interface

The proposed Sixteenth Street Greenway provides a useful reference for the future design of the public realm in the NAC. The ambition of the Greenway is to provide relatively uninterrupted pedestrian and cycle movement along the southern side of the road reserve, framed by new canopy vegetation, linear native under-storey planting and dry river bed swales.

This proposed treatment lends itself to expand into the adjacent public open space and Main Street within the NAC, to enhance the wayfinding experience of the study area as a pedestrian and cycle focused centre.

MURRAY RIVER HERITAGE



HORTICULTURAL SURROUNDS



GREENWAY INTERFACE



PART 4: IMPLEMENTATION RECOMMENDATIONS

The following section outlines a brief discussion on a range of issues, considerations and recommendations associated with the implementation of the Masterplan.

Issues & considerations

One of the key strengths of the Masterplan lies in its ability to set a template to guide and influence development approvals within the neighbourhood activity centre and the balance of the Masterplan area. It also functions to identify areas of public works and community facilities, such as the Integrated Community Hub (Precinct 3) and the Village Green (Precinct 4).

A key issue for the masterplan to contemplate relates to the potential funding of various civil and community infrastructure. In a typical Precinct Structure Plan process, during the rezoning of the land for future urban development it involves the preparation of the Development Contributions Plan Overlay (DCPO) which outlines a range of required developer contributions required to deliver identified civil and community infrastructure. From a review of the current planning controls a DCPO currently applies to the land, and sets out required financial contributions to be applied to future development.

However, a quite important consideration for the current Masterplan is that the public and community facilities outlined for Precincts 3 & 4 were not previously identified nor costed within the DCPO. This means there is no formal mechanism for Council to charge a developer contribution towards the cost of these identified facilities.

With regard to the proposed Integrated Community Hub (Precinct 3), the Masterplan designates that it is intended to be a: *‘highly adaptable and functional community building which can accommodate a diverse mix of uses both inside and outside. Uses may include privately owned community-based functions such as early childhood learning centres while allowing shared uses after hours’*.

In order to further inform the size and type of community hub building required, as well as the intended future uses, it is necessary to undertake a detailed analysis of required community infrastructure. This additional piece of work would function to determine the size and requirements based on current and future needs and demand as the Mildura South growth front progressively develops. However, without this work having been completed, it creates uncertainty for Council regarding exactly what community facilities are needed to be delivered, as well as the financial ability to deliver such facilities to meet current and future demand.

Yet, in considering the broader question of the timely facilitation of development within the Masterplan area, Council does have an option to take a leading role. For example, Council could choose to take the lead in the facilitation of the Masterplan by opting to solely fund and develop such community facilities early. Should Council opt for this approach, it would function as a catalyst to encourage the timely development within the balance of the Masterplan area, particularly as it would be likely to stimulate sales and development of private land for residential development in the knowledge that community facilities are already in place, or in the process of being developed. However, should Council not be in a financial position to facilitate community infrastructure in this matter, there is potential to look at other public/ private partnership models to assist with its timely delivery.

Beyond such considerations, the Masterplan will act best as a mechanism to assess development proposals and functions as an advocacy tool for Council.

Potential staging

The potential staging of development within a PSP or Masterplan becomes a much greater consideration when dealing with large land parcels or development fronts, so as to ensure the appropriate sequencing of development relative to the roll out of civil infrastructure (power, gas, water sewerage etc). Due to the more compact size of land within the Masterplan area, sequencing of development is of lesser concern, although some initial investigations with servicing authorities is warranted.

Assuming that civil infrastructure does not raise any staging or sequencing issues, potential staging is more related to timing of the establishment of commercial and community facilities. Often a significant criticism of residents moving into new residential estates is the time lag between the completion of housing and the development of commercial and community facilities.

For obvious reasons commercial businesses are clearly not interested in developing and opening shops in the absence of an established commercial catchment. However, to avoid a potential delay in commercial businesses being established, Council could investigate a range of financial incentives such as rate reductions to encourage the earlier establishment of commercial businesses.

Likewise, as briefly discussed in the section above, Council could opt to facilitate the early development of the Integrated Community Hub (Precinct 3) and/ or the Village Green (Precinct 4).

Recommended actions

To ensure the masterplan has the greatest success of implementing its vision, this section identifies a number of recommended actions and specific projects across short, medium and long timeframes:

- Short term – 0 to 2 years
- Medium term – 3 to 5 years
- Long term – 6+ years

Each action has been further defined by the following categories to assist with their planning and delivery:

- Precinct – the precinct/s to which the action relates.
- Tool – how the action is to be implemented.
- Responsibility – person, department, or agency responsible for implementation.
- Requirement – whether or not the action is a mandatory action for Council, or could be actioned on a discretionary basis.
- Funding source – potential funding source to implement action.

Action	Precinct	Tool	Responsibility	Requirement	Funding Source
Short Term					
Following public consultation, finalise the Masterplan for formal endorsement and adoption by Council in accordance with the UGZ.	All	Council meeting	Council Planning Department	Mandatory	N/A – facilitated as part of normal Council functions
Develop an internal monitoring and review process, and embed within Council processes to ensure outcomes of masterplan are achieved and workable.	All	Internal Council processes	Council Planning Department (in consultation with relevant departments)	Mandatory	N/A – facilitated as part of normal Council functions
Liaise within servicing authorities (water, sewerage, power, gas, telecommunications), to establish if there are any technical servicing issues which would inform or influence staging of development within the Masterplan area.	All	Advocacy (with all relevant servicing agencies)	Council Planning Department (or otherwise as delegated to other Council departments),	Discretionary	N/A – facilitated as part of normal Council functions
Work closely with developers/ permit applicant to ensure surrounding residential subdivision approvals acknowledge the peripheral road network established under the Development Plan, Precinct Structure Plan and reinforced in Masterplan.	All	Advocacy (with developers / permit applicants)	Council Planning Department	Discretionary	N/A – facilitated as part of normal Council functions
Planning Department to proactively work with developers / permit applicants to ensure guidelines and strategies outlined in the masterplan are actively worked into schematic design/s.	Precinct 1 and 2	Advocacy (with developers / permit applicants)	Council Planning Department	Discretionary	N/A – facilitated as part of normal Council functions
Undertake community infrastructure analysis to establish the current and future needs and demand for community facilities, and to determine the type and timing of delivery of required facilities.	Precinct 3	Strategy	Council Community Infrastructure & Services Department	Mandatory	Council funds may need to be allocated, otherwise facilitated as part of normal Council functions
Investigate Council's ability to acquire land for Precinct 3 early and to potentially facilitate the development of the Integrated Community Hub.	Precinct 3	Internal Council processes	Council Assets, Community Infrastructure & Services Departments	Discretionary	Council funds may need to be allocated, otherwise facilitated as part of normal Council functions
Investigate the potential for Council to lease/sell community hub land to accommodate privately operated facilities.	Precinct 3	Internal Council processes & commercial negotiations	Council Assets, Community Infrastructure & Services Departments	Discretionary	Council funds may need to be allocated, otherwise facilitated as part of normal Council functions
Seek the early purchase/ acquisition of land bounded by Sixteenth Street, Main Street, Elsey Parkway and Precinct 3 to facilitate the early development of the active elements of the Village Green, including the nature playspace, picnic facilities, community garden and outdoor gym.	Precinct 4	Advocacy and negotiation with landowners	Council Assets, Community Infrastructure & Services Departments	Discretionary	Council funds, or other sources of grant funding
Develop parking demand and management strategy for the centre to inform car parking requirements.	All	Strategies	Council Planning Department	Discretionary	Council funds may need to be allocated, otherwise facilitated as part of normal Council functions
Investigate undertaking a formal amendment to the existing DCPO to capture additional funds required to development community infrastructure elements to be delivered in line with the Masterplan.	Precincts	Planning Scheme Amendment	Council Planning Department	Mandatory	N/A – facilitated as part of normal Council functions

MILDURA SOUTH NEIGHBOURHOOD ACTIVITY CENTRE MASTERPLAN
FINAL DRAFT

Medium Term					
Undertake ongoing monitoring and review of the Masterplan implementation in line with the process developed and established in the short term.	All	Council internal processes	Council Planning Department (in consultation with relevant departments)	Mandatory	N/A – facilitated as part of normal Council functions
Ensure subdivision and development applications are generally in accordance with guidelines and strategies of masterplan.	Precinct 1 and 2	Development applications	Council Planning Department	Mandatory	N/A – facilitated as part of normal Council functions
Tender Expression of Interest for private operator and developer for community hub and potential for Public Private Partnership with Council.	Precinct 3	Tender	Council Community Buildings Department	Discretionary	N/A – facilitated as part of normal Council functions
Develop masterplan for village green and tender for construction.	Precinct 4	Public space	Council Parks Department	Mandatory	Council funds, grants or other sources of grant funding
Determine potential for Council development of public car parking site as incentive for commercial development based on current market demand for supermarket development.	Precinct 1	Capital Works	Capital Works	Discretionary	N/A – facilitated as part of normal Council functions
Investigate opportunities for Council to be able to provide economic incentives such as rates reductions to secure an anchor tenant and early development the supermarket site.	Precinct 1	Advocacy with developers / permit applicants	Council Economics Department & land owner	Discretionary	N/A – facilitated as part of normal Council functions
Work with PTV and bus operators to explore location of bus stops and interchanges and design and deliver infrastructure.	Precinct 1 and 3	Advocacy	Council, PTV, Bus operator	Mandatory	N/A – facilitated as part of normal Council functions
Planning permit for subdivision and development to condition the construction of local streets, public realm, and infrastructure, as determined by public works list, generally in accordance with Master Plan and Council Engineering Department requirements.	Precinct 1 and 2	Development applications	Council Planning Department, Council Infrastructure Department, developer	Mandatory	Developer works
Facilitate the acquisition of the balance of Precinct 4, bounded by Main Street, Helen Road and Precinct 4, and undertake completion of passive recreational areas.	Precinct 4	Advocacy and negotiation with landowners	Council Assets, Parks and Recreation	Mandatory	Council funds, or other source of grant funding
If the early acquisition and development of the northern active area of Precinct 4 is not possible, facilitate the acquisition of the entirety of Precinct 4, and undertake the full development of Precinct 4.	Precinct 4	Advocacy and negotiation with landowners	Council Assets, Parks and Recreation	Mandatory	Council funds, or other source of grant funding
Long Term					
Undertake ongoing monitoring and review of the Masterplan implementation in line with the process developed and established in the short term.	All	Council internal processes	Council Planning Department (in consultation with relevant departments)	Mandatory	N/A – facilitated as part of normal Council functions
Rezone land within activity centre to ensure consistency with completed activity centre development (C1Z, RGZ, PPRZ, PUZ).	All	Planning Scheme Amendment	Council Planning Department	Mandatory	N/A – facilitated as part of normal Council functions

Monitor and Review

The Masterplan has been developed based on the latest and most up-to-date information available and in line with Council aspirations. Due to the nature of a masterplan, it will likely be subject to change as new information becomes available; as various stages of development are negotiated with private developers; and with changing Council directions.

Key influences that may result in changes to the masterplan are:

- Future changes in retail and commercial demand.
- The provision of community facilities in line with need & demand analysis.
- A lack of development occurring on the ground within a given timeframe.

It is important then that the Master Plan is subject to review at various intervals and as different stages are implemented so as the document is workable and flexible enough to adapt to change.

APPENDIX 1

INDICATIVE CONCEPT PLAN



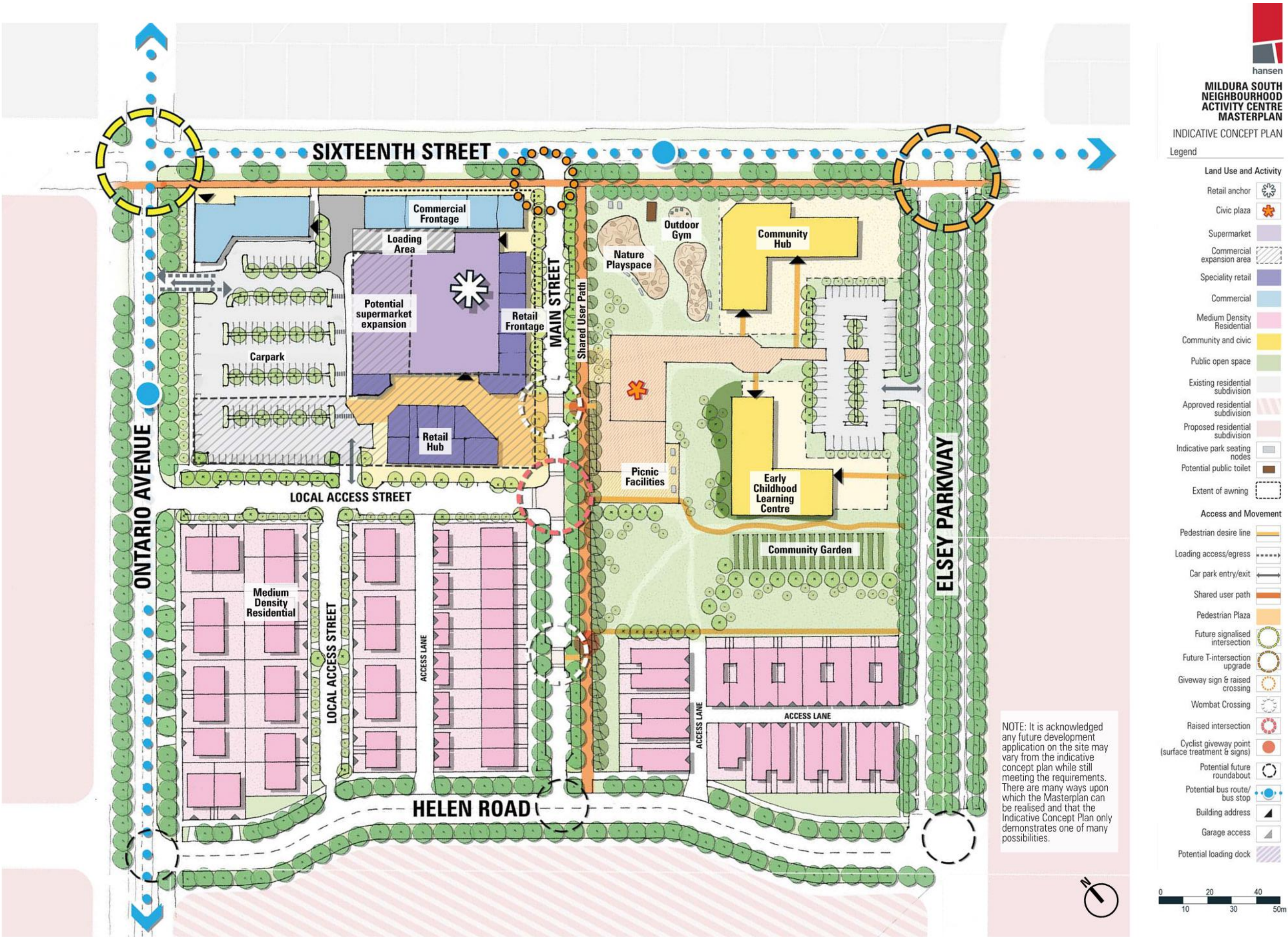


Table of Responses

Submitter	Comment	Recommendation/ Response
1. Kaitilin Mitchell	<p>Include indoor and outdoor play centre and potential splash park.</p> <p>Family focused and safe space to attract young families to the area.</p> <p>Need for additional young children safe spaces.</p> <p>Splash park is at full capacity in summer time. A new one would attract people and visitors to the centre.</p>	<p>The Exhibited Masterplan (February 2021) has allocated approximately 1.2ha for integrated community hub precinct, which may accommodate (but not limited to) community centre and early childhood learning centre. These facilities have been located adjoining Village Green precinct (1.5ha) for playground, public toilet, picnic area and passive recreational areas, or community gardens, suitable for all ages and members of the Mildura South community.</p> <p>The Masterplan does not exclude the opportunity for a splash park to be realised within the Village Green precinct. These strategies seek to bring safe spaces for families and children through varied play areas.</p> <p>Within Precinct 1- Commercial Heart, the Masterplan has identified opportunity for a free-standing commercial development which could comprise a privately-operated swim school as a potential attraction for visitors and families.</p> <p>Council to consider potential incorporation of a splash park in future Village Green Concept Planning.</p>
	<p>Social services being next to a day-care is conflicting, Depending on the organisation. I would not have them next to each other. And would consider only a simple information services. Speak to CEO's of community organisations to see issues they find with walk in clients before having a social service in a community space.</p>	<p>Precinct 3- Integrated Community Hub in the Exhibited Masterplan (February 2021) encourages future a freestanding, highly adaptable and functional community building where Early Childhood Learning Centre, Maternal and Child Health Centre, community hub/ meeting rooms, or youth-related activities can be accommodated. Both premises, the community hub and Early Childhood Learning Centre are separated by a car parking area with separated entrances to each of them. The Exhibited Masterplan (February 2021) has not identified specific social services be the only use envisaged for the Community Hub.</p> <p>The Community Care Services/ Early Years Department within Council were consulted during the drafting of the Masterplan (April 2019). Further strategic work is required to determine the ultimate function, layout and arrangement of the future Community Hub. We also acknowledge potential partnership with private operator and community organisations are required in the future.</p> <p>Council to undertake further investigation on the function, size and concept for future community hub and early child</p>

Submitter	Comment	Recommendation/ Response
2. Volkan Calis	<p>The proposed NAC at Mildura South would be a fantastic addition to our neighbourhood.</p> <p>Would be great to see an adventure playground that caters for all ages.</p>	<p>Noted.</p> <p>Council to consider potential adventure playground in future Village Green Concept Planning.</p>
3. Ken Wakefield	<p>Outstanding development. Amenities and shopping services provided should ensure future development can now proceed further to the west and south, as they will have access to first grade services in close proximity. This should help unclutter the target 15st shopping precinct.</p>	<p>Noted.</p>
4. Department of Jobs, Precincts and Regions	<p>The identification and incorporation of locally sourced materials extracted from existing extractive industries within the municipality.</p>	<p>Update the Masterplan Report to include additional text in Ambition 4 (Page 16):</p> <ul style="list-style-type: none"> ▪ <i>'future development to utilise locally sourced material from existing extractive industries within the municipality.'</i> ▪ <i>'future public art opportunity should incorporate materials extracted from existing quarries within the municipality for increased awareness'.</i>
	<p>The incorporation of static displays crafted from materials extracted from existing quarries, including increased awareness of the industry in Mildura.</p>	
	<p>Uses and activities that recognize the importance of resources in the development of buildings, roads, and open space treatments.</p>	<p>Noted.</p>

Submitter	Comment	Recommendation/ Response
	Recognition of Resources in the master plan as an economic multiplier and source of employment for the community.	Noted.
5. Judith Petschel	Disagree with another shopping centre. Need another primary school as schools around are full.	<p><u>Requirement for another shopping centre:</u></p> <p>The Mildura South Development Plan and PSP specified that the Mildura South Growth Area is required to provide a Neighbourhood Activity Centre to service the future residential are at full capacity. This includes a supermarket, associated commercial/retail offerings and other complementary uses including community functions, public open space and medium density housing.</p> <p>The planning and design of future urban areas is guided by State Planning Policy. These documents form part of Amendment C75 which underwent an independent review through Planning Panels Victoria and was ultimately approved by The Minister for Planning in 2016. These adopted and exhibited planning documents have guided the preparation of the masterplan in accordance with Schedule 1 of the Urban Growth Zone.</p> <p>The role of the masterplan is not to justify the role or siting of the Neighbourhood Activity Centre within the Mildura South Growth Area.</p> <p><u>Comment on Primary School</u></p> <p>The Community Care Services/ Early Years Department within Council were consulted during the drafting of the Masterplan in April 2019.</p> <p>It was acknowledged that the existing Mildura South Primary School is at capacity and has limited potential for expansion or integration of new/complementary uses. The Mildura South PSP has identified potential primary school location off Mateo Avenue, however future primary school in the vicinity of the NAC will be determined by the State Government.</p>

Submitter	Comment	Recommendation/ Response
	Support a community garden, play area for children and housing.	Noted.
	Need to consider housing for pensioners which plan to retire in Mildura.	The Exhibited Masterplan (February 2021) strongly encourages a greater degree of housing diversity including medium density living, affordable/ co-housing, as well as the opportunity for retirement living where possible.
	As Centro has changed hands, might be changes within the store too.	Noted. Not urban design matter, out of project's scope.
	Need to consider transport beyond private cars.	<p>The Exhibited Masterplan (February 2021) is aligned with Local Policy Clause 21.04 New Residential Development, strategy 6.2 which encourages the use of active transport and public transport over private vehicular usage.</p> <p>In that way the NAC is prioritising sustainable active transport, with priority pedestrian access on Main Street, east-west Shared User Path which are connected to the cycle link on Sixteenth Street and potential bus route/stop on Sixteenth Street and Ontario Avenue.</p> <p>The provision of a supermarket, public open space and community facilities within the NAC is also supporting Plan Melbourne's ambition for 20-minute cities, where services and recreation are available within walking distance.</p>
6. Planning & Property Planners	Maintaining no objection to Council acquiring part of our client's land for the purpose of public open space and community facilities	Noted.

Submitter	Comment	Recommendation/ Response
	Maintaining objection to the extent of proposed commercial and retail floorspace envisaged by the Masterplan and in particular the extent of supporting commercial floorspace and the provision for future expansion of what will amount to a convenience supermarket.	<p>Neighbourhood Activity Centre & Supermarket Size</p> <p>The masterplan must acknowledge the role of the Neighbourhood Activity Centre to provide commercial and retail functions to support the Mildura South Growth Area at full capacity. Council's position to date, is that the masterplan process must seek to preserve the long-term full potential for the community of a successful, integrated and functioning activity centre in accordance with the principles enshrined in the planning scheme.</p> <p>There is conflicting economic advice regarding the appropriate size of supermarket viable in this location. Advice to date includes:</p> <ul style="list-style-type: none"> ▪ <i>The Development Plan (2014)</i> outlines the provision for a full line supermarket of 3500m² to 4000m² based on economic advice prepared by HillPDA. ▪ <i>Deep End Services</i> prepared economic advice for the landowner in November 2017 based on a review of the Development Plan and indicative concept sketch for the NAC. This report suggested there was insufficient demand for a full-line supermarket and a small to mid-sized supermarket of approximately 1,200m² is more appropriate. This is in addition to another 800m² of associated retail uses, equating to a total retail area of 200m². ▪ <i>Essential Economics</i> prepared the <i>Mildura Retail Strategy Review (2018)</i> which determined that the projected population is sufficient to support at least a mid-sized supermarket (under 3000m²) and potentially a full-line supermarket in the future. The Mildura South NAC sits within the retail hierarchy for the municipality. The location of supermarkets are preferred in in-centre locations including Mildura South. ▪ <i>Economic advice prepared by Tim Nott (August 2018)</i> suggesting at full development (8,000 people), the trade area will be able to support a medium-sized supermarket (1,500m²) a range of specialty shops, with a total retail floorspace of around 3,000m² (including a 1500m² supermarket) and 750m² of non-retail space (banks, travel agents, small professional offices etc), equating to 1.2 ha. However, should the population at full development be more than expected (9,000+people) or should there be unexpected growth in retail spending per person,
	Maintain that a supermarket of 1,200m ² is the maximum commercially viable supermarket that can be realised in the Mildura South NAC and this position is supported by documented town planning and economic analysis which has been provided to Council. The previous and current extent of supermarket floorspace is unrealistic and cannot be realised within the context of the actual catchment, future population proximate to the NAC and in the context of existing services within the broader township.	
	It follows that the provision for expansion of the supermarket tenancy serves no purpose as expansion will not occur on the strength of the economic analysis that has been undertaken by Deep End Services Pty Ltd. Based upon this detailed economic research, when the catchment is fully developed, the provision for a 1,200m ² supermarket will more than serve	

Submitter	Comment	Recommendation/ Response
	<p>requirements of the activity centre and catchment area.</p> <p>The concept of this location ever realising a full-line supermarket is misguided and will otherwise result in sterilisation of part of our client's land and impede the provision of a well-designed and functional commercial precinct.</p>	<p>there may well be sufficient demand for a full-line supermarket (3,000m²) and a larger complement of specialty shops and commercial activity.</p> <ul style="list-style-type: none"> Additional economic advice was prepared by <i>Deep End Services</i> in October 2018 based on a review of economic advice prepared by Tim Nott. This report disagrees with the adopted approach for the determination of the supermarket catchment and relies on 'very low' future average sales volumes. The report also reiterates that given the proximity of the NAC to full-line supermarkets on Fifteenth Street and the development of ALDI (1,850m²) a full-line supermarket in this location would not generate enough sales to draw interest from a large supermarket provider. A mid-sized supermarket (1200m²) would help to anchor a community hub and support the colocation of uses. Further advice from Tim Nott (October 2018) suggested that based on his assessment of the <i>Deep End Services</i> report (October 2018), the size of the catchment for Mildura South makes it almost, but not quite, large enough for a full-line supermarket centre. However, given population forecasts are not infallible, it is necessary to contemplate a slightly higher population which could create demand for a full line supermarket. It is incumbent on the planners to allow for and encourage the best possible services for those living in the growth area, where this will not detract from services to others. <p>The Exhibited Masterplan (February 2021) has taken into account a medium-sized supermarket at 1500m² (as a demonstration acknowledging medium sized supermarkets can be up to this size) with the opportunity to expand to a full-line 3000m² in the future, accommodating an expansion parcel to the west. It also included a commercial frontage to Sixteenth Street (850m²), a commercial corner (1000m²), speciality retail to Main Street (1813m²), plus a car parking area and a public plaza. This is consistent with the economic advice provided by Hill PDA (2014), Essential Economics (2018) and Tim Nott (2018).</p>

Submitter	Comment	Recommendation/ Response
		<p>We also acknowledge that the Exhibited Masterplan demonstrates a staged- response to the supermarket development comprising smaller 1,500 sqm footprint in the short to medium terms and up to 3,000sqm (full line) in the long terms. The expansion of the supermarket and its supporting retail and commercial uses in the long term (as shown in the Exhibited Masterplan Concept) is consistent and supported by a number of Background Economic Reports for the PSP and Development Plan and had been through independent Panel Hearing processes. The role of this Masterplan is not to un-do, or re-visit strategic justification for a NAC and the size of the supermarket.</p> <p>The alternative masterplan concept presented by the submitter comprising a medium-sized supermarket (1,200m²), commercial frontage (1000m²) and a corner commercial for a medical centre (1000m²) with an overall reduced land area for Precinct 1 and a greater provision for residential uses.</p> <p>The alternative masterplan concept also did not include the opportunity for a staged approach should there be a need for a full line supermarket as envisaged by the Mildura South PSP and Development Plan.</p>
	<p>Maintain that the extent, form and typology of the proposed medium density residential development envisaged by the Masterplan is misguided and has no sound basis. There is simply no existing market penetration for this form of housing aside from very select pockets of the Deakin Street activity precinct in the city's central business and activity district. The concept of concentrating this form of medium density housing in this part of the municipality is unfounded.</p>	<p>Housing Diversity</p> <p>The Mildura Housing and Settlement Strategy (2013) and reiterated within the Development Plan seeks to provide mandatory targets for the percentage for land developed for medium density housing to achieve a diversity of dwelling types within the Growth Area. This includes a minimum area of 5% of net residential development area demonstrating a density of 40 dwellings per hectare.</p> <p>The Urban Design Guidelines for Victoria (objective 1.2.1) seeks to ensure medium density residential and retirement housing is located within a five minute walk (400m) of an activity centre.</p> <p>While the type of medium density housing product requires careful consideration within the context of Mildura's housing market (in the short term and long term), it is considered appropriate to plan for an</p>

Submitter	Comment	Recommendation/ Response
		<p>'alternative' housing product from the standard detached housing proposed in the broader Mildura South Growth Area and establish residential areas.</p> <p>Residential development in the NAC must be consistent with the applied zone provisions specified under the Urban Growth Zone Schedule. The residential component of land is subject to the provisions of the Residential Growth Zone (Clause 32.07).</p> <p>This masterplan does not seek to mandate a specific building height for new residential development, rather suggest that housing products in the NAC should be 'compact' and offer a range of heights between 1 and 3 storeys to accommodate a range of lifestyles and family compositions. This typology is not too dissimilar from other products found in Mildura.</p> <p>To ensure the residential land component is maintained for 'medium density' housing, a maximum lot size of 350m² is recommended. This is slightly less than a standard lot size found within a greenfield context (400m² – 600m²).</p> <p>The exhibited masterplan (February 2021) has an urban structure that allocates residential uses to the south side of the study area, these areas are separated by a 18m Local Access Road to the east, which acts as a buffer to the commercial precinct, and directly abutting the Village Green and open space to the east.</p> <p>The residential area includes a diverse mix of attached and semi-attached medium-density housing typologies, encompassing side setbacks to allow for landscape and 'space' between buildings. The sense of address of the dwellings are providing passive surveillance and landscaped frontages to Ontario Avenue and Main Street, and Helen Road subsequently. A series of access lanes are included for rear loading, in that way avoiding continuous crossovers in primary frontages and maximise pedestrian experience. Lot sizes are not exceeding 350m² including a mix of dwellings between 1 – 3 storeys comprising 1 to 4 bedroom dwellings that cater to a range of household types.</p> <p>The alternative masterplan concept presented by the submitter designates a similar location for residential areas, extending to the north additional residential blocks, space gained from the reduction of the commercial area. Consequently, a new access lane is added to provide access to the new additional residential blocks. Lot sizes vary from smaller lots (approximately 238m²) to larger lots (approximately</p>

Submitter	Comment	Recommendation/ Response
	<p>Objecting to the functional layout of the retail centre and road network proposed by the Masterplan.</p>	<p>465m2). The provision of larger allotments with front-loaded garages are not generally consistent with the Mildura South PSP objectives.</p> <p>Retail Centre Functional Layout</p> <p>The functional layout of the commercial area of the Exhibited Masterplan 'Indicative Concept Plan' (February 2021) was adjusted according to an independent advice from CHC Architects, who are highly experienced in retail and town centre masterplanning. Key elements from this layout are:</p> <ul style="list-style-type: none"> ▪ Loading area located in internal position and directly accessed without impacting on car parking manoeuvres. It also includes a turning bay away from car movements. The loading area is positioned away from Main Street and Sixteenth Street and will be accessible via Ontario Avenue to ensure it remains through future staged development process. ▪ Active retail frontages to Sixteenth Street, Main Street and Local Access Road, maximising street vibrancy to ensure pedestrian priority areas are clearly established. ▪ Public plaza between retail frontages provides pedestrian amenities and connects the open space to the east with car parking area to the west. ▪ Entrances to the supermarket directly from both the Main Street and car park area. <p>It is also important to note that the Exhibited Masterplan 'indicative concept plan' sought to explain how short-, medium- and long-term evolution of the commercial areas may be realised through west-ward expansion.</p> <p>The revised masterplan version presented by the submitter seeks to reduce the portion of land dedicated to the commercial area with limited opportunity for future retail/ commercial expansion. Further, the configuration of the retail centre, with supermarket loading accessible via Main Street is also not generally consistent with the Objectives and Guidelines set out in the Mildura South Development Plan. It is unclear how pedestrian experience is prioritised from village green to the commercial and residential area and vice versa. The implications of this revised masterplan concept are:</p>

Submitter	Comment	Recommendation/ Response
	<p><u>Proposed Road Layout</u></p> <p>The provision of 'Helen Road' as a secondary road with a 28 metre road reserve is unnecessary and the following are noted:</p> <ul style="list-style-type: none"> ▪ The advice from 'Traffic Works' is dated 20 March 2019 and there is no indication that traffic engineers have reviewed the master plan. ▪ Insufficient regard having been had for the plan of subdivision that informed Planning Permit 005.2016.00000334.001, relative to the plans adopted within the Masterplan. 	<ul style="list-style-type: none"> ▪ Loading area fronting Main Street is detrimental to ambition 1, which delineates through strategies the importance of the Main Street as local pedestrian priority street through active frontages and alfresco dining areas to maximise vibrancy and outlook to the park. ▪ The Local Access Street has a similar negative impact on street activation, presenting a car parking interface of the entire length of the road to the north side. ▪ Absence of public plaza and pedestrian amenities which is also part of Ambition 1, missing key pedestrian links to connect the open space to the east to the car parking area to the west. ▪ Absence of fine grain speciality shops for frontage activation to Main Street. While the Development Plan outlines that fine grain speciality shops/ hospitality uses are to be provided adjacent to the village green and Greenway <p><u>Proposed Road Layout</u></p> <p>Since the preparation of the Exhibited Masterplan, a planning permit is issued for the subdivision for land on the south side of Helen Road (Planning Permit 005.2016.00000334.001).</p> <p><u>The Masterplan will need to be updated to reflect the Helen Road alignment as shown in the endorsed subdivision plan.</u></p> <p>provides an important east-west connection between Parkways and Ontario Avenue, accommodating on-road bike paths to link cyclists to residential land in the Growth Area from the critical bike infrastructure provided on Parkways and Sixteenth Street Greenway.</p> <p>From an urban design perspective, contemplating the role of the NAC in the context of the broader Mildura South Growth Area movement hierarchy, the designation of Helen Road as a secondary road is appropriate.</p> <p>Further, the configuration of the road as a 28m wide reserve accommodates a single carriageway with vehicle movement in both directions, parallel parking and 2m bike paths to both sides as well as 5.4m</p>

Submitter	Comment	Recommendation/ Response
	<ul style="list-style-type: none">Our client obtained advice from Traffic Works in November 2017 which takes a contradictory view in relation to need for Helen Road to be a 'secondary road'. Our client maintains that Helen Road can perform the role of a local access road.	<p>verges comprising landscaped nature strip including trees and footpaths. As a buffer between the NAC and detached residential land, this provision ensures there is opportunity for large street tree planting for shade and adequate footpath connections to encourage walking to the NAC from surrounding residential land.</p> <p>Council have reviewed the Traffic Works report (07/09/2020) and noted that the endorsed plans must be consistent with the Development Plan. The Traffic Works report shows the Helen Road as a secondary road (28 m). The Masterplan should be updated to reflect the endorsed subdivision plan.</p>

14.3 ADOPTION OF ABORIGINAL RECOGNITION POLICY CP058

File Number: 18/02/01

Officer: Acting General Manager Community

1. Summary

The purpose of this report is to present the recently reviewed Aboriginal Recognition Policy CP058 and seek Council resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Aboriginal Recognition Policy CP058 as presented.

3. Background

The purpose of the policy is to provide the mechanism for respect and recognition of the Aboriginal communities within our municipality. The policy creates avenues and develops pathways which connect Council and the local Aboriginal community.

The recognition policy further affirms Council's commitments within the Indigenous Land Use Agreement dated July 2003 and signed by Council and will provide a platform from which such commitments will be fulfilled.

4. Consultation Proposed/Undertaken

During the review of the policy, consultation was undertaken with Council's Strategic Management Team, Aboriginal Action Committee and Traditional Owner organisations.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

This policy and its principles have been comprehensively reviewed. Key changes and updates have been made and these include:

- Updates to references and acknowledgement statements associated with Traditional Owners;
- Updates to the Significant Dates and Events section to provide a more comprehensive list;
- Updates to the Definitions section which now includes additional information about significant dates and events, Traditional Owners and cultural safety;
- Updated policy title and inclusion of a language statement; and
- Policy updates have been undertaken in consultation with local Traditional Owners and Council's Aboriginal Action Committee.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every five years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Areas:

1.2 Community Development

Goals to be achieved:

- Improved accessibility to facilities, services and activities; and
- Improved level of inclusion and active participation in the community.

1.3 Community Health and Wellbeing

Goal to be achieved:

- High levels of community health and wellbeing.

1.5 Arts, Culture & Heritage

Goals to be achieved:

- Increased access to a diverse range of arts and cultural experiences;
- A community that values and embraces its history and diverse cultural heritage; and
- The significance of our region's Indigenous culture is recognised through arts and cultural experiences.

4.2 Communication and Engagement

Goal to be achieved:

- Engage effectively with the community.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the current Aboriginal and Torres Strait Islander Recognition Policy CP058.

Legal/Statutory

The policy complies with all requirements under the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

The policy is a formal commitment from council to recognise and respect the local Aboriginal communities and Traditional Owners within our municipality.

Recognition is important as it acknowledges the value and contribution of Aboriginal people and culture to our society. Symbolic recognition, such as Acknowledgement of Country, flags and cultural representation in public spaces affirms and makes a statement about recognition. A commitment to partnership, engagement, consultation, respect and cultural learning is also about recognition; it is about inclusion, respect and value. This policy provides significant social benefits for the municipality.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

1 [!\[\]\(f60b7a900783ac3fd531bfd9c111be6d_img.jpg\)](#) Aboriginal Recognition Policy CP058



Aboriginal ~~and Torres Strait Islander~~ Recognition Policy

Policy – CP058

Prepared	Reviewed	Approved	Date	Council Minute No.
MCF	ELT	Council	2730 June 2018 21 June 2020	2018/0112
EDMS: 18/02/01		To be reviewed: June 2026		
Document Owner: Manager Community Futures		Review Frequency: 35 years		

1. The purpose of this policy is

The purpose of this policy is to provide the mechanism for respect and recognition of the Aboriginal ~~and Torres Strait Islander~~ communities within our municipality. This policy will create avenues and develop pathways which connect Council and the local Aboriginal community.

~~The recognition policy recognises Traditional Owners including First People of the Millewa Mallee Aboriginal Corporation and Wotjobaluk Nations. The This recognition policy further also affirms Mildura Rural City Council's commitments within the Indigenous Land Use Agreement dated July 2003, and signed by Mildura Rural City Council, and will provide a platform from which such commitments will be fulfilled.~~

2. Policy Statement

As a proud multicultural municipality, Council will recognise and acknowledge the value and important role the First Australians play in our community.

Council is committed to positive strategies for creating a harmonious relationship between Council and the local Aboriginal community.

~~Council will By-working with the local Aboriginal community, ensuring a two way conversation to build a solid foundation that fosters recognition and respect through reconciliation. Council recognises the importance of understanding and supporting cultural celebrations and highlighting the community, culture and achievements of Aboriginal in our region, together we will build a solid foundation on which to open doors between our similarities and differences so that we can foster and build respect through reconciliation.~~

Language statement

~~We recognise the diversity of Aboriginal people living throughout Victoria. Whilst the terms 'Koorie' or 'Koori' are commonly used to describe Aboriginal people of southeast Australia, we have used the term 'Aboriginal' to include all people of Aboriginal and Torres Strait Islander descent who are living in our municipality.~~

~~This statement is based on a reference in the Victorian Aboriginal Affairs Framework 2018 - 2023.~~

Formatted: Font: 8 pt

3. Principles

Acknowledgement

Council will recognise the Traditional Owners and Custodians of the land on which the meeting is conducted at statutory Council meetings with an Acknowledgement of Country spoken by the Mayor:

Acknowledgement of Country:

First People of the Millewa Mallee Aboriginal Corporation

"I would like to acknowledge the traditional custodians of the land on which we are meeting, the Latji Latji people, and pay my respects to Elders both past and present."

The First People of the Millewa Mallee Aboriginal Corporation recommend the following acknowledgement be used within their RAP area.

We acknowledge the First Peoples of the Millewa-Mallee, The Latji Latji and Ngintait as the Traditional Owners and Custodians of the Country on which we are. We pay our respects to the Elders past and present of First Peoples of Millewa-Mallee and the ancient connection they hold with their Country

Wotjobaluk Nations

The Barengi Gadjin Land Council Traditional Owners group are The Wotjobaluk Nations. The group prefers to be recognised as The Wotjobaluk Nations, not Barengi Gadjin Land Council which is an organisation.

The Wotjobaluk Nations recommend the following acknowledgement be used within their RAP area.

I would like to acknowledge the Traditional Owners of the Land on which we meet the Wotjobaluk, Jaadwa, Jadawadjali, Jupagulk and Wergaia peoples. I would like to pay my respect to their Elders past and present and their future leaders.

I would like to thank the Wotjobaluk Nations for allowing us to continue to work and live on their lands and acknowledge the significance of their culture.

Due to the size and extent of the Council, the acknowledgment may be altered to reflect the specific location or country the acknowledgment is spoken.

In circumstances where a general acknowledgement is appropriate, the following wording will be used.

Mildura Rural City Council acknowledges the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and

Formatted: Font: Bold, Italic

Formatted: Font: Bold

Formatted: Font: Not Italic

Formatted: Font: (Default) Arial, 11 pt, Font color: Text 1

Formatted: Justified

Formatted: Font: (Default) Arial, 11 pt, Font color: Text 1

Formatted: Font: Bold, Italic

Formatted: Pattern: Clear (Background 1)

Formatted: Font: Bold, Italic

Formatted: Font: Arial

Formatted: Font: Arial

Formatted: Font: (Default) Arial, 11 pt

Formatted: Font: Not Bold, Not Italic

Formatted: Font: Not Italic

Formatted: Pattern: Clear (Background 1)

Formatted: Font: Italic

respect their continuing cultures and acknowledge the memories of their ancestors.

In circumstances where Council may acknowledge traditional custodians of the land on signage in bushland and natural areas, the following wording will be used.

While on this land we ask that you join us in acknowledging the Traditional Custodians of this country and pay respect to their Elders past, present and emerging and honour their culture and traditions.

Formatted: Font: (Default) Arial, 11 pt, Italic

Formatted: Font: (Default) Arial, 11 pt, Italic

Formatted: Indent: Left: 0 cm

If holding large or significant events within the municipality, Council will invite a Traditional Owner local Elder or family member to perform a Welcome to Country. In the absence of a Traditional Owner local Elder or family member, an Acknowledgement of Country can be spoken by the facilitator/chair/MC. The Acknowledgement appropriate to the land upon which any event or function is conducted should be used, can be the statement used at Council meetings or a similar statement capturing the same message and meaning.

Signage

Council will support the display of symbolic recognition of Aboriginal people and Torres Strait Islanders as part of entrance signage to the municipality at major transport connections into the municipality. This process will commence once a Registered Aboriginal Party (RAP) has been confirmed for the Mildura Rural City Council Local Government Area (MRCC LGA).

The agreed process, endorsed by Council's Aboriginal Action Committee will include:

- Sourcing funding for signage
- Engagement with key stakeholders – Registered Aboriginal Party (RAP) for region, Traditional Owners, VicRoads, Native Title Unit, Department of Economic Development, Jobs, Transport & Resources, Aboriginal Action Committee and Mildura Rural City Council
- Location and design to be determined as per VicRoads Welcome to Country Signage Guidelines
- Approval from Native Title Unit for signage
- A plan developed for ongoing maintenance and repairs
- Installation of signage.

Formatted: Indent: Left: 0 cm

Significant Dates & Events – celebrate, support and acknowledge

Council recognises the significant dates and celebrations in relation to Aboriginal history and culture and commits to acknowledge, celebrate and support along with the local Aboriginal Community the following dates:

- NAIDOC Week
- Reconciliation Week
- Sorry Day
- Survival Day
- Mabo Day
- National Aboriginal and Islander Children's Day
- Ochre Ribbon Week

- National Apology Day
- National Closing the Gap Day
- Harmony Week
- International Day of World Indigenous People
- Indigenous Literacy Day
- Anniversary United Nations Declaration on the Rights of Indigenous People.

Cultural Safety

Council will recognise the importance of cultural safety and provide a welcoming environment for Aboriginal community members within Council's contact points, service centres, offices and buildings. Council's contact points for staff, customers and community members will engage with and represent the diversity within our community, particularly Aboriginal Culture through artwork and imagery. Council will engage with our Aboriginal community and stakeholders and respect cultural practices such as Sorry Business and ceremonies.

Partnerships

Council commits to working in partnership with the local Aboriginal community through the Aboriginal Action Committee, Traditional Owners and the internal Aboriginal staff group Yapa Wiimbia for the purpose of improving and enhancing the wellbeing of the Aboriginal community in the Mildura Rural City Council municipality.

Formatted: Justified

Engagement and consultation

Council will undertake active and appropriate engagement and consultation with the local Aboriginal community on any council action that impacts the Aboriginal community which includes but is not limited to Council planning, projects and strategies. Engagement techniques may include community forums, yarning circles and direct stakeholder contact.

Formatted: Font color: Text 1

Flags

Council will continue to fly both the Aboriginal and Torres Strait Islander flags along with the Australian and Council flag wherever these are flown or displayed as part of Council events, facilities and assets.

Council will place flags at half mast in the event of a death in the local Aboriginal community as advised by the Chair of the Aboriginal Action Committee. The flags will be flown at half mast from notification until the day of the funeral.

Culture

Council recognises the significance and diversity of culture within the local Aboriginal community and is committed to continual learning and better understanding the attributes and variables that impact on Aboriginal communities and culture today. In order to best serve and represent our diverse municipality we must understand one another. Staff and Councillors will be encouraged to participate in cultural awareness training, cultural events and recognition activities.

[New Councillors will be required to undertake Cultural Awareness Training as part of the Councillor induction process.](#)

Formatted: Font: Not Bold, Not Italic

4. Who is responsible for implementing this policy?

Councillors, Chief Executive Officer, General Managers, Managers, Team Leaders and staff will be responsible for the implementation of this policy.

5. Definitions

Traditional Owner

The Aboriginal Heritage Act 2006 defines *Traditional Owner* in section 7 of the Act as:

Formatted: Font: (Default) Arial

Formatted: Left

7 Traditional Owners

Formatted: Justified

Formatted: Font: 10 pt

(1) For the purposes of this Act, a person is a traditional owner of an area if—

Formatted: Justified, Indent: Left: 0 cm

(a) the person is an Aboriginal person with particular knowledge about traditions, observances, customs or beliefs associated with the area; and

Formatted: Font: (Default) Arial, 10 pt

(b) the person—

Formatted: Font: 10 pt

(i) has responsibility under Aboriginal tradition for significant Aboriginal places located in, or significant Aboriginal objects originating from, the area; or

Formatted: Font: (Default) Arial, 10 pt

(ii) is a member of a family or clan group that is recognised as having responsibility under Aboriginal tradition for significant Aboriginal places located in, or significant Aboriginal objects originating from, the area.

Formatted: Justified, Indent: Left: 0 cm, First line: 0 cm

Formatted: Font: 10 pt

Formatted: Justified, Indent: Left: 0 cm

(2) For the purposes of this Act, a person is a traditional owner of Aboriginal ancestral remains if the person is an Aboriginal person who—

Formatted: Font: 10 pt

Formatted: Font: (Default) Arial, 10 pt

(a) has responsibility under Aboriginal tradition for the remains; and

Formatted: Justified, Indent: Left: 0 cm, First line: 0 cm

(b) is a member of a family or clan group that is recognised as having responsibility under Aboriginal tradition for the remains.

Formatted: Font: 10 pt

(3) For the purposes of this Act, a person is a traditional owner of a secret or sacred object if the person is an Aboriginal person who—

Formatted: Justified, Indent: Left: 0 cm

(a) has responsibility under Aboriginal tradition for the object; and

Formatted: Font: (Default) Arial, 10 pt

(b) is a member of a family or clan group that is recognised as having responsibility under Aboriginal tradition for the object.

Formatted: Justified, Indent: Left: 0 cm, First line: 0 cm

Aboriginal Action Committee

Council's Aboriginal Action Committee (AAC) was established in 2011. AAC members represent a range of community organisations and networks as well as Elders, community members and is facilitated by Council staff.

Formatted: Left

Indigenous Land Use Agreement

An indigenous land use agreement (ILUA) is an agreement between a native title group and others about the use and management of land and waters.

Formatted: Left

Mildura Rural City Council has an ILUA with the

Formatted: Justified

	Latji Latji and Wergaia Peoples in relation to the Three Chain Reserve adjacent to the river, extending from the Marina site down to and including Apex Park.	
	Please refer to the ILUA document for further definitions.	
Custodians	A Custodian is someone who cares/d for and valued something. A custodian is a caretaker.	Formatted: Font: (Default) Arial Formatted: Left
Respect	Respect is about acknowledging the sense of worth and value of something or someone such as: the individual, culture or diversity.	Formatted: Left
Protocols	Protocols are an understood and accepted behaviour. There are distinct differences between bureaucratic protocols and cultural protocols.	Formatted: Left
Reconciliation	Reconciliation is about acceptance, respect and understanding of one another.	Formatted: Left
Recognition	Recognition is the confirmation and acknowledgment of the existence of something or the action of someone.	Formatted: Left
Registered Aboriginal Party (RAP)	Registered Aboriginal Parties (RAPs) are organisations that hold decision-making responsibilities under the <u>Aboriginal Heritage Act 2006</u> for protecting Aboriginal cultural heritage in a specified geographical area.	Formatted: Left Formatted: Font: Italic Formatted: Font: Italic
Reconciliation Action Plan (RAP)	A RAP is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates.	Formatted: Left
Partnerships	A partnership is a working commitment to common goals <u>and reconciliation.</u>	Formatted: Left
Cultural Safety	Cultural Safety is about a physical and visual acknowledgement of culture present in an environment. <u>Cultural Safety emerged as a framework for the delivery of a spiritually, socially and emotionally safe space for community in service providers setting and workplace environment for culturally diverse staff.</u> <u>This knowledge however comes from deep long-term cultural protocols and practices.</u>	Formatted: Left Formatted: Font: (Default) Arial Formatted: Justified Formatted: Font: (Default) Arial
Acknowledge	Cultural safety is present in an environment that is: <i>'... spiritually, socially and emotionally safe, as well as physically safe for people, where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning together.'</i> (Williams, 1999: 213) To acknowledge something or someone is to recognise and accept.	Formatted: Font: (Default) Arial Formatted: Left
Aboriginal and Torres Strait Islander Recognition Policy		
Page 6 of 13		CP058

Elder	An Aboriginal <u>and Torres Strait Islander</u> Elder is a person who is respected and recognised by their community as being a person who guides the community through leadership. Being recognised as an Elder is not based on a person's age.	Formatted: Left
Welcome to Country	A Welcome to Country is a ceremony performed by Aboriginal or Torres Strait Islander people to welcome visitors to their traditional land. (<i>Reconciliation Victoria</i>)	Formatted: Left
Acknowledgement of Country	Unlike a Welcome to Country, an Acknowledgement of Country can be performed by a non-Indigenous person. It is a way of showing awareness of and respect for the traditional Aboriginal or Torres Strait Islander custodians of the land on which a meeting or event is being held. (<i>Reconciliation Victoria</i>)	Formatted: Left
Significant Event	A significant event is a notable occurrence, which showcases Mildura Rural City Council, Councillors, staff and community such as festivals, official openings and launches.	Formatted: Left
NAIDOC Week	National Aborigines and Islanders Day Observance Committee. NAIDOC is a celebration of Aboriginal and Torres Strait Islander cultures and an opportunity to recognise the contributions of <u>the FirstIndigenous</u> Australians in various fields. NAIDOC is celebrated in the first week of July every year.	Formatted: Left
Reconciliation Week	National Reconciliation Week (NRW) is celebrated across Australia each year between 27 May and 3 June. The dates commemorate two significant milestones in the reconciliation journey—the anniversaries of the successful 1967 referendum and the High Court Mabo decision.	Formatted: Left
Sorry Day	National Sorry Day is an Australia-wide observance held on May 26 each year. This day gives people the chance to come together and share the steps towards healing for the Stolen Generations, their families and communities. Stolen generations refer to <u>the Aboriginal and Torres Strait IslandersIndigenous—Australians</u> who were forcibly removed from their families and communities.	Formatted: Left Formatted: Justified
Survival Day	26 January – also known as Australia Day. Survival Day celebrates the survival of Aboriginal culture in the 21 st Century.	Formatted: Justified, Space Before: 0 pt, After: 0 pt Formatted: Left
Mabo Day	Mabo Day occurs annually on 3 June. It commemorates Eddie Koiki Mabo, a Torres Strait Islander whose campaign for Indigenous land rights led to a landmark High Court decision on 3 June 1992 which overturned the legal fiction of Terra Nullius.	Formatted: Left
National Aboriginal and Islander Children's Day	National Aboriginal and Islander Children's Day is celebrated on 4 August each year.	
Aboriginal <u>and Torres Strait Islander</u> Recognition Policy		

<u>Ochre Ribbon Week</u>	<u>The Ochre Ribbon Campaign raises awareness of the devastating impacts of family violence in Aboriginal and Torres Strait Islander communities and calls for action to end the violence against Aboriginal and Torres Strait Islander people especially our women and children.</u>
<u>National Apology Day</u>	<u>This event marks the anniversary of the Apology in 2008 to Australia's IndigenousAboriginal and Torres Strait Islander peoples in the House of Representatives. The apology was made by former Prime Minister, Kevin Rudd for past laws, policies and practices that have impacted on Australia's First Nations Peoples, particularly members of the Stolen Generations. The motion was supported by the Opposition and passed through both houses of Parliament. Many members of the Stolen Generations were present in the Chamber to hear the Apology and thousands more filled the Great Hall of Parliament House and flowed out onto the lawns to watch it on big screens. For more information visit the National Sorry Day Committee Inc.</u>
<u>National Closing the Gap Day</u>	<u>In 2006, more than 40 national organisations came together to form Close the Gap - Australia's largest ever campaign to improve the health of Aboriginal and Torres Strait Islander people. Every year, Australians are encouraged to hold their own event on National Close the Gap Day to raise awareness about the life expectancy gap between IndigenousAboriginal and Torres Strait Islander people and non-Indigenous Australians. Since 2006, the Close the Gap campaign has achieved an enormous amount through community support. For more information visit Oxfam</u>
<u>Harmony Week</u>	<u>Harmony Day is a day of cultural respect for everyone who calls Australia home – from the traditional owners of this land to those who have come from many countries around the world. By participating in Harmony Day activities, people can learn and understand how all Australians from diverse backgrounds equally belong to this nation and enrich it. For more information visit Harmony Day</u>
<u>International Day of World Indigenous People</u>	<u>There are over 5,000 Indigenous cultures in the world to preserve which UN celebrates the International Day of the World's Indigenous Peoples.</u> <u>The United Nations' (UN) International Day of the World's Indigenous People was first proclaimed by the General Assembly in December 1994 and is observed on 9 August each year to promote and protect the rights of the world's indigenous population. This event also recognizes the achievements and contributions that indigenous people make to improve world issues such as environmental protection. For more information visit: United Nations.</u>
<u>Indigenous Literacy Day</u>	<u>Indigenous Literacy Day aims to help raise funds to raise literacy levels and improve the lives and opportunities of Aboriginal and Torres Strait IslandersAustralians living in remote and isolated regions. We need your support to help</u>

Formatted: Justified

Formatted: Justified

Anniversary United Nations Deceleration on the Rights of Indigenous People

raise funds to buy books and literacy resources for children in these communities.

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations General Assembly during its 61st session at UN Headquarters in New York City on 13 September 2007.

Formatted: Justified

6. Legislation and other references

6.1 Legislation

Not applicable.

Formatted: Font: 11 pt

6.2 Documents

Formatted: Font: 11 pt

This Policy is implemented in conjunction with the following documents:

- Mildura Rural City Council Social Inclusion Policy CP019
- Mildura Rural City Council Human Rights Policy CP006
- Mildura Rural City Council Flying of Flags at Council Sites Policy OP178
- Mildura Rural City Council Community Engagement Policy CP020
- Mildura Rural City Council Reconciliation Action Plan 2017-2020
- Victorian Local Aboriginal Network Five Year Plan 2016-2020
- Victorian Indigenous Affairs Framework 2013-2018
- National Indigenous Reform Agreement (Closing the Gap)
- Victorian Charter of Human Rights and Responsibilities 2008
- United Nations Declaration on the Rights of Indigenous Peoples
- VicRoads Welcome to Country Signage Guidelines 2009.

6.3 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Formatted: Indent: Left: 0 cm, First line: 1.27 cm

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees	✓	Human Resource Management	
Compliance – Legal & Regulatory		Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓

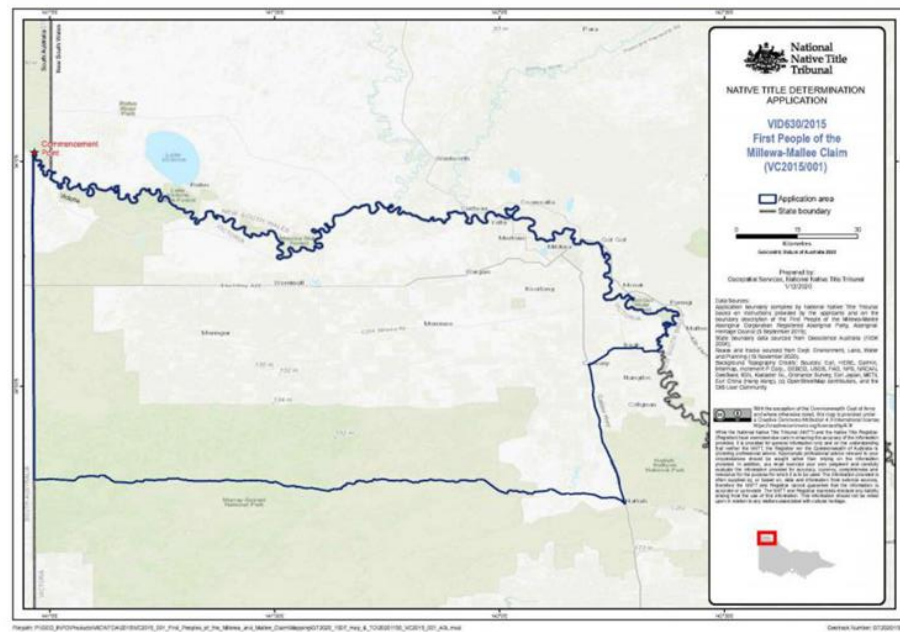
Appendix 1
Appendix 21

Formatted: Font: (Default) Arial, Bold

Formatted: Font: (Default) Arial, Bold

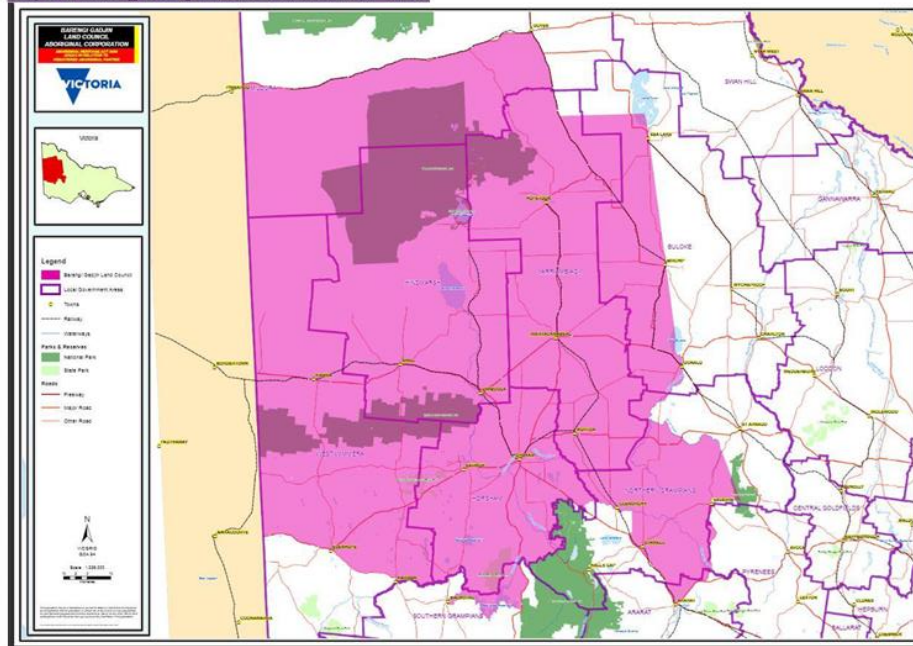
Formatted: Centered, Indent: Left: 1.25 cm

Map 1: First People of the Millewa-Mallee Claim Area



Appendix 2

Map 2: Barengi Gadjin Land Council RAP Area



Formatted: Font: Bold

14.4 PROCUREMENT AUSTRALIA CONTRACT 2306/0843 LIBRARY COLLECTIONS, FURNITURE, EQUIPMENT & ASSOCIATED REQUIREMENTS

File Number: 10/01/05
Officer: Acting General Manager Community

1. Summary

The purpose of this report is to seek a resolution of Council to enter into Procurement Australia Contract 2306/0843 for Library Collections, Furniture, Equipment & Associated Requirements.

2. Recommendation

That Council:

- (i) accept the recommendations of Procurement Australia Contract 2306/0843 to various suppliers for Library Collections, Furniture, Equipment & Associated Requirements to take effect up until June 2023 with the option of two (2) further 12 month extensions for a sum of up to \$2,000,000 plus applicable GST; and**
- (ii) note that expenditure under this contract in accordance with Council's proposed budget and expenditure in future years will remain in accordance with the approved budget allocations.**

3. Background

Council participated in Procurement Australia Contract 1906/0836 Library Collections, Furniture, Equipment & Associated Requirements which ended 30 June 2021.

Council wrote to Procurement Australia on 4 November 2020 confirming interest to participate in their new tender process as this presents the potential for greater financial benefits that arise from larger contract sizes, delivering better negotiating power and lower contracted prices.

Procurement Australia, on behalf of its participating members within Victoria, New South Wales, South Australia, Queensland and Tasmania completed a public tender process for the subject contract.

This contract is for the provision of Library Collections, Furniture, Equipment & Associated Requirements including a complete range of services as defined and as thought to fulfil the requirements of Procurement Australia members in the following categories:

- Category 1 - Printed Material (English)
- Category 2 - Printed Material (LOTE)
- Category 3 - Printed Magazines and Newspapers (English)
- Category 4 - Printed Magazines and Newspapers (LOTE)
- Category 5 - Digital Collections - (English and other languages)
- Category 6 - Audio/Visual Materials - (English)
- Category 7 - Audio/Visual Materials - (LOTE)

Category 8(a) - Cataloguing
 Category 8(b) - Processing
 Category 8(c) - Consumables - Processing Service Consumables
 Category 9 - Associated Support Services
 Category 10 - Library Management System
 Category 11 - RFID
 Category 12 - Library Furniture and Shelving
 Category 13 - Digital Discovery, Statistical Evaluation & Other Library Support Tools
 Category 14 - Programs Support/Non-traditional library collections
 Category 15 - Library Removalists.

4. Discussion

In accordance with Council's tendering procedures and section 186 of the *Local Government Act 1989*, Procurement Australia has conducted a formal Tender process for Library Collections, Furniture, Equipment & Associated Requirements.

A total of 70 companies downloaded the Procurement Australia tender documents via www.tenderlink.com.au and 57 companies submitted tenders for consideration.

In the evaluation conducted by Procurement Australia, the pricing submitted by each tenderer was assessed together with the qualitative criteria, and thus, consideration was given to the overall value proposition. The selected tenderers are those which, having regard to all the circumstances appear to be the most advantageous in offering value for money to the participant councils.

5. Time Frame

Tenders were advertised in the Sydney Morning Herald on 24 November 2020 and the Herald Sun on 25 November 2020. Tenders closed on 18 December 2020.

The term of the contract will be 1 July 2021 and ending 30 June 2023 with two by one year options to extend.

6. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.4 Financial Sustainability

Goals to be achieved:

- Financial sustainability; and
- Meet the community's needs in a financially responsible manner.

7. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

8. Consultation Proposed/Undertaken

To support the tender process, an industry briefing session was held via webinar on 11 November 2020. An advertisement was placed in the Sydney Morning Herald and Herald Sun announcing this process.

9. Implications

Policy

The tender process for this contract has been undertaken in accordance with council's Procurement of Goods, Services and Works Policy.

Legal/Statutory

Section 186 of the *Local Government Act 1989* requires contracts with a value exceeding \$150,000 for goods and services, and \$200,000 for works to be tendered.

Financial

The budget for this project is within the annual Capital Works Program budget.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.5 2022 GENERAL REVALUATION

File Number: 09/01/03
Officer: General Manager Corporate

1. Summary

In accordance with the provisions of the *Valuation of Land Act 1960*, Council is required to appoint a qualified person to carry out a General Valuation of the municipality for the purposes of the *Local Government Act 1989* and *Fire Services Property Levy Act 2012*.

2. Recommendation

That Council, pursuant to the provisions of the *Valuation of Land Act 1960*, resolve to cause a General Valuation of all rateable property and non-rateable leviable property in the municipal district to be made by Stephen Lush, returnable by 30 May 2022 for the purposes of the *Local Government Act 1989* and *Fire Services Property Levy Act 2012*.

3. Background

From 1 July 2018 the State Government has centralised land valuation with the Office of Valuer-General Victoria (VGV) and introduced annual valuations for land tax, Fire Services Property Levy and Council rate setting purposes.

Under section 11 of the *Valuation of Land Act 1960*, Council must, for the purposes of the *Local Government Act 1989*, cause a general valuation of rateable and non-rateable leviable land within the municipality to be made as at 1 January 2022 and returned before 30 May 2022.

It is now necessary to commence the next General Valuation and as part of this process Council must appoint a qualified person.

4. Consultation Proposed/Undertaken

Following consultation with VGV, approval has been granted for an in house valuation process and no further consultation is required.

5. Discussion

Council is obliged to cause a General Valuation every year. The General Valuation is made and returned for the purposes of the *Local Government Act 1989* and *Fire Services Property Levy Act 2012*.

The relevant Act also requires Council to appoint a qualified valuer to carry out the valuation. The in-house valuation team is entering their twelfth revaluation (2004-2022) and is led by Stephen Lush who is a qualified valuer. The demonstrated success of Council's in-house model, led by Stephen Lush clearly validates the recommendation within this report.

6. Time Frame

The General Valuation 2022 will be returned by 30 May 2022.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.4 Financial Sustainability

Goal to be achieved:

- Financial sustainability.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications relating to this report.

Legal/Statutory

Legislation requires Council to appoint a qualified valuer to undertake the General Valuation.

Financial

The costs involved with the revaluation process are already built into Council's Budget. State Revenue Office will reimburse Council 50% of the cost of the General Valuation.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.6 ADOPTION OF S11A INSTRUMENTS OF APPOINTMENT AND AUTHORISATION

File Number: 18/02/05
Officer: General Manager Corporate

1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of two new S11A Instruments. These Instruments also allow the officers to commence legal proceedings in Council's name.

2. Recommendation

That Council, in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolve that:

- (i) the following members of Council staff be appointed and authorised as set out in the Instruments as presented:**
 - Jay Smith, Acting Environmental Sustainability Coordinator
 - Antonette Zema, Acting Manager Community Futures;
- (ii) the Instruments comes into force immediately following a resolution of Council, and remain in force until Council determine to vary or revoke them; and**
- (iii) the Instruments be sealed.**

3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors, Maddocks, have advised that these should be an individual Instrument adopted by Council.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of these Instruments.

5. Discussion

Maddocks have provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instruments of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

6. Time Frame

The Instruments of Appointment and Authorisation will come into force immediately following a resolution of Council.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.1 Leadership and Representation

Goal to be achieved:

- Deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with section 313 of the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

[1](#) S11A Instrument of Appointment and Authorisation - Jay Smith

[2](#) S11A Instrument of Appointment and Authorisation - Antonette Zema

***S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)***



Mildura Rural City Council

Mildura Rural City Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

for

**JAY SMITH
ACTING ENVIRONMENTAL SUSTAINABILITY COORDINATOR**

AUGUST 2021

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Jay Smith

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 August 2021.

THE COMMON SEAL of the **MILDURA RURAL CITY**)
COUNCIL was affixed hereto by authority of the)
Council in the presence of:)
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **ACTING CHIEF EXECUTIVE OFFICER**

DATE: 25 August 2021

S11A – Instrument of Appointment and Authorisation
Planning and Environment Act 1987

***S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)***



Mildura Rural City Council

Mildura Rural City Council

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987* only)**

for

**ANTONETTE ZEMA
ACTING MANAGER COMMUNITY FUTURES**

AUGUST 2021

Instrument of Appointment and Authorisation

In this Instrument "officer" means -

Antonette Zema

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 August 2021.

THE COMMON SEAL of the **MILDURA RURAL CITY**)
COUNCIL was affixed hereto by authority of the)
 Council in the presence of:)
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **ACTING CHIEF EXECUTIVE OFFICER**

DATE: 25 August 2021

S11A – Instrument of Appointment and Authorisation
Planning and Environment Act 1987

14.7 AUDIT AND RISK COMMITTEE MEETING 1/2021-2022 - MINUTES SUMMARY - 14 JULY 2021

File Number: 02/02/08
Officer: General Manager Corporate

1. Summary

In line with the requirements of the Audit and Risk Committee Charter, the purpose of this report is to present to Council for noting a summary of the minutes of Audit and Risk Committee Meeting 1/2021-2022. The confidential minutes of Audit and Risk Committee Meeting 1/2021-2022, including key outcomes and recommendations of the meeting, have been distributed to Council under separate cover.

2. Recommendation

That Council note the confidential minutes of Audit and Risk Committee Meeting 1/2021-2022 held on 14 July 2021.

3. Background

The Audit and Risk Committee is an advisory committee to Council whose role is to oversee and monitor the effectiveness of Council in carrying out its responsibilities for accountable financial management, good corporate governance, maintaining an effective system of internal control and risk management, and fostering an ethical environment. The Audit and Risk Committee consists of four independent members:

- Mr Max Folie (Chairperson)
- Mr Frank Piscioneri
- Ms Maria Carrazza
- Ms Mary Rydberg

and two Councillor members:

- Mayor Cr Jason Modica
- Deputy Mayor Cr Helen Healy

The Audit and Risk Committee meets bi-monthly in accordance with the Audit and Risk Committee Charter. Special meetings are also convened as required.

The Audit and Risk Committee Charter requires a summary of the minutes of Audit Committee meetings to be presented to Council for noting.

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

At the Audit and Risk Committee Meeting 1/2021-2022, the Committee:

- Received an update, by way of a presentation from Management, on the progress of delivery of the Mildura South Regional Sporting Precinct Project.

Updates on the delivery of the Mildura South Regional Sporting Precinct Project will continue to be provided to Audit and Risk Committee as a standard meeting agenda item.

- Received a presentation from consultant Tony MacKenzie of Global Risk Management Services on the progress made to date with the Risk Management Framework Update Project.

In response to the Committee's request, Tony MacKenzie will provide a more detailed presentation to the Committee's September 2021 meeting to further update the Committee on the status of the Risk Management Framework Update Project.

- Was briefed by the internal auditor on the status of delivery of internal audit projects in the Internal Audit Program 2020-2021, as detailed in Internal Audit Projects Progress Report presented to the meeting.
- Received a presentation from Management outlining the key highlights of the Risk Management Report for the June 2021 quarter (which was also presented to the meeting).
- Received a presentation from Management explaining the controls Mildura Rural City Council has in place to manage related parties and conflict of interest transactions.
- Received a presentation from Management explaining the provisions of Mildura Rural City Council's Financial Reserves Policy.
- Noted the status of Management actions in the Internal Audit Tracking Register.
- The Committee noted the status of Management actions against the points raised in the Interim Management Letter 2020-2021, as reported in the External Audit Management Letter Issues 2020-2021 Progress Report presented to the meeting.
- In response to Action Item 7.4 from the May 2021 Audit and Risk Committee meeting, the Committee received a copy of Mildura Rural City Council's Attestation (report), submitted to the Office of the Victorian Commissioner in August 2020, in relation to the Information Security Protective Data Security Plan. The General Manager Corporate briefed the Audit and Risk Committee in relation to key aspects of the Attestation (report).
- In response to an update provided by the General Manager Corporate on Mildura Cemetery Trust matters, the Audit and Risk Committee requested to be provided with, for information, a copy of the Mildura Cemetery Trust Interim Management Letter 2020-2021.
- Received an update from Management on fraud control matters and emerging risks.
- Reviewed and recommended presentation to Council of the Audit and Risk Committee Chairperson's Bi-annual Report to Council for the six months ended 30 June 2021.

- Evaluated an application for independent Audit and Risk Committee membership and resolved to recommend to Council the appointment of the candidate to the Audit and Risk Committee for a three-year term commencing on 30 August 2021 to replace retiring member, Frank Piscioneri.
- Noted Management's intention to advertise in the local newspapers seeking expressions of interest in Audit and Risk Committee membership, given the pending expiry of Maria Carrazza's first term as an Audit and Risk Committee member on 30 October 2021.
- Re-adopted an Audit and Risk Committee Self-Assessment Process survey template, developed based on a Local Government Victoria model. The Committee resolved to undertake the Annual Audit and Risk Committee Self-Assessment Process for the 2020-2021 financial year in late July 2021, facilitated by Council's internal auditor, using the survey template.

6. Time Frame

There are no timeframe implications associated with this report.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

4.5 Organisational Management

Goal to be achieved:

- Effectively manage risk.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

This report complies with the Audit and Risk Committee Charter.

Legal/Statutory

There are no legal/statutory implications associated with this report.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.8 ADOPTION OF PLAYGROUND STRATEGY 2021-2026

File Number: 18/02/01
Officer: General Manager Development

1. Summary

The purpose of this report is to present the Playground Strategy 2021-2026 for adoption.

2. Recommendation

That Council adopt the Playground Strategy 2021-2026 as presented.

3. Background

The Playground Strategy 2021-2026 was presented to Councillors at Council Forum on 11 August 2021. A community survey was conducted in August 2020 which helped inform the community priorities and actions in the strategy.

4. Consultation Proposed/Undertaken

To develop the Playground Strategy and identify priority areas for action, the following engagement methods were used:

- A community survey conducted in August 2020 which had 144 responses which ranked shade, variety of equipment, toilets and seating as the most important aspects of the strategy.
- Analysis of Council playground data alongside other Council strategies.
- Project control group which consisted of the following Council staff:
 - Parks and Gardens Coordinator
 - Community Project Officer
 - Parks Services Team Leader Urban
 - Parks Administration and Depot Officer
 - Early Years Coordinator
 - Asset Management Strategy Coordinator
 - Kindergarten Attendance Project Officer
 - Events and Projects Officer
 - Recreation Officer
- Stakeholder consultation
- Internal review by Council with the project control groups and other relevant Council areas.

5. Discussion

Mildura Rural City Council is a place with a diverse range of accessible play-spaces that provide opportunities for all children and their families to play safely and creatively in public open space. Playgrounds and associated infrastructure are a key element of our public open space and future developments will need to reflect the needs and desires from the community.

This Playground Strategy is intended to guide the provision, design, standards, management and maintenance of playground facilities and outdoor fitness equipment in public open space in Mildura Rural City Council for the next five years. It will demonstrate responsible management of Council's playground and fitness assets and will contribute to outcomes in the Community and Council Plan.

The scope of the strategy is limited to public accessible playground facilities that are on Council owned or managed land that may cater for:

- Children primarily between the ages of 0-12
- The provision of fitness equipment or fitness circuits
- Adult equipment designed for sensory, dexterity or cognisance therapy
- People of all abilities who may require special needs equipment

Other facilities such as recreational sporting precincts, skate parks, basketball rings and BMX tracks are not included and need to be read in conjunction with other Council strategies.

From the community survey that was conducted during the development of this strategy, respondents indicated a number of key aspects that needed to be considered as part of playground design. These include:

- That a variety of equipment was a major factor in choosing to attend playgrounds in general.
- Providing diversity to enhance the probability that a child will be motivated to seek the play experience that stimulates their interest.
- That wherever possible utilise the surrounding landscape and natural elements such as rocks, hills and logs to ensure a unique play experience that has longevity. These features add a new dimension and encourage children to use their imagination in unstructured play.
- Both natural and built shade elements incorporated into all future playground designs.
- That toilets and drinking water stations have been identified as a necessary design inclusion at regional playgrounds.

The draft strategy is structured around five key priorities:

1. Health and Wellbeing

With key outcomes that include:

- Promoting the importance of play in the community and social connectivity
- Considering the needs of the older community members

- Exploring options for more fitness equipment

2. Access and inclusion

With key outcomes that include:

- Designs that are inclusive to people of all ages and genders and with varying abilities
- Addressing barriers to accessing recreation activities
- That everyone should be able to do something!
- Identifying and removing potential causes of gender inequality

3. Environment and sustainability

With key outcomes that include:

- Regular maintenance schedules
- The use of recycled materials
- An increase in natural shade
- Providing a balance of 'normal' and nature play spaces
- Providing clear direction for future budgets including installing new sites, replacing old ones and maintaining existing playgrounds

4. Design principles and innovation

With key outcomes that include:

- That the design of a playground will depend on the classification it has been assigned
- That designs consider all nearby playgrounds so that diversity of play opportunities can be enhanced across multiple sites
- That our playgrounds will have some unique elements so that they complement each other, rather than duplicate, and provide a range of experiences

5. Connection to the community

With key outcomes that include:

- That we will consult with communities regarding the implementation of playgrounds to ensure the needs and interests of the residents are considered
- That we let the kids have their say!
- That we promote our playgrounds to ensure that the community has access to playground information (location, age groups, access etc.)

6. Time Frame

The Playground Strategy 2021-2026 will guide Council's provision and management of playgrounds for the next five years.

7. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

2.3 Parks

Goal to be achieved:

- Clean, attractive and sustainable parks, gardens, streetscapes, reserves and wetlands.

8. Asset Management Policy/Plan Alignment

New and existing playgrounds will be managed in line with the Public Open Space Strategy and Asset Management plans.

9. Implications

Policy

The Playground Strategy 2021-2026 has been developed in accordance with the Strategic Planning and Reporting Policy OP152 and the Strategic Planning Guidelines. There are no additional policy implications associated with this report.

Legal/Statutory

The current Australian Standards that need to be considered as part of Playground design include:

- AS/NZS4486.1:1997: Playgrounds and Playground equipment – Development, installation, inspection, maintenance and operation
- AS4685.1: General safety requirements and test methods
- AS4685.2: Additional safety requirements and test methods for swings
- AS4685.3: Additional safety requirements and test methods for slides
- AS4685.4: Additional safety requirements and test methods for runways
- AS4685.5: Additional safety requirements and test methods for carousals
- AS4685.6: Additional safety requirements and test methods for rocking equipment
- AS4685.11: Additional safety requirements for Spatial Network
- AS/NZS4422:1996: Playground surfacing – Specifications, requirements and test methods
- AS 1428.1-5 2001: Design for Access and Mobility Parts 1-5
- AS/NZS ISO 31000: Risk management – Principles and guidelines

Financial

Delivery of this strategy will be reliant on normal budget processes in addition to potential grant opportunities from time to time.

Environmental

Council is committed to contributing to social and sustainability outcomes through procurement processes. Council requires that as a minimum, all evaluation criteria for tenders and electronic requests for quotations must include criteria for social and sustainable outcomes.

Social

Play assists in the physical activity, emotional stability, social inclusion and intellectual wellbeing of a child. It encourages children to increase the number of social interactions as well as developing their cognitive and problem solving skills. Physically it assists with balance, flexibility and motor skills. Emotionally, play helps with self-awareness, resilience and risk assessment.

People of all ages share common benefits with children from participation in play and recreation. These benefits include improved mental and physical health and wellbeing from participating in physical activities and the benefits associated with social interaction and spending time with friends and family.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [!\[\]\(569ff5d1aa9137b5defb690d1175fea6_img.jpg\)](#) Playground Strategy 2021-2026

2021

Playground Strategy

2021 to 2026



Mildura Rural City Council



Mildura Rural City Council

Acknowledgement

Council acknowledges the traditional custodians of the land which now comprises the Mildura Rural City Council area, and to those of our neighbouring municipalities. We pay our respects to Elders past and present, we celebrate and respect their continuing culture and connection to the land.



Contents

Vision	6
Executive Summary	7
Introduction	8
Development of the Playground Strategy	10
Policy, legislation and strategic context	141415
Mildura Rural City Council profile	151516
Guidelines for Playgrounds	161617
Key Priority Areas	171718
Priority 1: Health and Wellbeing	181819
Priority 2: Access and Inclusion	191920
Priority 3: Environment and Sustainability	242324
Priority 4: Design principles and innovation	2625
Priority 5: Connection to the Community	2928
Current Playgrounds	3029
References	4342
Appendix 1: Playground locations and classifications	4443
Action Plan	4645

List of Figures

Figure 1: Community and Council Plan Strategic Areas	6
Figure 2: Ornamental Lake Playground	7
Figure 3: Playground Survey – Community priorities	11
Figure 4: Playground Survey – use of fitness equipment	11
Figure 5: Playground Survey – length of playground visits	12
Figure 6: Ornamental Lakes Playground survey – community priorities	12
Figure 7: Ornamental Lakes Playground survey – what works	13
Figure 8: Community Satisfaction with Playgrounds 2020 – annual comparisons	13
Figure 9: Community Satisfaction with Playgrounds 2021	13
Figure 10: Boundary map of the MRCC municipality	151516
Figure 11: Park for Play	202021
Figure 12: Benefits of nature play	2726
Figure 13: Playground locations – Mildura	3130
Figure 14: Playground locations – Merbein	3231
Figure 15: Chaffey Park playground	3231
Figure 16: Playground locations – Lake Cullulleraine	3332
Figure 17: Lake Cullulleraine foreshore	3332
Figure 18: Playground locations – Irymple	3433
Figure 19: Henshilwood Reserve playground	3433

Figure 20: Playground locations – Nichols Point.....	<u>3534</u>
Figure 21: Nichols Point Recreation Reserve playground.....	<u>3534</u>
Figure 22: Playground locations - Cardross.....	<u>3635</u>
Figure 23: Cardross Recreation Reserve playground	<u>3635</u>
Figure 24: Playground locations – Red Cliffs.....	<u>3736</u>
Figure:25: Barclay Square playground	<u>3736</u>
Figure 26: Playground locations - Nangiloc.....	<u>3837</u>
Figure: 27 Nangiloc Recreation Reserve playground	<u>3837</u>
Figure 28: Playground locations - Ouyen	<u>3938</u>
Figure 29: Ferguson Park playground	<u>3938</u>
Figure 30: Playground locations - Walpeup	<u>4039</u>
Figure 31: Walpeup Wayside Stop playground.....	<u>4039</u>
Figure 32: Playground locations - Underbool	<u>4140</u>
Figure 33: Outen Park playground	<u>4140</u>
Figure 34: Playground locations - Murrayville	<u>4241</u>
Figure 35: Pioneer Park playground.....	<u>4241</u>

List of Tables

Table 1: Process for developing the Playground Strategy 2021-2026	10
Table 2: Types of play and age ranges	<u>1617</u>
Table 3: Playground hierarchy and design framework.....	22

Vision

An integral part of Council's vision of 'making this the most liveable, people-friendly community in Australia' is the development and maintenance of playgrounds. Playgrounds are vitally important for the physical, emotional, social and intellectual wellbeing of children. The Playground Strategy 2021 - 2026 documents how we will develop our playground network and how will ensure that our community has access to new and innovative playgrounds.

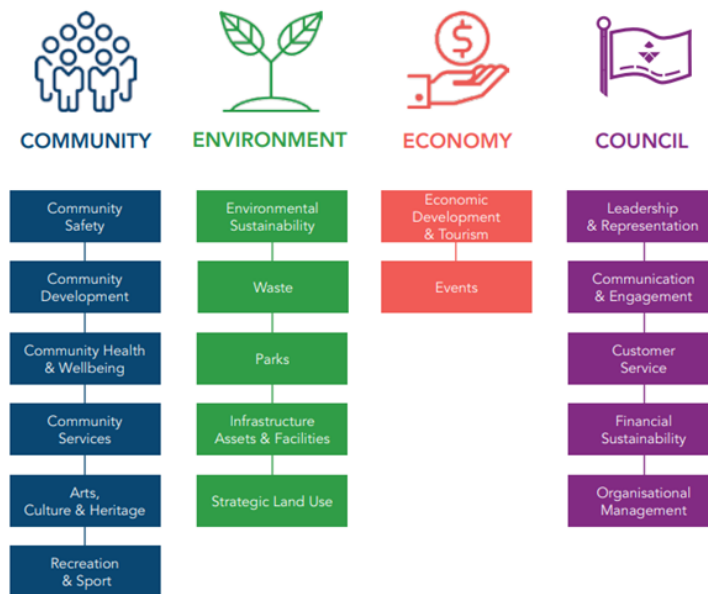


Figure 1: Community and Council Plan Strategic Areas

Executive Summary

The Playground Strategy 2021-2026 outlines the actions that are key to helping achieve our vision of 'making this the most liveable, people friendly community in Australia' (*Community and Council Plan 2017-2021*).

This strategy outlines the current and planned actions Council undertakes with regards to how we manage and develop our playgrounds. The strategy focuses on provision of playground facilities and infrastructure in public open space in Mildura Rural City Council.

Five priority areas have been identified including:

1. Health and wellbeing
2. Access and inclusion
3. Environment and sustainability
4. Design principles and innovation
5. Connection to the community

Our vision is to establish a clear and inclusive direction in the design, provision and maintenance of playgrounds in the municipality through:

- Improved accessibility for all
- Promotion of high levels of community health
- Responsiveness to community input



Figure 2: Ornamental Lake Playground

Introduction

Mildura Rural City Council is a place with a diverse range of accessible play-spaces that provide opportunities for all children and their families to play safely and creatively in public open space. Playgrounds and associated infrastructure are a key component of our public open space and all future development will need to reflect the high expectations from the community as well as the complex needs of the end users in the municipality.

This Playground Strategy is intended to guide the provision, design, standards, management and maintenance of playground facilities and outdoor fitness equipment in public open space in Mildura Rural City Council for the next five years.

It will demonstrate responsible management of council's playground and fitness assets and will contribute to outcomes in the Community and Council Plan which include:

- **KRA 1.2 Community Development** to improve accessibility to facilities, services and activities and improve the level of inclusion and active participation in the community.
- **KRA 1.3 Community Health and Wellbeing** with direct links the Community Health and Wellbeing Plan 2017 to 2021
- **KRA 1.4 Community Services** where Council advocates that children have opportunities for the best start in life and linkage to the Municipal Early Years Plan 2019 to 2023
- **KRA 1.6 Recreation and Sport** to increase access to a diverse range of quality sporting and recreation facilities and programs
- **KRA 2.3 Parks** to provide clean, attractive and sustainable parks, gardens, streetscapes, reserves and wetlands

Objectives

This strategy will assist in the long term development and maintenance of Council's playgrounds and outdoor fitness equipment. It will detail the design principles and guidelines to allow Council to manage these assets in a sustainable manner. It will assist in the planning for innovative and diverse play and recreation areas and provide a framework for future capital works programs. By implementing the strategy it will allow Council to make decisions, set priorities and respond to requests for new or upgraded facilities.

The strategy will highlight distribution and design issues surrounding the provision of playgrounds and establish a long term program of works. Finally, the strategy is designed to produce a method to measure asset condition, risk exposure, maintenance performance and financial sustainability.

Focus

The scope of the strategy is limited to public accessible playground facilities that are on Council owned or managed land that may cater for:

- Children primarily between the ages of 0 – 12
- The provision of fitness equipment or fitness circuits
- Adult equipment designed for sensory, dexterity or cognisance therapy
- People of all abilities who may require special needs equipment

Playgrounds are defined as a built play space, containing equipment or structures which enable or encourage play.

The strategy deals specifically with public access playgrounds, and excludes playgrounds in schools, child care centres or other commercial premises. Other facilities such as recreational sporting precincts, skate parks, basketball rings and BMX tracks are included in other relevant Council strategies.

The strategy will include a review and strategic planning process for facilities targeting youth and children, including the provision of equipment for play, outdoor exercise, youth activities (i.e: skating, BMX/bike skills, parkour) and community courts¹

Outdoor exercise equipment is the perfect tool to help increase physical activity in the community and has the potential to service almost everyone in the community without restriction. As a person ages they trend towards unstructured physical activity and away from organised sport. The Australian Sports Commission identified walking as the most popular physical exercise with 42% of the population participating. To capitalise on this activity there is an obvious synergy for outdoor fitness equipment to be incorporated in the existing infrastructure assets that council controls, such as walking trails, playgrounds, bike tracks, parks and recreation complexes.

[Links to the Community & Council Plan 2017 – 2021](#)

The Playground Strategy will form part of a suite of asset management plans that support council objectives regarding infrastructure, assets and facilities. Community and Council Plan and associated strategies and plans are listed as follows:

- Community Safety Plan 2015 to 2020
- Community Health and Wellbeing Plan 2017 to 2021
- Municipal Early Years Plan 2015 to 2018
- Public Open Space Strategy 2021
- Asset Management Strategy 2017 to 2022
- Community Access and Inclusion Plan 2014 -2018
- State of Mildura Rural City's Children and Young People report 2014
- Youth Engagement Strategy 2020-2023
- Recreation Strategy 2021 – 2031

¹ Mildura Rural City Council Open Space Strategy

Development of the Playground Strategy

Due to the significant environmental, social and economic impacts that affect all sectors of the community, it is very important that our playgrounds are managed well. The Playground Strategy 2021 - 2026 was developed following extensive research and consultation with Councillors, Council staff, key stakeholders and the residents of our community. The following table outlines the consultation activities undertaken to create this strategy.

Phase	Details
Community survey	A playground survey was undertaken in June 2020 to help inform the priorities and actions in this strategy Annual community satisfaction surveys. Reference to applicable community surveys undertaken by Council departments – Voices of Mallee Children survey, Draft Recreational Strategy survey, Homestead Activation survey, Ornamental Lake Play space survey.
Data analysis	In depth analysis of Council data and benchmarking alongside other Councils strategies.
Internal consultation	Project control group, relevant Council areas.
External consultation	Stakeholder consultation on playground results and results from community satisfaction surveys.
Draft strategy	Internal review.
Final strategy	Approved by Council
Implementation	Implementation of the <i>Playground Strategy 2021 - 2026</i> priorities and action plan.
Monitoring and evaluation	Monitor and evaluate the delivery of the <i>Playground Strategy 2021 -2026</i> action plan.

Table 1: Process for developing the Playground Strategy 2021-2026

Playground Survey Results

In May 2020, a survey was undertaken by Council to obtain community feedback about our current playgrounds and what the community would like to see in future developments. 144 community members responded with the majority of playground users being on site for 1 - 2 hours and priorities for them ranked shade, variety of equipment, toilets and seating as the most important aspects.

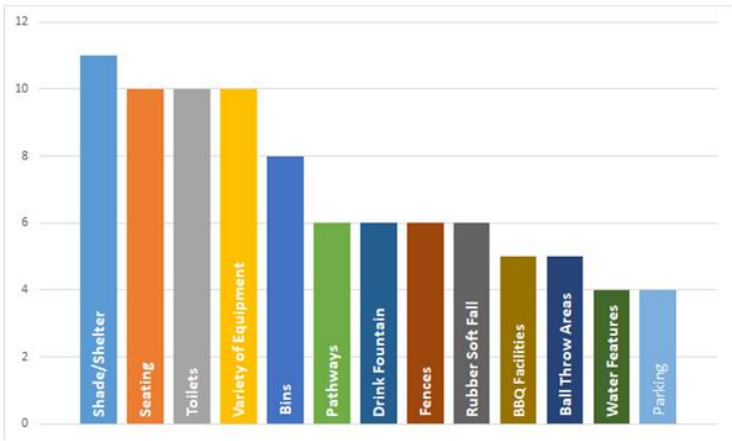


Figure 3: Playground Survey – Community priorities

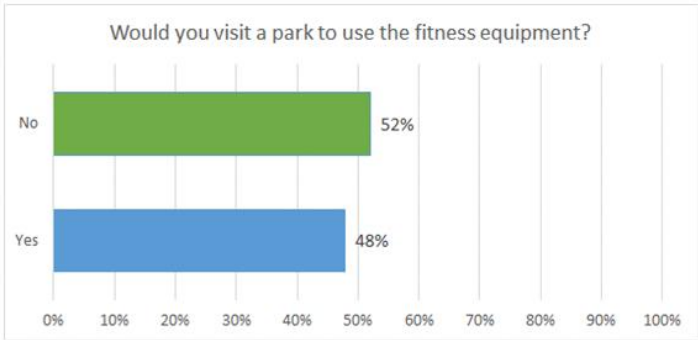


Figure 4: Playground Survey – use of fitness equipment

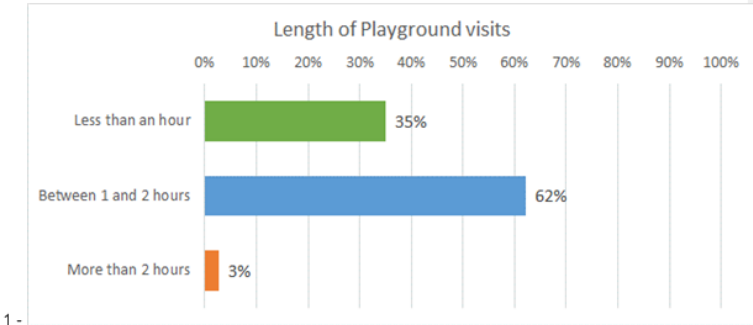


Figure 5: Playground Survey – length of playground visits

Ornamental Lakes Playground upgrade

In August 2020, MRCC conducted a survey via Social media, email and a ballot box onsite to source community input prior to the development of the upgrade to this playground. With responses from 72 community members including children, feedback was consistent with that of the playground survey in that shade, variety of equipment and seating were priorities.

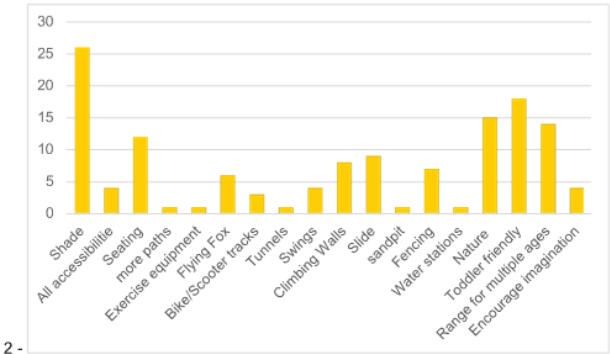


Figure 6: Ornamental Lakes Playground survey – community priorities

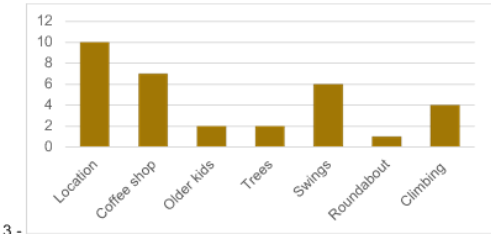


Figure 7: Ornamental Lakes Playground survey – what works

Community Satisfaction Survey

Community Satisfaction survey is undertaken by MRCC annually and the results of the 2021 survey for playgrounds is illustrated in the below table:

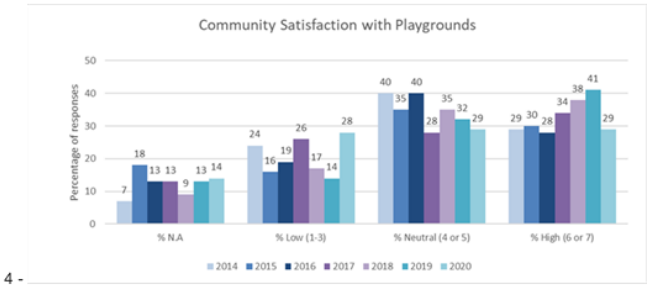


Figure 8: Community Satisfaction with Playgrounds 2020 – annual comparisons



Figure 9: Community Satisfaction with Playgrounds 2021

Policy, legislation and strategic context

The following section outlines those policies, legislation, standards and strategic context relevant to the strategy.

The current Australian Standards that need to be considered as part of Playground design include:

AS/NZS4486.1:1997: Playgrounds and Playground equipment – Development, installation, inspection, maintenance and operation

AS4685.1: General safety requirements and test methods

AS4685.2: Additional safety requirements and test methods for swings

AS4685.3: Additional safety requirements and test methods for slides

AS4685.4: Additional safety requirements and test methods for runways

AS4685.5: Additional safety requirements and test methods for carousals

AS4685.6: Additional safety requirements and test methods for rocking equipment

AS4685.11: Additional safety requirements for Spatial Network

AS/NZS4422:1996: Playground surfacing – Specifications, requirements and test methods

AS 1428.1-5 2001: Design for Access and Mobility Parts 1-5

AS/NZS ISO 31000: Risk management – Principles and guidelines

The Australian Standards are not retrospective so any equipment produced before AS4685 (October 2004) should meet AS1924 or undergo third party testing as part of an annual inspection process.

Internal Council documents that have been considered include but are not limited to:

- Risk Management Framework
- Health and Wellbeing Policy
- Community and Council Plan
- Asset Management Plan
- Community Access and Inclusion Plan
- Municipal Early Years Plan
- Urban Tree Strategy
- Public Open Space Strategy
- Gender Equality Policy and Gender Equality Act 2020

Mildura Rural City Council profile

Knowing our population demographics and environment is key to understanding what direction our Playground Strategy should take to provide the best level of service for the future. Mildura Rural City Council municipality is located in the north west of Victoria and covers an area of 22,300 square kilometres, making it the largest local government area in the state. The Murray River runs along the northern border of the area. A map of the Council area can be seen in the following figure.



Figure 10: Boundary map of the MRCC municipality

Major townships of the area include Mildura, Irymple, Red Cliffs and Merbein. Other rural townships include Ouyen, Meringur, Werrimull, Cullulleraine, Cardross, Nangiloc, Colignan, Murrayville, Nichols Point, Cowangie, Underbool and Walpeup. The area supports a population of around 55,515 and this is only expected to increase over time. Approximately 32,738 of these people reside in Mildura.

Guidelines for Playgrounds

The Importance of play

Play assists in the physical activity, emotional stability, social inclusion and intellectual wellbeing of a child. It encourages children to increase the number of social interactions as well as developing their cognitive and problem solving skills. Physically it assists with balance, flexibility and motor skills. Emotionally, play helps with self-awareness, resilience and risk assessment.

The United Nations has stated that:

"...every child has a right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and arts"²

The role of the playground is to provide the perfect environment to encourage children of all ages to explore their surroundings and test their physical capacity as well as stimulate their imaginations. It can promote spontaneous and structured play that develops self-expression and creativity as well as social interaction with the freedom of unsupervised activity.

Council has made a commitment that young children have opportunities for the best start in life. Easy access to a playground to express themselves in play partly fulfils that commitment.

People of all ages share common benefits with children from participation in play and recreation. These benefits include improved mental and physical health and wellbeing from participating in physical activities and the benefits associated with social interaction and spending time with friends and family.

Council has made a commitment to design play spaces so that they cater to diverse groups.

Types of Play/Recreation	Children			Young people	Adults	Older Adults	Adults as Carers
	0-4	5-8	9-11	12-17	18-59	60+	
Physical play involving basic to moderate challenges (i.e. climbing, sliding, swinging, rocking, rotating, etc.)	✓	✓	✓				✓
Physical play involving complex challenges and high degrees of risk (i.e. skating, BMX)		✓	✓	✓	✓		✓
Cognitive play (i.e. using imagination, manipulating objects to construct/create, sensory experiences, etc.)	✓	✓	✓	✓	✓	✓	✓
Social play/interaction	✓	✓	✓	✓	✓	✓	✓
Sport (formal competition, training, informal ball games)		✓	✓	✓	✓	✓	✓
Exercise and fitness activities.			✓	✓	✓	✓	✓

Table 2: Types of play and age ranges³

² United Nations Convention on the Rights of the Child, Article 31

³ <https://www.casey.vic.gov.au/policies-strategies/playground-strategy>

Key Priority Areas

The role of the playground is to provide the perfect environment to encourage children of all ages to explore their surroundings and test their physical capacity as well as stimulate their imaginations. It can promote spontaneous and structured play that develops self-expression and creativity as well as social interaction with the freedom of unsupervised activity.

Council will continue to work with the community to provide outdoor spaces and public facilities where people of all ages and abilities can go to exercise and relax.

This Playground Strategy 2021-2026 identifies the following five priority areas:

1. Health and wellbeing

2. Access and inclusion

3. Environment and sustainability

4. Design principles and innovation

5. Connection to the community

Priority 1: Health and Wellbeing

Play spaces will be safe and secure and promote the physical health and social connectivity of the users.

Council is committed to providing quality playgrounds throughout the municipality that meets or exceeds the needs and expectations of our community.

An audit of existing playgrounds is required to determine whether they meet relevant safety standards. Equipment that does not comply poses a potential hazard to users.

If it is determined that certain playgrounds do not comply, they should be prioritised for redevelopment.

Council recognises the importance of play and the role of the playground to act as a conduit to the health and well-being for all members of the community.

Council will investigate the provision of fitness equipment to enhance opportunities for community members from a diverse range of age groups to benefit.

This addresses two key barriers that restrict participation from many community members in this form of physical workout. Access to this type of equipment and providing it free of charge are contributions council makes to encourage healthy wellbeing.

These can be stand alone or incorporated into current sites.

Council will investigate improving access to drinking fountains, path access and toilets, these have been identified as key amenities to encourage participation across diverse groups. Other contributing factors include shade, car parking, seating, proximity to other community recreational areas and possibly some lighting to extend usage.

Australian Standards

Australian Standards have been developed to provide guidelines for the design, installation, maintenance and operation of playgrounds. These standards are not mandatory and do not have the status of law, but set a minimum benchmark for council to follow as part of the basis for its total risk management operations. They are not intended to provide totally risk free play spaces, but focus on the elimination of hazards likely to cause serious or life-threatening injuries.

PRIORITY 1 – WHAT WE WILL DO

1. Complete an annual safety audit of all municipal playgrounds to comply with relevant Australian Standards
2. Prioritise and re-develop playgrounds identified as non-compliant by the audit
3. Develop a plan to identify opportunities for fitness hubs
4. Explore opportunities for additional amenities and facilities at existing sites in line with relevant strategies and plans

Priority 2: Access and Inclusion

Convenient access to play spaces will be provided through the appropriate placement of Regional, Neighbourhood and Local playgrounds. These facilities need to be designed to be inclusive to people of all ages and genders and with varying interests and abilities.

A diverse choice of play opportunities makes it more likely that everyone can find some way to participate, and children can maximise their development potential. Inclusion requires a high level of attention to detail and multiple access options and a combination of elements suitable for people with different abilities.

The level of play experience offered will be derived from the guidelines classification but will at all times strive to accommodate children of all abilities.

Gender Impact Assessments will be carried out on new and reviewed policies, programs and services related to this strategy that directly and significantly impact our community. This process aims to identify and remove causes of gender inequality and facilitate progress toward the achievement of gender equality in our community.

Wherever possible playgrounds need supporting infrastructure such as roads, paths, parking and bike tracks to make the playground more accessible.

Access for all

The mission of inclusive play is to unite everyone, regardless their abilities, through play.⁴

People of all ages and abilities have a right to play. Play is fundamental to health, well-being, learning and social inclusion. Play is a way that people learn and interact and a way they get to understand themselves as a valuable and part of the community.

An inclusive playground should be accessible and enjoyed by all.

Council will endeavour to design the playgrounds to be inclusive of all ages and abilities and to encourage participation while providing an appropriate level of risk and challenge. They should be deliberately designed to allow minor elements of risk.

A degree of risk in playgrounds is beneficial. Providing children opportunities to enjoy challenging, adventurous play, encountering hazards and taking risks will assist in their development and give them capacity to manage risks for themselves. Council will implement a risk management approach in the design of all new and replacement play spaces.

While we look to build playground that are safe to use we should also include equipment that are challenging and have an acceptable degree of risk.

"Risk-taking is an essential feature of play provision and of all environments in which children legitimately spend time playing... In play provision exposure to some degree of risk may be of benefit because it satisfies a basic human need and gives children the chance to learn about risk and consequences in a controlled environment. Children need to learn to cope with risk and this may lead to bumps and bruises and even occasionally a broken limb."⁵

"Play provision should aim at managing the balance between the need to offer risk and the need to keep children safe from serious harm... The aim of this standard is first and foremost to prevent

⁴ <https://www.kompan.com.au/inclusive-play>

⁵ <https://www.kidsafensw.org/imagesDB/documents/ARiskManagementApproach2021.pdf>

⁶ [AS4685.1:2021](#)

Formatted: Font: (Default) +Headings (Arial), 10 pt, Font color: Auto

Formatted: Font: (Default) +Headings (Arial), 10 pt, Font color: Auto

Formatted: Font: 8 pt, English (Australia)

accidents with a disabling or fatal consequence, and secondly, to lessen serious consequences caused by the occasional mishap that inevitably will occur in children's pursuit of expanding their level of competence, be it socially, intellectually or physically.⁷
 What this means is that acceptable risk could be termed as risks that are easy for children to assess themselves; any risk that engages and challenges children; supports growth, learning and development; and, if an incident were to occur, it is unlikely to lead to a serious or permanent injury.

Formatted: Font: (Default) +Headings (Arial), 10 pt, Font color: Auto



Figure 11: Park for Play

Playground classifications

The level of play experience will ultimately vary according to the facilities that are available. This can be significant depending on a number of factors, such as the terrain, the natural features, the amount of age specific equipment, soft fall, shade, seating, bins, toilets, barbeque access and drink fountains.

A playground classification system provides a framework that can assist in determining the type and scale of experience that can be developed at the playground. The accepted classification levels across most councils are Regional, District and Local and have been adopted in this strategy.

Regional playgrounds/sites should be large spaces with specially designed playgrounds featuring a diversity of play opportunities and with the relevant support services to meets the needs of large numbers of people arriving by car/public transport/foot. They are considered destination sites with well-known features that reflect something of the unique nature of the city

⁷ AS4685.1:2021

Formatted: Font: 8 pt, English (Australia)

Neighbourhood playgrounds/sites cater for the local community and provide a range of play experiences and be supported by adequate services

Local Playgrounds/sites should meet the needs of the immediate community and are within walking and cycling distance of their homes

Civic Playground/sites Parks which fulfil a range of civic functions with unique infrastructure. Often located within town centres.

Formatted: MRCC Body Copy

		✓✓ Must have	✓ May have	x Should not have	xx Must not have		
		Regional Park	Neighbourhood Park	Local Park	Civic Park	Township Sporting Reserve	Local Sporting Reserve
Catchment		5km	1km	400m	400m	5km	1km
PLAY	Grassed 'Kick-about' Area	✓✓	✓✓	✓✓	✓	✓	✓
	Play Equipment*	✓✓	✓✓	✓	✓✓	✓✓	✓
	Skate park / Youth facilities	✓	✓	✓	✓	✓	✓
	Exercise Equipment	✓	✓	✓	✓	✓	✓
	Recreational Court / Hard Surface	✓	✓	✓	✓	✓	✓
STRUCTURES	Picnic Facilities	✓✓	✓✓	✓	✓	✓	✓
	Park Furniture (i.e. Seating)	✓✓	✓✓	✓✓	✓	✓	✓✓
	BBQ	✓✓	✓	x	✓	✓	✓
	Shade / Shelter	✓✓	✓✓	✓	✓	✓✓	✓
	Drinking Fountain	✓✓	✓	✓	✓	✓	✓
	Public Toilets / Amenities	✓✓	✓	xx	✓✓	✓✓	✓
	Security Lighting	✓✓	✓	✓	✓✓	✓✓	✓
	On Site Car Parking	✓✓	✓	x	✓✓	✓✓	✓
	Dog Off-Leash Area	✓	✓	✓	✓	✓	x
	Sport Facilities	xx	xx	xx	✓	✓	xx
FEATURES	Perimeter Fencing	✓	✓	✓	✓✓	✓✓	✓
	Pathways / Trails (Sealed)	✓✓	✓	✓	✓	✓	✓
	Pathways / Trails (Unsealed)	✓	✓✓	✓	✓	✓	✓✓
	Landscaped areas	✓	✓	✓	✓	✓	✓✓
	Public Art / Memorials / Heritage Features	✓	✓	x	✓	✓	✓
	Shade Trees / Feature Trees	✓✓	✓✓	✓✓	✓	✓	✓✓
	Bike Rack/s	✓	✓	✓	✓✓	✓✓	✓
SIGNAGE	Information signage (e.g. Civic Signs)	✓	✓	x	✓	✓	✓
	Directional/Wayfindings Signage	✓	✓	x	✓	✓	✓
	Interpretive Signage	✓	✓	x	✓	✓	✓
DESIGN	Access for All	✓✓	✓	✓	✓✓	✓✓	✓✓
	Water Sensitive Urban Design (WSUD)	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓
	Crime Prevention Through Environmental Design	✓✓	✓✓	✓✓	✓✓	✓✓	✓✓

Table 3: Playground hierarchy and design framework⁸

⁸ Mildura Rural City Council Open Space Strategy

PRIORITY 2 – WHAT WE WILL DO

1. Audit existing playgrounds for pathways and equipment to suit all abilities and all ages
2. Carry out gender impact assessments as required by the Gender Equality Act 2020
3. Ensure that all new playground design caters for all ages and all abilities
4. Develop an approach to risk management that considers the benefits as well as risks of challenging play experiences.

Priority 3: Environment and Sustainability

Council will review its regular maintenance schedule of all playgrounds with the emphasis on removing or fixing any unsafe equipment.

All safety inspections and forthcoming maintenance and repairs will be recorded in a Playground Condition Register. The frequency of inspections will depend on the classification of the playground. The Register will contain a comprehensive inventory for each playground asset. It will require an up to date description of each piece of playground equipment, date of installation, supplier name, total cost, maintenance history and expected redundancy date. The individual apparatus will then be rated and attributed an estimated duration cycle whereby Excellent would be 95%, Good 75%, Fair 50%, Poor 25% and Very Poor 5%. This will provide an improved asset knowledge as well as data and risk management. It will give a clear indication of replacement timing and cost commitment. This makes the register a reliable reference for long term management of playground equipment that council can use as an accurate budgeting tool beyond the life of this five year strategy.

There also needs to be a focus to create informal play spaces within playgrounds to encourage imaginative play while ensuring efficient use of the budget. On a value for money basis naturally constructed play areas grafted into the landscape tend to be cheaper and much more durable than manufactured equipment. Recycled materials used to manufacture basic equipment would be a positive message to the community.

Value for Money

This document represents a strategic approach to the development of play spaces in parks, aiming to deliver the maximum value to the community through carefully considered programs of planning, design and maintenance. This approach allows Council to avoid misplaced or ad hoc expenditure, to get the best value from its investment for the community and to provide the most equitable access to play in open space.

Council's playground assets represent a significant capital investment and as a result we need to ensure that the development and replacement of playground sites represent value for money. While their benefits are never completely measured in any monetary sense, they are a major asset to individuals, the community and the environment in a variety of ways.

The role of the Public Open Space Strategy ensures we provide an appropriate level of service and range of facilities throughout our townships. The Public Open Space Strategy classifies sites based on location, proximity to other parks and accessibility to parklands. This ensures that we do not over capitalise through over provision of playgrounds.

The community's views and opinions are a valuable and essential contribution to the success of any playground renewal or playground design process, providing local knowledge and reflecting the needs of local communities. By taking local issues into account, playgrounds and parks are likely to represent better value for money and increase resident satisfaction.

But how do you get the best value from playground design?

Great playground design includes:

- Locating play equipment to create useful space for other activities in the park, such as ball games and seating areas. Ideally we should not dominate the entire park with one group of equipment right in the centre.
- Avoid locating elevated play equipment too close to houses where residents' privacy may be compromised as a result.
- In smaller parks, generally avoid noisy forms of equipment.
- Understanding that connections between elements within a park or play space may be as important as the play equipment itself. Where elements are located and how they relate to one another will have a major bearing on how well they will be used for play.
- Grouping 'like' activities for particular age groups together.

Formatted: Font: 10 pt

- Where possible making sure that the play on some equipment can be extended by locating it close to simple objects which children incorporate into their games. Items such as a nearby tree, a large boulder, a tree stump, or some stepping stones will need to be outside fall zones but will often extend the play value.
- The impact absorbing surface ('softfall') under play equipment accounts for a considerable amount of the cost of a playground. As each elevated item is required to have softfall underneath, better value is obtained by grouping equipment, to lessen the area and expense of soft fall, and maximise access.
- Developing a multipurpose space which can be used by everyone.
- Including physical elements that can be used by any aged child, and by individuals and groups, can provide good play value. Different ages might use equipment in different ways. For example a hammock swing may be used for gently rocking a young child, while a group of older children might swing it wildly to see who falls off, and teenagers might gather together and talk.

Funding and Life Cycle

Funding playground projects requires a constant balance between providing new assets and prolonging and eventual disposal of existing assets. As part of its annual budget process council will need to allocate funds for capital expenditure for any planned new playgrounds according to the framework matrix. The amount of funds necessary would depend on the classification level allocated to the new development.

This amount would then be in addition to the funds required annually for ongoing maintenance, repairs and replacement of the current assets. A lifespan of 10-15 years is typically expected for most modern playground equipment pieces for depreciation and budgeting purposes but can change depending on the extent of the use and changes to Australian Standards.

By adopting the Playground Strategy Council will have a clear and precise strategic direction to allow the appropriate funding for playgrounds.

PRIORITY 3 – WHAT WE WILL DO

1. Maintain a playground condition register
2. Explore funding opportunities via State and Federal grants
3. Endeavour to use natural and recycled elements in the construction of new playgrounds and equipment
4. Use more natural shade elements in playgrounds

Priority 4: Design principles and innovation

It is important to ensure the development of play spaces coincides with the description allocated to each classification level. A planning framework will then allow a spread of different quality playgrounds across the municipality so users can choose the level of play experience they wish to undertake. For this reason it is also necessary to maintain a uniqueness in the design of every level of playground so that they complement each other, rather than duplicate, with different experiences within that framework.

Fencing around playgrounds considers a number of factors including the location of the playground and the intended user design. Other considerations include such things as the playground's proximity to high volumes of traffic and the speed of the traffic on roads bordering the site. The need for fencing will be determined by conducting a risk assessment, where each case would be considered on its own merits.

Shade is an essential element to the playground design. Structured shelters can be erected, especially if seating and tables need direct protection. However, these are easily vandalised and expensive to repair and maintain. Trees are the preferred form of shade and outweigh the use of artificial shelters or sails due to their sustainability and longevity. They also provide excellent protection from the wind and a natural habitat for local bird species. Adequate natural shade from trees needs to be provided at all levels of playgrounds for the comfort of the patrons, aesthetics of the park and protection of the equipment.

Soft fall will vary according to the prominence of the park. There are generally two types of soft fall – synthetic rubber and natural bark chips which are determined requirements of the site.

Effective use of the environment and landscape will also minimise future maintenance requirements.

"Nature play actively engages children with nature and its elements. Accessing nature is an important strategy for building resilience, buffering stress and recovering from adversity"⁹.

Outdoor fitness equipment can be configured in different ways to specifically suit a location and the needs of the end user. The two main types of configuration are equipment clusters and equipment trails.

An equipment cluster is a collection of fitness equipment placed in a single location. A cluster has the advantage of providing options for circuit training for a full body workout. Equipment trails are small groups of fitness equipment separated along a trail, typically laid out to provide a progression of exercise activity.

From a survey conducted during the development of this strategy respondents indicated a number of key aspects that needed to be considered as part of playground design, this included:

That a variety of equipment was a major factor in choosing to attend playgrounds in general

Diversity enhances the probability that a child will be motivated to seek the play experience that stimulates their interest

Wherever possible utilise the surrounding landscape and natural elements such as rocks, hills and logs to ensure a unique play experience that has longevity. These features add a new dimension and encourage children to use their imagination in unstructured play.

Shade elements both natural and built should be incorporated into all future playground designs

⁹ https://www.kidsafensw.org/imagesDB/documents/NaturalPlayspaces2020_1.pdf

Toilets and drinking water stations have been identified as a necessary design inclusion at regional playgrounds as they are considered destination spots away from proximity to user dwellings

Studies have shown that children sometimes tire and lose interest in structured equipment as they quickly master it. Manufacturers then produce more complex equipment, but as a consequence this is also more expensive. There is currently a strong trend towards less equipment and a broader, nature based play experience to encourage children to devise the activities for themselves. No built structure can provide the depth of diversity and creativity to play and interaction that nature can.

In line with Mildura Rural City Councils Public Open Space Strategy, Council will continue to explore opportunities to enhance play value, such as nature play and parks for play (rather than equipment for play).¹⁰



Figure 12: Benefits of nature play¹¹

¹⁰ Mildura Rural City Council Public Open space strategy

¹¹ <https://wilderchild.com>

PRIORITY 4 – WHAT WE WILL DO

1. Ensure all new playground equipment meets current Australian Standards
2. Develop a Risk Management Approach for nature play areas
3. Plant trees whenever possible at playgrounds to provide natural shade for parks and equipment.
4. Incorporate more natural play elements into existing playground

Priority 5: Connection to the Community

Council will consult with communities regarding the implementation of playground developments to ensure the needs and interests of the residents are considered. The level of engagement required will be assessed on a case by case scenario. There are a number of methods to achieve this but the preferred approach will be a survey on the council website, site visits to existing council playgrounds and consultation with the community. If the children and the community have input into the design and planning of the play space they are more likely to feel a connection to it. This will hopefully result in increased patronage of the playground which will assist in safety and less opportunity for vandalism and graffiti.

Council will also promote the playgrounds to the community by placing details online. The website will list the available equipment and extended facilities for open play or picnics at the different sites. All the playground sites will be shown on a map of each township in the municipality with their corresponding classification level. This map could also be printed in hard copy and distributed through tourist outlets and local information centres.

Once council has made the investment in outdoor fitness equipment it is important to promote the asset to the community to facilitate their engagement. Posting on the council web site, and highlighting the fitness parks as a separate category to the playgrounds, as well as printing on any local brochures at tourist information booths would be a minimum. Other municipalities have hired fitness instructors for up to a month after opening new facilities to teach interested groups in the different techniques and exercises offered by each unit. This strategy has proved popular as it generates enthusiasm and maximises the benefits for the participants as well as contributing to injury prevention from misuse. Separate sessions can be run in the morning and afternoon to suit different users and these can be developed and ultimately become self-sustaining, thus encouraging further participation and social interaction

PRIORITY 5 – WHAT WE WILL DO

1. Consult with locals in proximity of newly proposed neighbourhood level playgrounds
2. Develop an interactive website to encourage community feedback and consultation
3. Ensure that all playground information is current and easily accessible.

6 -

Current Playgrounds

It is essential that quality play spaces are equally distributed across the municipality to encourage healthy living some form of playground is easily accessed by walking.

Playground benchmarks vary but the generally accepted rate for the provision of Playgrounds within the Australian Local Government (metropolitan) is locating a Playground within a 500m radius of residents. The other industry measurement is a per head ratio that was developed through a study of metropolitan Councils in Victoria with approximately one playground per 1,300 head of population and one playground per 300 head of children aged 0-15 years.

In line with Mildura Rural City Councils current Public Open Space Strategy it is entirely possible to provide a level of service to meet the following:

- Regional Park catchment area of 5km
- Neighbourhood Park catchment area of 1km
- Local Park catchment area of 400m
- Civic Park catchment area of 400m
- Township Sporting Reserves 5km
- Local Sporting Reserves 1km

There are currently 57 playgrounds in the municipality (Appendix 1). Council will pursue additional playground opportunities where there is a lack of reasonable access to playground sites.

The following diagrams show existing playground locations and the recommended catchment area in the various built up areas and townships

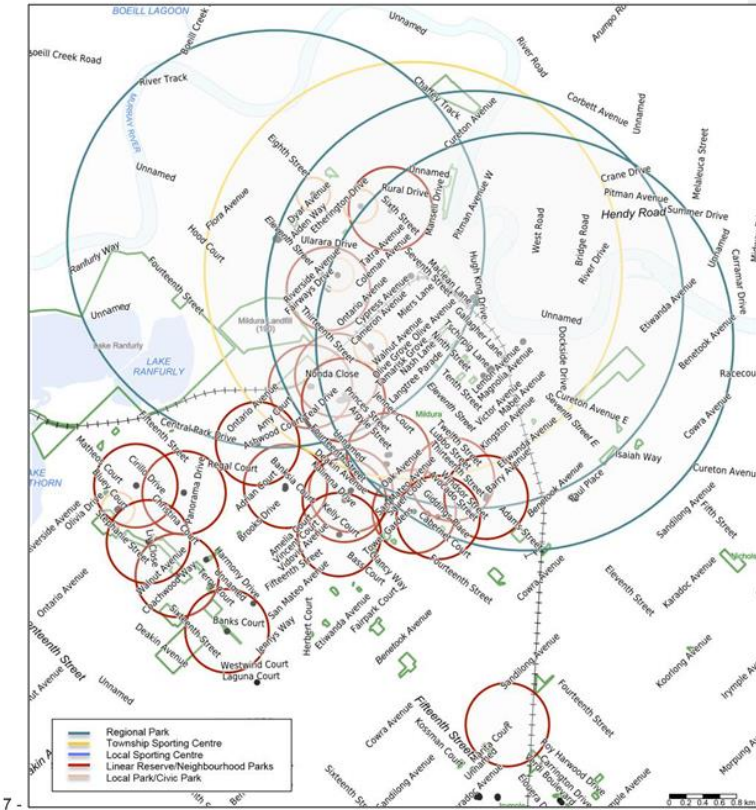


Figure 13: Playground locations – Mildura

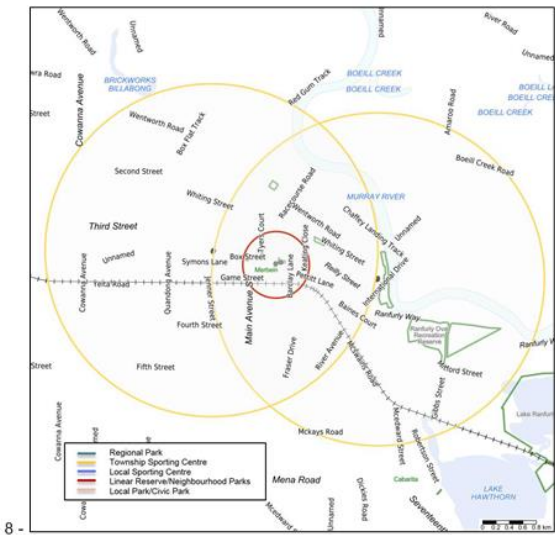


Figure 15: Chaffey Park playground

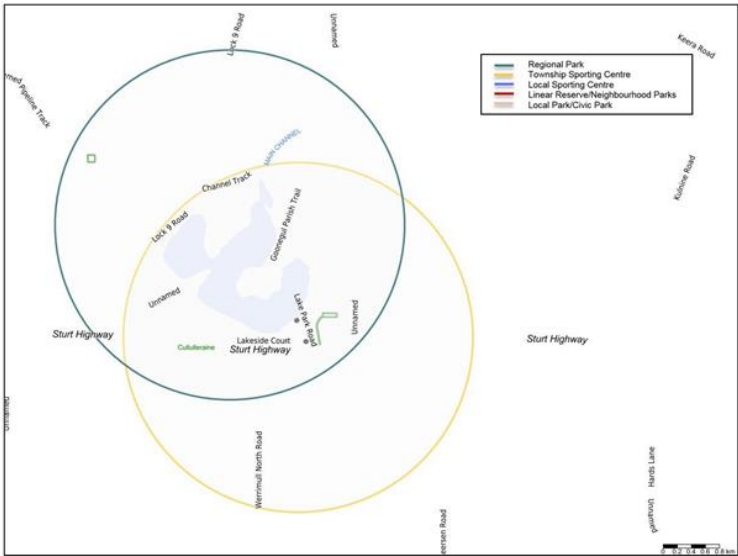


Figure 16: Playground locations – Lake Cullulleraine



Figure 17: Lake Cullulleraine foreshore

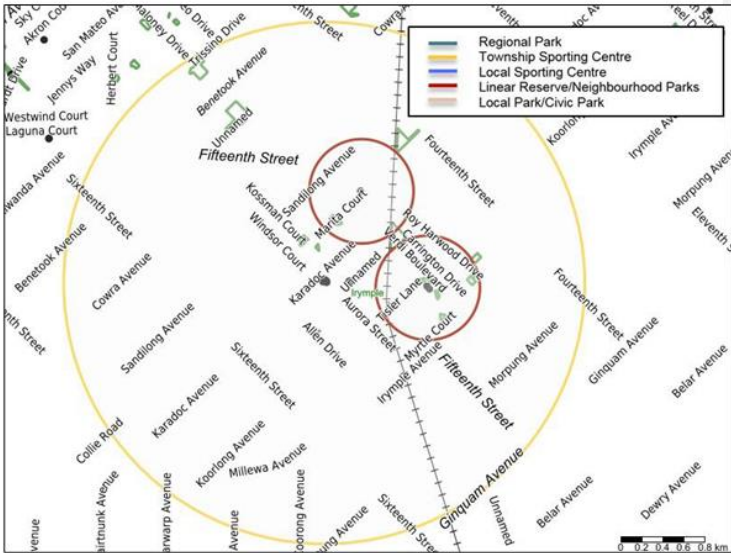


Figure 18: Playground locations – Irymple



Figure 19: Henshilwood Reserve playground

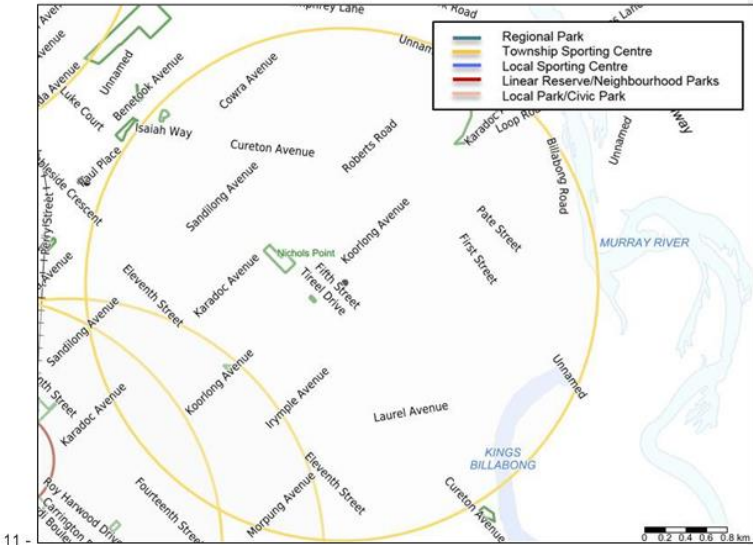


Figure 21: Nichols Point Recreation Reserve playground

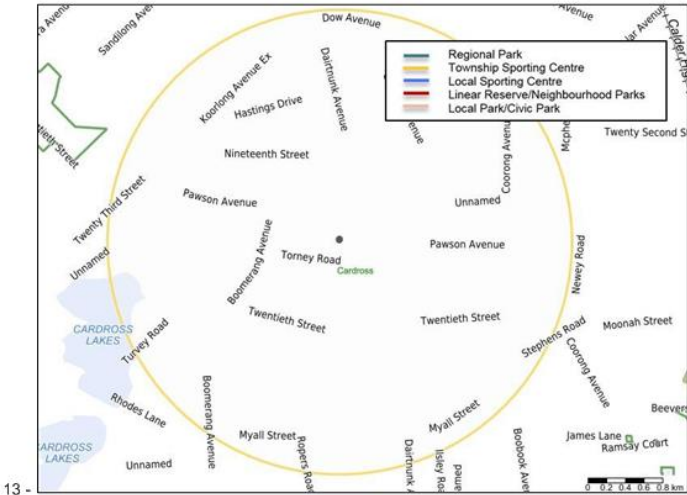


Figure 23: Cardross Recreation Reserve playground

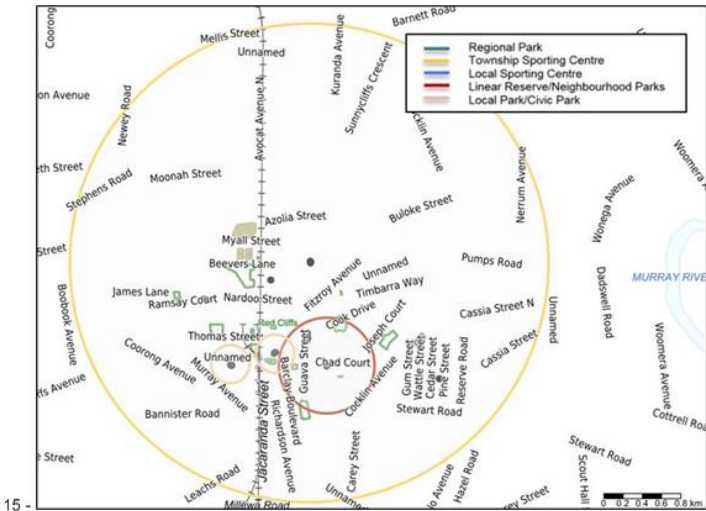


Figure 24: Playground locations – Red Cliffs



Figure 25: Barclay Square playground

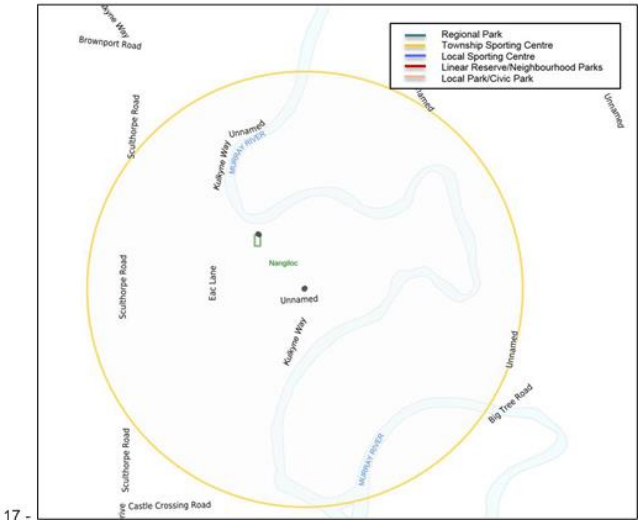


Figure: 27 Nangiloc Recreation Reserve playground

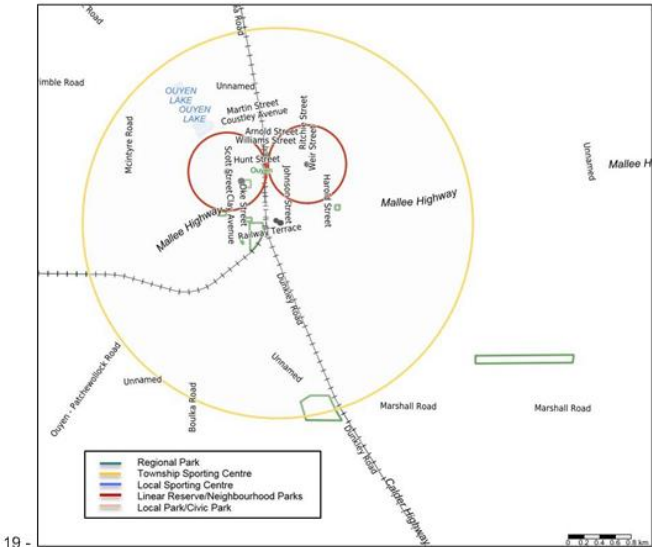


Figure 29: Ferguson Park playground

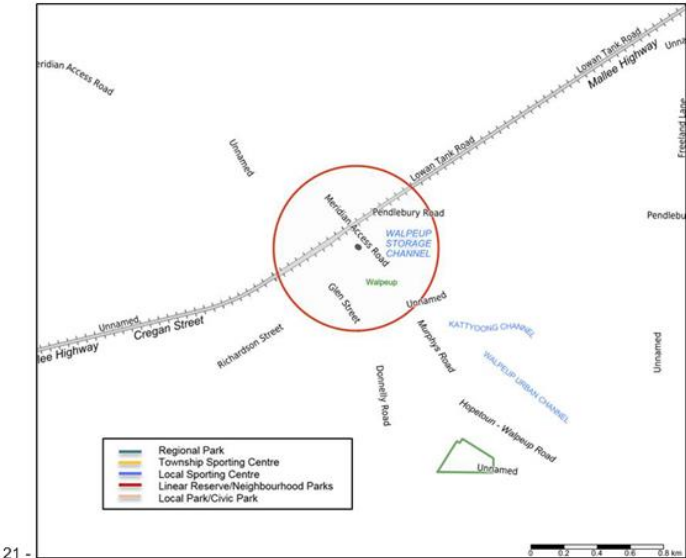


Figure 31: Walpeup Wayside Stop playground

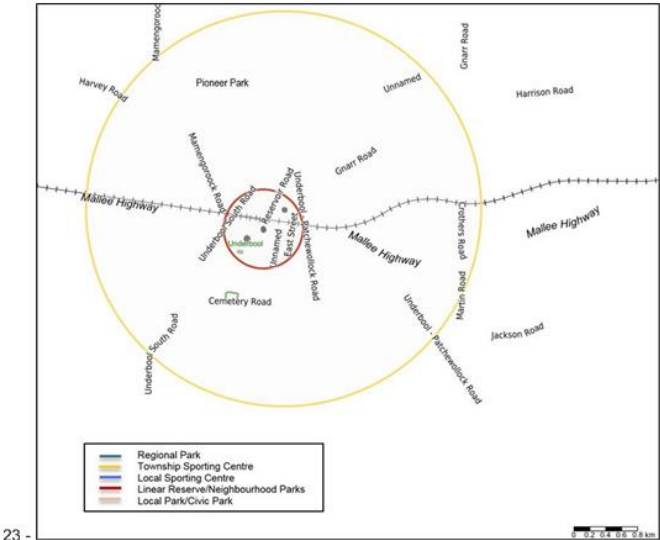


Figure 33: Outen Park playground

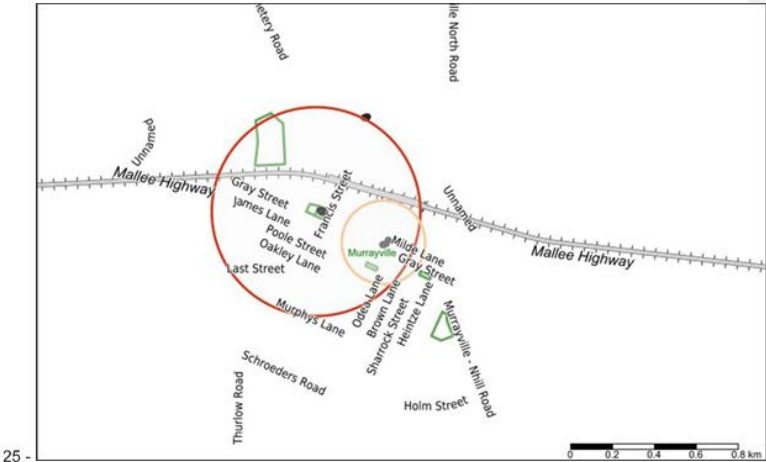


Figure 35: Pioneer Park playground

References

MRCC Council Plan	https://www.mildura.vic.gov.au
MRCC website	https://www.mildura.vic.gov.au
Kompan	https://www.kompan.com.au/inclusive-play
UNICEF	https://www.unicef.org.au
City of Burnside	https://www.burnside.sa.gov.au
City of Casey	https://www.casey.vic.gov.au
Booroondara	https://www.boroondara.vic.gov.au
Latrobe City	https://www.latrobe.vic.gov.au
Monash	https://www.monash.vic.gov.au
Play Australia	PLAYAUS-Strategic-Plan-2020.pdf (playaustralia.org.au)
Wilderchild	www.wilderchild.com

Appendix 1: Playground locations and classifications

Town	Park	Classification
Mildura	Andamifi Park (Ribarits Court)	Neighbourhood
Mildura	Bingarra Park	Local
Mildura	Birralee Park	Neighbourhood
Mildura	Buxton Sobee Park	Neighbourhood
Mildura	Dennis Park	Neighbourhood
Mildura	Flamingo Park	Neighbourhood
Mildura	Greenpines Park	Neighbourhood
Mildura	Homsey Park	Neighbourhood
Mildura	Jaycee Park	Regional
Mildura	Kiata Park	Neighbourhood
Mildura	Linton Park	Neighbourhood
Mildura	Kalimna Park	Neighbourhood
Mildura	Mansell Reserve	Township Reserve
Mildura	Meadow Grove Park	Neighbourhood
Mildura	Ornamental Park/ Waterplay	Regional
Mildura	Park for Play	Regional
Mildura	S.C Mills Park	Neighbourhood
Mildura	Semmens Park	Neighbourhood
Mildura	Sharland Park	Neighbourhood
Mildura	Touhy Park	Neighbourhood
Mildura	Walnut Park	Neighbourhood
Mildura	Washington Park	Local
Mildura	Windsor Park	Neighbourhood
Mildura	Woodley Park	Local
Mildura	Brodie Close Reserve	Local
Mildura	The Grange	Neighbourhood
Mildura	Sixteenth and Etiwanda Reserve – Diablo Park	Neighbourhood
Mildura	Rita Drive Reserve	Local
Mildura	Dominic Court Reserve	Local
Mildura South	Hollywood Boulevard Linear Reserve	Linear Reserve
Mildura South	Olivia Drive Reserve – Ontario Park	Neighbourhood
Mildura South	Sherring Way Reserve – Ontario Park	Neighbourhood
Mildura South	Telfar Wetlands	Wetlands Urban
Mildura South	Dunning Wetlands	Wetlands Urban
L/Cull	Lake Cullulleraine Foreshore	Regional
L/Cull	Johansen Memorial Recreation Reserve	Township Sporting Reserve
Merbein	Chaffey Park	Township Sporting Reserve
Merbein	Kenny Park	Township Sporting Reserve
Merbein	O'Bryan Park	Neighbourhood
Cardross	Cardross Recreation Reserve	Township Sporting Reserve
Nichols Point	Nichols Point Recreation Reserve	Township Sporting Reserve
Irymple	Francesca Park	Neighbourhood
Irymple	Henshilwood Memorial Recreation Reserve	Township Sporting Reserve

Irymple	Irymple Lions Park	Neighborhood
Red Cliffs	Quandong Park east	Township Sporting Reserve
Red Cliffs	Quandong Park west	Township Sporting Reserve
Red Cliffs	Simon Court Park	Neighborhood
Red Cliffs	Woodbine Park	Local
Red Cliffs	Ovens Park	Red Cliffs
Red Cliffs	Barclay Square	Civic Park
Nangiloc	Nangiloc Reserve	Township Sporting Reserve
Ouyen	Blackburn Park	Township Sporting Reserve
Ouyen	Ferguson Park	Neighborhood
Ouyen	Jardine Park	Neighborhood
Walpeup	Walpeup Park	Neighborhood
Underbool	Underbool Recreation Reserve	Township Sporting Reserve
Underbool	Outen Park	Neighborhood
Murrayville	Murrayville Wayside Park	Linear Reserve
Murrayville	Murrayville Pioneer Park	Civic Park

Action Plan

Short term: 1 – 3 years

Medium term: 2 – 5 years

Long Term: 5+ years

Priority 1: Health and Wellbeing	
Action	Timframe
Complete a safety audit of all municipal playgrounds	Short term
Prioritise and re-develop existing playgrounds identified as non-compliant	Short term
Research opportunities for future for fitness hub sites	Medium term
Explore opportunities for additional amenities at existing playgrounds	Ongoing
Priority 2: Access and Inclusion	
Action	Timframe
Audit existing playgrounds for pathways and equipment to suit all abilities and all ages	Short term
Conduct Gender Impact Assessments	Short term
Ensure that all new playground design caters for all ages and all abilities	Short term
Develop a risk management approach that considers the benefits against risks of challenging play experiences	Short to Medium term
Priority 3: Environment and sustainability	
Action	Timframe
Maintain a playground condition register	Short term
Explore funding opportunities through State and Federal grants	Ongoing
Endeavour to use nature and recycled elements in the construction of new playgrounds and equipment	Short term
Use more natural shade elements in playgrounds	Short term

Priority 4: Design Principles and Innovation	
Action	Timframe
Ensure all new playground equipment meets current Australian Standards	Short term
Develop a risk management approach for nature play areas	Short to Medium term
Plant trees whenever possible at playgrounds to provide natural shade for parks and equipment	Short term
Incorporate more natural play elements into existing playgrounds	Short to Medium term
Identify potential locations for fitness hubs	Medium term

Priority 5: Connection to the Community	
Action	Timframe
Consult with locals in proximity of newly proposed neighbourhood level playgrounds	Ongoing
Develop an interactive website to encourage community feedback and consultation	Medium term
Ensure that all playground information is current and easily accessible	Short term

14.9 USE AND DEVELOPMENT OF A DWELLING - 747 ONTARIO AVENUE, MILDURA

File Number: 005.2021.00000097.001
Officer: General Manager Development

1. Summary

Date Received:	11 May 2021 (amended)
Subject Property:	747 Ontario Avenue MILDURA (Lot: 2 Sec: 42 Blk: E TP: 676528V)
Zone:	Farming Zone Schedule 1
Overlays:	Design and Development Overlay Schedule 8 Dev Contributions Plan Overlay Schedule 1 & 2 Specific Controls Overlay Schedule 1
Applicant:	Roy Costa
Application Triggers:	Clause 35.07-1 – Section 2 use Clause 35.07-4 – Buildings and works associated with a section 2 use
Relevant Provisions:	Clause 11.01-1S – Settlement Clause 14.01-1S – Protection of agricultural land Clause 14.01-2S – Sustainable agricultural land use Clause 21.02-1 – Key influences and issues Clause 21.03-1 – Vision Clause 21.06-1 – Protection of rural land Clause 21.08-1 – Agriculture Clause 21.10-1 – Main Urban Area Clause 35.07 – Farming Zone Clause 43.02 – Design and Development Overlay (Schedule 8) Clause 45.06 – Development Contributions Plan Overlay (Schedule 1 and 2) Clause 45.12 – Specific Controls Overlay Clause 52.06 – Car Parking Clause 65.01 – Approval of an Application or Plan
Objections Received:	0

The permit applicant seeks approval for the use and development of the land for a dwelling at 747 Ontario Avenue, Mildura.

The proposed dwelling comprises three bedrooms, open plan kitchen, meals and family area, separate lounge room, bathroom, separate toilet, and laundry. The dwelling also contains a double garage and alfresco adjacent to the meals/family room. The dwelling is setback 20m from the front boundary and 10m from the side north eastern boundary

Notification was undertaken by the applicant and no objections have been received to date.

The applicant has stated that the dwelling will be occupied by the nephew of the current property owner, who intends to purchase the property and continue Table Grape production. It is purported that the dwelling is required to operate the vineyard in the most effective and efficient manner.

The statements provided by the applicant are generic and do not demonstrate that the proposed dwelling is intrinsically linked to sustainable land management or the continued use of the site for agricultural production. A detailed farm plan has not been provided identifying all the land holdings that the resident of the proposed dwelling will be responsible for. Furthermore, specific details in relation to irrigation, pest management and harvesting have not been provided to demonstrate that the vineyard operations are so onerous as to require an additional dwelling. This is particularly relevant when noting that there are existing residential accommodation options within close proximity to the site, such as the established and establishing areas of the Mildura South Growth Area to the north east which are within 1km of the site.

Consequently, the proposal is not supported by the relevant provisions of the Mildura Planning scheme as outlined within the delegation report and is recommended for refusal.

2. Recommendation

That Council, having caused notice of Planning Application No. 005.2021.00000097.001 to be given under section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under section 60 of the *Planning and Environment Act 1987* decide to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Mildura Planning Scheme in respect of the land known and described as 747 Ontario Avenue, Mildura, for the use and development of a dwelling, for the following reasons:

- (i) The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 11.01-1S, 14.01-1S and 14.01-2S, which aim to manage development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. Insufficient evidence has been provided to support generic statements that the dwelling is required for the continued operation of the vineyard.**
- (ii) The proposal is inconsistent with Local Policy in relation to agricultural land and rural development, specifically Clauses 21.02-1, 21.03-1, 21.06-1, 21.08-1 and 21.10-1, which build upon the Planning Policy Framework to protect land within the MOIA and ensure that new dwellings will assist in growing the agricultural enterprise. No evidence has been provided justifying that the proposed dwelling will support or grow the agricultural enterprise.**
- (iii) The proposal is inconsistent with the objectives and decision guidelines of the Farming Zone, which seek to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture. In the absence of compelling evidence to demonstrate the dwelling is required for the continued operation and growth of the vineyard, the proposal is likely to undermine the purpose of the Farming Zone; being to encourage the retention of**

productive agricultural land and to prevent non-agricultural uses from affecting the use of land for agriculture.

3. Time Frame

Outline key dates

Application Received	11 May 2021 (amended)
Planning Referral Committee	9 August 2021
Application referred	13 May 2021
Notice to applicant to undertake notification of the application	14 May 2021
Advice from the applicant that notification had been completed received	7 June 2021

4. Strategic Plan Links

This report relates to the Community and Council Plan in the Key Result Area:

2.5 Strategic Land Use

Goal to be achieved:

- A well-developed long-term land use vision.

5. Asset Management Policy/Plan Alignment

This is not relevant to the subject application.

6. Implications - Assessment of the Application

Policy

The State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF) and the Planning Scheme Provisions are discussed in the attached report.

Legal/Statutory

Council is required to determine the application pursuant to section 61 of the *Planning and Environment Act 1987*. Council's decision is subject to possible review by the Victorian Civil and Administrative Tribunal (VCAT).

Financial

All relevant fees have been paid. In the event of an application for review by VCAT, each party will be required to bear their own costs.

Environmental

As detailed in the Assessment of the Application.

Social

As detailed in the Assessment of the Application.

Economic

As detailed in the Assessment of the Application.

7. Risk Assessment

Council's decision is subject to possible review by VCAT. In the event of an application for review by VCAT, each party will be required to bear their own costs.

8. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1** [!\[\]\(67ff022fd78f943b679992c2874bbfd1_img.jpg\)](#) Delegation Report
- 2** [!\[\]\(042ea11c58a77088d3dd7150909adec0_img.jpg\)](#) Application Documents and Plans
- 3** [!\[\]\(5890ff4c38007932c846fa9d39ba1fe6_img.jpg\)](#) Site Photo

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Application Number005.2021.00000097.001

Received Date11 May 2021

ApplicantRoy Costa Planning & Development

Subject property (Parcel No 40452)

747 Ontario Avenue MILDURA
(Lot: 2 Sec: 42 Blk: E TP: 676528V)

Proposal

The proposal is for the use and development of a dwelling at 747 Ontario Avenue, Mildura. The applicant has stated that the dwelling will be occupied by the nephew of the current property owner, who intends to purchase the property and continue Table Grape production. It is purported that the dwelling is required to operate the vineyard in the most effective and efficient manner.

The proposed dwelling comprises three (3) bedrooms (master with walk in robe and ensuite), open plan kitchen, meals and family area, separate lounge room, bathroom, separate toilet, and laundry. The dwelling also contains a double garage and alfresco adjacent to the meals/family room. The dwelling is setback 20m from the front boundary and 10m from the side north eastern boundary, as shown on the site plan below (Figure 1).

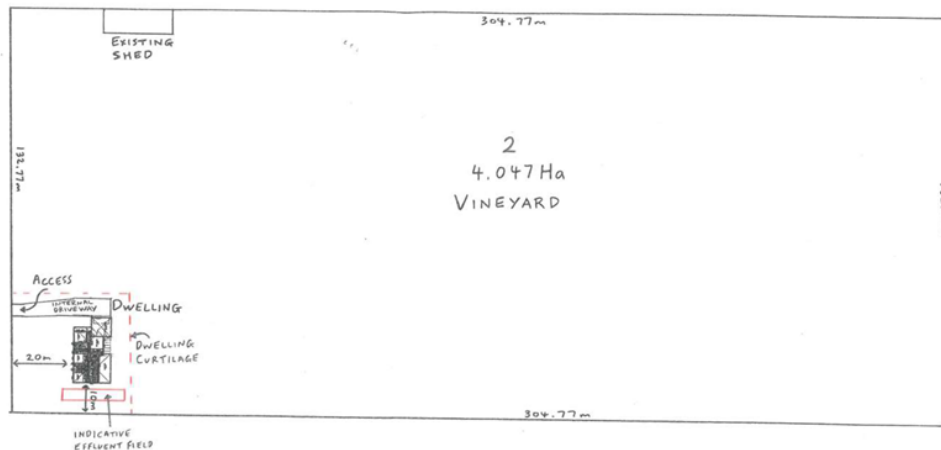


Figure 1 – Proposed Site Plan

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Zones/Overlays

Farming Zone - Schedule 1
Design & Development Overlay Schedule 8
Dev Contributions Plan Overlay Sch 1 & 2
Specific Controls Overlay Schedule 1

Relevant Provisions**Planning Policy Framework**

- Clause 11 – Settlement
 - Clause 11.01-1S - Settlement
- Clause 14 – Natural Resource Management
 - Clause 14.01-1S – Protection of agricultural land
 - Clause 14.01-2S – Sustainable agricultural land use

Local Planning Policy Framework

- Clause 21 – Municipal Strategic Statement
 - Clause 21.02-1 – Key influences and issues
 - Clause 21.03-1 – Vision
 - Clause 21.06-1 - Protection of rural land
 - Clause 21.08-1 – Agriculture
 - Clause 21.10-1 – Main Urban Area

Zones

Clause 35.07 - Farming Zone

Overlays

Clause 43.02 – Design and Development Overlay (Schedule 8)
Clause 45.06 – Development Contributions Plan Overlay (Schedule 1 and 2)
Clause 45.12 – Specific Controls Overlay

Particular Provisions

Clause 52.06 - Car Parking

General Provisions

Clause 65.01 – Approval of an Application or Plan

Permit Triggers

Clause 35.07-1 – Section 2 use
Clause 35.07-4 – Buildings and works associated with a section 2 use

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Statutory Days

The application has been in progress 41 days (in Council's hands)

Application received:	11 May 2021 (amended)
Further information received:	11 May 2021
Application referred:	13 May 2021
Notification directed:	14 May 2021
Application notified:	19 May 2021
Statutory declaration received:	7 June 2021

Benchmark

Level 3

Subject site & locality

The subject site is a rectangular shaped allotment with an area of 4.047ha and a frontage of 132.77m to Ontario Avenue. The site is relatively flat and contains an existing vineyard. A portion of the site (approx. 3000sqm) has been cleared, 30m in from the front boundary. The site also contains an existing outbuilding which is associated with the existing dwelling situated on the adjoining lot (1\TP625164). Given the rural nature of the area, there are no formal "constructed" vehicle access points to Ontario Avenue. The site does not contain any native vegetation and is not subject to natural hazards or heritage/cultural sensitivities.

The locality is described as follows:

Direction	Comments
North east	Adjoining vineyard. Further to the north east is a subdivision under construction and established residential development.
North west	Vineyards and unutilised rural land. Rural dwellings are located sporadically on land to the north west.
South east	Vineyards. Rural dwellings are located sporadically on land to the south east.
South west	Vineyards. Rural dwellings are located sporadically on land to the south west.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

A Site and Locality Map is contained within Figure 2 below.



Figure 2 – Site and Locality Map

Permit/Site History

The history of the site includes:

File no.	Proposal	Decision
5.18.134.1	Boundary re-alignment	Approved 04/07/2018 (titles not issued yet).

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on the site.

The notification has been carried out correctly by the applicant as per the notification declaration and supporting evidence provided to Council on 7 June 2021. No objections have been received to date.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Cultural Heritage Management Plan

Section 7 of the Aboriginal Heritage Regulations 2018, No.59 states:

A cultural heritage management plan is required for an activity if—

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity and*
- (b) all or part of the activity is a high impact activity.*

A Cultural Heritage Management Plan is not required to be undertaken as the subject site is not within an area of cultural heritage sensitivity as required by Section 7.

Registered Restrictions

In accordance with Section 61(4) of the *Planning and Environment Act 1987*, the Responsible Authority must not issue a permit that breaches a registered restriction.

The subject land is formally identified as Lot 2 Title Plan 676528U. The title provided by the applicant dated 15 March 2021 does not contain any registered restrictions or agreements under Section 173 of the *Planning and Environment Act 1987*.

Consultation

Consultation was not undertaken.

Conflict of Interest

No conflicts of interest were declared during the preparation of this report

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 notices	<p>Lower Murray Water</p> <p>Response Received: 27 May 2021</p> <p><i>LMW has the following comments to make regarding the application:</i></p> <p>URBAN WATER SUPPLY</p> <p><i>The land is located inside the Corporation's Urban Water District and is currently serviced by Urban Water Meter No. 17w035348.</i></p> <p>SEWERAGE:</p> <p><i>The land is located outside the Corporation's Sewerage District. Sewerage is not available.</i></p>

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

	<p>IRRIGATION/DRAINAGE</p> <p><i>The land is located inside the Corporation's Irrigation District and is currently serviced by Irrigation Outlet 6607600.</i></p> <p><i>Owner to be aware that Lower Murray Water's 225dia drainage asset runs along the north east boundary at various off-set and is protected by an implied easement.</i></p>
--	---

Internal Council Referrals	Advice/Response/Conditions
Engineering Services	<p>Response Received: 21 May 2021</p> <ul style="list-style-type: none"> • <i>Prior to plans being endorsed a design plan for the proposed driveway off Ontario Ave must be submitted. Driveway will require a culvert with Trafficable headwalls.</i> • <i>All works required as per the endorsed driveway design plan must be completed prior to commencement of use.</i> • <i>Vines must be cleared to allow the driveway to the proposed dwelling as shown on the submitted application plans. Works must be completed prior to commencement of use.</i> • <i>All stormwater runoff from proposed dwelling must be retained on site</i> • <i>Road opening permit must be obtained prior to any works within the Road AReserve</i>

Assessment

Clause 35.07 Farming Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Comment:

The proposal is not supported by the Municipal Planning Strategy and the Planning Policy Framework which is discussed under separate subheadings below. Whilst the site is capable of accommodating the proposed dwelling in terms of stormwater and effluent disposal, it goes against the purpose of the Farming Zone which has a strong emphasis on retaining productive agricultural land and limiting non-agricultural land uses such as dwellings.

The applicant argues within their submission that the dwelling is required in order to operate the vineyard in the most efficient and effective manner and is important to the everyday operating functions, such as water management and harvesting. The statements provided by the applicant are generic and do not demonstrate that the proposed dwelling is intrinsically linked to sustainable land management. A detailed farm plan has not been provided identifying all the land holdings that the resident of the proposed dwelling will be responsible for. Furthermore, specific details in relation to irrigation, pest management and harvesting have not been provided to demonstrate that the vineyard operations are so onerous to require an additional dwelling.

State and Local Planning Policy emphasises the need to protect agricultural land from loss due to permanent changes in land use, in large part by limiting new housing development in rural areas (Clause 14.01-1S, Clause 21.06-1 and Clause 21.08-1). This is encapsulated by the decision guidelines of the Farming Zone and the elevated weight that agricultural factors carry in deciding on an application. The planning scheme is explicit in ensuring that productive agricultural land is protected from continued encroachment of non-agricultural land uses, particularly dwellings. Ultimately, every new dwelling has the potential to undermine genuine agricultural activity. This view has been aptly summarised by the Victorian Civil and Administrative Tribunal (VCAT) in *Bailey v Moyne SC [2010] VCAT 771 (3 May 2010)*, where Member Bennett stated that:

[5] Although it seems harsh to refuse a dwelling on this site, **it is unfortunately true that every new individual dwelling cumulative undermines the agricultural use of land. It may even**

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

seem unfair given the dwellings that already exist on lots less than the zone minimum. While some of these predate the current planning controls and policies, in other cases it is also because Moyne Shire has taken a lenient approach to dwellings on small rural lots...

[7] ... I accept that allowing a single dwelling on this 28ha lot will not, on its own, undermine the long term future of agricultural activities in this part of the Moyne Shire. However it is the cumulative impact of individual approvals that eventually undermines the very attributes that provide Moyne Shire with such a strong agricultural economy.

[my emphasis]

The cumulative impacts of rural residential development in areas such as this have created the circumstances where the MOIA incorporated document was introduced by the State Government into the Mildura Planning Scheme; in an attempt to significantly curtail the proliferation of dwellings in productive agricultural areas.

In light of this context, sufficient information/evidence is required to justify that a new dwelling is genuinely required to enhance and support an agricultural activity in the Farming Zone. This is commonly provided in the form of a whole farm plan that details features and operational information, such as:

- a. All natural features of the land;
- b. All built features of the land;
- c. Soil types, condition and quality across the site (including erosion, salinity and the like);
- d. Intended use of specific areas of the land, inclusive of infrastructure, plant and stock numbers, planting schedules, fruit harvesting periods and the like;
- e. Details of estimated profit/loss for the activities, potential markets for the sale of produce and other relevant business information;
- f. Details of how residents of the dwelling would participate and contribute to the meaningful agricultural use of the land;
- g. Timeline for establishment of crops and associated infrastructure;
- h. Intended farming practices, including (but not limited to) land and crop management actions, number of persons required, intensity of farming activities, details of crop spraying, harvesting and production;
- i. Weed and pest management strategies;
- j. Contingency plans (i.e. in the event of disease outbreak, natural disaster etc);
- k. A detailed timeline of activities to occur in managing the activity across a year; and
- l. Any other relevant information specific to the type of agricultural pursuit occurring.

The application documents submitted at lodgement, and subsequent response to Council's further information requests do not attempt to provide a whole farm plan to support the development. Rather, generic statements regarding the efficient and effective operation of the table grape vineyard are put forward as providing support to the development of a dwelling. It is considered that such statements are not substitutes for the provision of appropriate detail (i.e. a farm management plan) to support such a development and do not demonstrate that the

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

management of the land is so onerous as to require a dwelling. This is particularly relevant when noting that there are existing residential accommodation options within close proximity to the site, such as the established and establishing areas of the Mildura South Growth Area to the north east (within 1km of the site). Further, there is an existing dwelling on the adjoining lot under the same ownership which appears to be associated with the vineyard.

The restrictions contained within the MOIA document assist in reducing the likelihood of a proliferation of dwellings within the MOIA area. Whilst the proposal will not specifically result in proliferation of dwellings, permanent changes in land use (especially on smaller lots), are likely to impact existing agricultural activities on the site and within the surrounding area. Impacts include physically removing land from agricultural production (3000sqm in this case), inflating land values beyond their agricultural worth and amenity impacts causing disruption to standard agricultural practices. In the absence of compelling information and evidence to demonstrate that the proposed dwelling is intrinsically linked to the successful operation of the vineyard, it can be reasonably argued that the dwelling is likely to result in a loss of agricultural land and adversely affect the operation and expansion of adjoining and nearby agricultural uses.

The location of the proposed dwelling is considered to be suitable having regard to siting and design issues, and is not expected to result in any environmental impacts on the natural physical features and resources of the area, such as flora, fauna, native vegetation, waterways and the like. The dwelling is appropriately set back from boundaries and adjoining residences, in line with the requirements of the Farming Zone and MOIA document. A new access point to Ontario Avenue is proposed, however, the dwelling is unlikely to generate sufficient traffic to require traffic management measures. Ontario Avenue is a sealed, Council road with capacity to accommodate additional traffic resulting from one additional dwelling.

Clause 43.02 Design and Development Overlay (DDO)

Buildings and Works

- *Construct a building or construct or carry out works. This does not apply:*
 - *If a schedule to this overlay specifically states that a permit is not required.*

Schedule 8 to the Design and Development Overlay

MILDURA AIRPORT – OBSTACLE HEIGHT AREA NO. 1

Buildings and works

- *A permit is not required for buildings and works that are consistent with the Mildura Airport Master Plan 2010.*
- *A permit is not required to construct a building or to construct or carry out works less than 40.0 metres above natural ground level.*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Comment:

The proposed development is exempt under the DDO as the building does not exceed 40m above natural ground and is generally in accordance with the *Mildura Airport Master Plan 2010*.

Clause 45.06 Development Contributions Plan Overlay (DCPO)***Purpose***

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- *Be consistent with the provisions of the relevant development contributions plan.*
- *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*

Comment:

Schedules 1 and 2 to the DCPO have been incorporated into the Mildura Planning Scheme, therefore, a permit can be granted. Should the application be supported, a standard condition relating to payment of a development contribution levy will be included on the Planning Permit.

Clause 45.12 – Specific Controls Overlay***Purpose***

To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Use or development

Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- *Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- *Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.*
- *Exclude any other control in this scheme.*

Comment:

The Schedule to the Specific Controls Overlay highlights that the *Mildura Older Irrigation Area Incorporated Document (May 2020)* must be considered in the assessment of this application. The *Mildura Older Irrigation Area Incorporated Document (May 2020)* contains requirements for dwellings and will be discussed further under the Incorporated Documents section below.

The Planning Policy Framework (PPF)

Clause 11.01-1S - Settlement

Objective

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Relevant Strategies

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrambool and Wodonga.*
- *Create and reinforce settlement boundaries.*
- *Limit urban sprawl and direct growth into existing settlements.*

Comment:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. The proposal is considered to be contrary to the provisions of Clause 11, as follows:

- The land is not zoned or serviced for residential use.
- It will create an expectation that other lots under vine can be developed for residential purposes (where permissible under the MOIA document).
- Sufficient evidence has not been provided to demonstrate that the development will support the primary agricultural use of the land. The development of residential uses on productive agricultural land can result in the predominant use of the land being residential as opposed to agricultural.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

Clause 14.01-1S - Protection of agricultural land**Objective**

To protect the state's agricultural base by preserving productive farmland.

Relevant Strategies

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Prevent inappropriately dispersed urban activities in rural areas.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
 - *Land capability.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*

Comment:

Agricultural production is considered to be one of the most significant industries in Mildura Rural City Council (Clause 21), and utmost importance is placed on protecting productive agricultural land, particularly in the MOIA. In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity:* Approximately 3000sqm of productive agricultural land has been removed to accommodate the proposed dwelling. Furthermore, sufficient evidence has not

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

been provided to demonstrate that the dwelling will support primary production or increase the agricultural productivity of the land. Presently, the land is exclusively used for agricultural purposes. The proposed development increases the prospects of this land being removed from agriculture, or reducing the output of the land.

- *The compatibility between the proposed or likely development and the existing uses of the surrounding land:* As discussed under the Farming Zone above, the use and development of a dwelling is incompatible with existing agricultural land uses and is likely to limit the expansion of agricultural uses within the surrounding area.
- *Assessment of the land capability:* No assessment of land capability was provided. Given that the land has been historically used as a vineyard and is currently under vine, it can be reasonably assumed that the land is capable of sustaining agriculture.

The broad policy basis of clause 14.01-1S seeks to ensure that changes in land use do not detract from the use of the land for agriculture or do not cause permanent land use changes. The use and development of a dwelling in association with a horticultural property of 4 hectares is not considered to appropriately enhance agricultural production. While the applicant has stated that the land will continue to be utilised for Table Grape production, it is considered that a dwelling is not required to successfully farm a property of this size especially given the close proximity of other housing options within the surrounding area (less than 5 minute drive).

Clause 14.01-2S - Sustainable Agricultural land use

Objective

To encourage sustainable agricultural land use.

Relevant Strategies

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*

Comment:

The proposal is considered contrary to the objective and strategies of this clause. The proposal will encourage the residential use of the land at the expense of its agricultural values. The application fails to demonstrate how the development of a dwelling will lead to agricultural benefit and how it will support the sustainable agricultural use of the land. In the absence of information demonstrating that the proposed use and development of a dwelling will improve agricultural productivity, it is reasonable to infer that the proposal could be in conflict with the existing productive and sustainable agricultural use of the land.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

The Municipal Planning Strategy (MPS)

Clause 21.02-1 Key Influences and Issues

Land Uses

- *The critical importance of protecting agricultural land for agricultural purposes, in order to support the economic base of the municipality.*

Economic Development

- *The protection of irrigated horticultural land for agriculture is important, particularly in the Mildura Older Irrigated Areas (MOIA) and the Newer Irrigated Areas (NIA).*

Comment:

As detailed throughout this report, insufficient evidence has been provided to demonstrate that the proposed dwelling is required to support the existing agricultural use of the land. Therefore, it cannot be argued that the proposed dwelling will result in the protection of agricultural land for agricultural purposes, particularly within the MOIA.

Clause 21.03-1 Vision

Economic Development

- *Agricultural and horticultural production will be the foundation of the municipality's strong and prosperous economy and will be uninhibited by urban encroachment.*

Comment:

In the absence of information demonstrating that the proposed use and development of a dwelling will improve and support agricultural productivity, it is reasonable to infer that it will result in urban encroachment on productive agricultural land. Whilst one dwelling may not have a significant impact on economic basis of the Municipality, the cumulative impact of non-agricultural development on productive irrigated land is likely to undermine the rural economy over time.

Clause 21.06-1 - Protection of Agricultural land

Objective

To protect rural land for agriculture and horticulture

Relevant Strategies

- *Strategy 1.1 Ensure new dwellings and subdivision are associated with and assist in growing the agricultural enterprise.*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- *Strategy 1.2 Discourage the use or development of rural land for purposes other than agriculture, extractive industry, leisure and recreation, mining or natural systems that are not directly required to support the agricultural or horticultural use of the land.*
- *Strategy 1.5 In the Mildura Older Irrigated Areas (MOIA):*
 - *minimise unplanned urban intrusion into horticultural areas by prohibiting new dwellings on lots under 10 hectares (except where permitted by the Mildura Older Irrigated Area Incorporated Document August 2016);*
 - *discourage non agricultural use and development within the MOIA; and*
 - *ensure subdivision and new dwellings are consistent with the Mildura Older Irrigation Area Incorporated Document August 2016.*

Comment:

This clause specifies that dwellings not directly associated with the use of the land for agriculture or horticulture be strongly discouraged. Although a prospective purchaser of the land and vineyard operator is seeking to reside within the proposed dwelling, this does not guarantee the continued horticultural use of the land (or inversely, that horticulture will cease on the land). As discussed in detail throughout this submission, compelling evidence has not been provided to demonstrate that a dwelling is required to support the continued operation of the vineyard.

Clause 21.08-1: Agriculture

Objective

To support the continued development of sustainable agricultural and horticultural industries as the foundation of a strong and prosperous economy.

Relevant Strategies

- *Strategy 1.1 Minimise unplanned urban intrusion into horticultural areas.*
- *Strategy 1.2 Support the development of new horticultural areas.*
- *Strategy 1.3 Support horticultural and agricultural diversification and value adding.*

Comment:

This clause highlights that the municipality of Mildura Rural City is nationally and internationally significant in terms of its horticultural output. The local economy is mainly driven by horticultural industries and their value added activities, such as packaging and processing.

The proposed development would not necessarily be considered as an “urban intrusion” where it can be demonstrated that there is a legitimate agricultural basis for requiring additional residential opportunities. As discussed previously, the application and subsequent response to additional information contains broad statements about table grape farming in lieu of detailed information and evidence demonstrating that the vineyard practices are so onerous to require a dwelling on the site.

Mildura Rural City Council

Statutory Planning Department

Planning Delegation Report

In *Ghidinelli v Mildura RCC [2019] VCAT 839 (5 June 2019)*, VCAT supported the use and development of a dwelling on a 3.26 hectare parcel of land within the Farming Zone (in Irymple). The proposal was supported primarily due to intensive nature of the agricultural undertaking occurring on the site and the presence of a number of other vineyards within the surrounding area that are under the same management. VCAT was able to make a sound determination with respect to the intensive nature of the agricultural activity as detailed evidence was provided (location of all land holdings to be managed by the resident of the dwelling and water allocation). It is inappropriate to rely on this VCAT decision to support all new dwellings in the Farming Zone as each site has its own individual context and characteristics to consider. In the absence of detailed farm management information providing substantial justification towards the development of a dwelling on the land, this application should be distinguished from *Ghidinelli* and not be supported for the reasons discussed in this assessment.

Clause 21.10-1 Main Urban Area

Settlement, housing and economic development

Mildura and Nichols Point

- *Discourage the unplanned expansion of urban uses into the surrounding Mildura Older Irrigation Areas (MOIA).*

Comment:

As detailed throughout this report, insufficient evidence has been provided to demonstrate that the proposal will not result in urban expansion in the MOIA.

Relevant Particular Provisions

Clause 52.06 Car Parking

Number of car parking spaces required under Table 1

<i>Use</i>	<i>Rate Column A</i>	<i>Rate Column B</i>	<i>Car Parking Measure Column C</i>
<i>Dwelling</i>	2	2	<i>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)</i>

Comment:

The proposed dwelling provides two covered car parking spaces, satisfying the requirements of Clause 52.06.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading.*

Comment:

The proposal results in the use and development of a dwelling within the Farming Zone that has no demonstrable benefits to agriculture. Such an application fails to find support in key clauses of the Mildura Planning Scheme and the State and Local Planning Policy Framework. The subject land is currently a productive agricultural holding, exclusively under vine for table grape production (excluding the area that has been cleared for the proposed dwelling – approx. 3000sqm). In the absence of detailed supporting documentation justifying the proposal will be of agricultural benefit to the MOIA, the application cannot be considered to be an example of orderly planning.

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

No relevant adopted State policies or strategies are identified.

Relevant incorporated or reference documents

Mildura Older Irrigated Areas Incorporated Document, August 2020

Purpose

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect land for horticulture within the Mildura older irrigation area.*
- *To provide for the growth and expansion of the horticultural industry within the Mildura older irrigation area.*
- *To implement, as appropriate, the recommendations of the Mildura Planning Taskforce, Final Report, December 2009.*
- *To implement, as appropriate, the Review of Planning Controls for the Mildura Older Irrigated Areas, October 2014.*

Application requirements for dwellings

An application to use any lot for a dwelling must be accompanied by a written statement which demonstrates, to the satisfaction of the Responsible Authority:

- *How the proposed dwelling responds to the requirements of Clause 35.07-2 and the decision guidelines in Clause 35.07-6;*
- *That the dwelling location is not subject to inundation; and*
- *That the proposed dwelling has an appropriate landscape buffer to any agricultural land so as to minimise potential land use conflict; and*
- *That the dwelling (not including outbuildings) is set back a minimum of 5 metres from any boundary to minimise amenity and environmental impacts to or from adjoining land uses.*

Within the Mildura East Growth Area, the Mildura South Growth Area and the Mildura South By-Pass Corridor (Map 1), applications must also demonstrate, to the satisfaction of the responsible authority:

- *That the proposed dwelling will not compromise the future urban development of the land; and*
- *That the proposed dwelling includes, where necessary, the provision of setbacks to ensure longer term road access and servicing connections; and*
- *That the proposed dwelling will not compromise the continuation of an existing horticultural use; and*
- *That the proposed dwelling will not affect on-going agricultural use of adjoining land; and*
- *That the proposed dwelling will not compromise the ability to achieve preferred urban design outcomes.*

Permit requirements for all dwellings

A permit must not be granted to use land for a dwelling under section 2 of the Table of uses to Clause 35.07-1, unless all of the following requirements are met:

- *The requirements of clause 35.07-2; and*

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- *The dwelling (not including outbuildings) must be setback a minimum of 5 metres from any boundary to minimise amenity and environmental impacts to or from adjoining land uses; and*
- *The lot must not be a disused channel reserve or other utility lot; and*
- *The lot must be in a single parcel, except where the parcels are abutting and directly aligned on opposite sides of a road or channel reserve.*

Permit requirements for dwellings on lots between 2 hectares and 10 hectares

A permit must not be granted to use land for a dwelling under section 2 of the table of uses to Clause 35.07-1, unless the size of the lot is greater than 2 hectares but less than 10 hectares and all of the following requirements are met

- *The dwelling is located within the Mildura East Growth Area or the Mildura South Growth Area (Map 1); and*
- *The lot is not encumbered by a section 173 agreement ensuring no further dwellings will be constructed; and*
- *The lot was not created via a consolidation of lots which would otherwise have increased the opportunity for a dwelling.*

Comment:

The proposal does not conflict with the relevant permit requirements of the MOIA document as outlined above. In saying this, it is important to note that meeting the permit requirements does not imply that a permit should or will be issued.

MOIA Document refers back to the Farming Zone, the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. For reasons discussed throughout this report, the proposal does not align with the purpose of the MOIA Document; being 'to protect land for horticulture within the Mildura older irrigation area; to provide for the growth and expansion of the horticultural industry within the Mildura older irrigation area; and to implement, as appropriate, the recommendations of the Mildura Planning Taskforce, Final Report, December 2009 and to implement, as appropriate, the Review of Planning Controls for the Mildura Older Irrigated Areas, October 2014'. As such, justification to support the proposal cannot be found within the MOIA document.

Relevant Planning Scheme amendments

No relevant Planning Scheme amendments are identified.

Summary of Key Issues

- Use and development of a dwelling on existing productive agricultural land.
- Potential for conflict between residential and agricultural use.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- Absence of supporting agricultural information to justify proposal.

Conclusion

The proposal involves the use and development of a dwelling at 747 Ontario Avenue, Mildura. Sufficient evidence has not been provided to Council demonstrate that the operation of the vineyard is so onerous to require a dwelling on-site. On this basis, the application fails to be supported by numerous state and local agricultural policies; as well as the purpose of the Farming Zone and relevant decision guidelines.

Both Council and the Victorian Civil and Administrative Tribunal have continually emphasised that *“Planning policy clearly and unequivocally calls for the protection of Mildura’s productive agricultural land. The overall loss of productive land is relatively small. However, the continued incremental loss of agricultural land is the problem that planning policy is seeking to prevent”* [Keen v Mildura RCC]. In this case, no agricultural benefit has been presented to Council to offset the loss of agricultural land or the risk of introducing additional residential uses into the MOIA.

Having assessed the application against the relevant clauses of the Mildura Planning Scheme, including the Farming Zone and the State and Municipal Planning Policy, refusal of the application is recommended for reasons outlined below.

Recommendation

Notice of Decision to Refuse to Grant a Permit

That Council, having caused notice of Planning Application No. 005.2021.00000097.001 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Mildura Planning Scheme in respect of the land known and described as 747 Ontario Avenue, Mildura, for the use and development of a dwelling, for the following reasons:

- 1) The proposal is inconsistent with the Planning Policy Framework in relation to agricultural land and rural development, specifically Clauses 11.01-1S, 14.01-1S and 14.01-2S, which aim to manage development in rural areas to protect and enhance agriculture and avoid inappropriate rural residential development. Insufficient evidence has been provided to support generic statements that the dwelling is required for the continued operation of the vineyard.
- 2) The proposal is inconsistent with Local Policy in relation to agricultural land and rural development, specifically Clauses 21.02-1, 21.03-1, 21.06-1, 21.08-1 and 21.10-1, which build upon the Planning Policy Framework to protect land within the MOIA and ensure that new dwellings will assist in growing the agricultural enterprise. No evidence has been provided justifying that the proposed dwelling will support or grow the agricultural enterprise.

Mildura Rural City Council
Statutory Planning Department
Planning Delegation Report

- 3) The proposal is inconsistent with the objectives and decision guidelines of the Farming Zone, which seek to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture. In the absence of compelling evidence to demonstrate the dwelling is required for the continued operation and growth of the vineyard, the proposal is likely to undermine the purpose of the Farming Zone; being to encourage the retention of productive agricultural land and to prevent non-agricultural uses from affecting the use of land for agriculture.

**ROY COSTA PLANNING & DEVELOPMENT**

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

**Mildura Rural City Council
Advertised Plan Document**

Our Ref: 21-029
Your Ref: P21/097

11 May 2021

Ebony Cetinich
Planning Department
Mildura Rural City Council
PO Box 105
MILDURA 3502

Dear Ebony,

**PLANNING APPLICATION P21/097
DWELLING
747 ONTARIO AVENUE, MILDURA**

We refer to your letter dated 11 May 2021 in respect to the above planning application.

Please find attached an application to amend an application for a planning permit detailing Lot 2 TP 676528V for the proposed site.

In addition, also please find a site plan detailing Lot 2 TP 676528V.

We now seek Council to further process the application and issue the planning permit accordingly.

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

Yours sincerely,

ROY COSTA RPIA
ROY COSTA PLANNING & DEVELOPMENT

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



**RECEIVED:
11/05/2021**



Mildura Rural City Council Advertised Plan Document

Office Use Only

Application No:	Fee: \$
Date Lodged: / /	Receipt No:
Date Allocated: / /	Ward:
Allocated to:	Zone(s):
	Overlay(s):

Application to Amend an Application for a Planning Permit

Use this form to amend a planning permit application under section 50 or 57A of the *Planning and Environment Act 1987* where a decision has not yet been made by the Responsible Authority.

Privacy notice

All information collected as part of this permit application will be available for public inspection in accordance with Section 51 of the *Planning and Environment Act 1987*, unless you specifically request confidentiality. The information collected about you as part of the planning permit process will be made available at the council, should you wish to inspect it.

The land

1. Address of the land	Street No: 747	Street Name: ONTARIO AVENUE
	Lot No:	on Lodged Plan / Plan of Subdivision No.
	Suburb/Locality: MILDURA	Postcode:

The Application Number

2.	005.2021.00000097.001
----	-----------------------

The proposed amendment

3. Provide details of the amendment being applied for.

b. What does the amendment propose? Describe the changes proposed including any changes to the plans or to any other documents included with the application.	* CHANGE LAND DESCRIPTION TO LOT 2 TP 676528V TO CORRECT ERROR ON APPLICATION * AMEND SITE PLAN TO DETAIL LOT 2 TP 676528V ACCORDINGLY

RECEIVED:
11/05/2021

Mildura Rural City Council Advertised Plan Document

Supporting information (attachments – plans/drawings/reports)

4. List the documents you are attaching to support this amendment to application, including the title, plans, etc.

	Quantity	Document	Document date
a)	1	SITE PLAN	/ /
b)			/ /
c)			/ /
d)			/ /
e)			/ /
f)			/ /
g)			/ /
h)			/ /

Declaration

<p>5. This form must be signed</p> <p>Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.</p>	<p>I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the permit application.</p> <p>Name: <u>ROY COSTA SUMMITER & DEVELOPMENT</u></p> <p>I am the: (tick all that apply)</p> <p><input type="checkbox"/> Owner</p> <p><input checked="" type="checkbox"/> Applicant</p> <p><input type="checkbox"/> Contact</p> <p><input type="checkbox"/> Agent for the applicant or owner (provide details in the Agent section below if you are not the contact)</p> <p>Signature: <u>[Signature]</u></p> <p>Date: <u>11/5/21</u></p>
<p>Agent</p> <p>If you are an agent for the applicant or owner and not the contact as well, please provide your details.</p>	<p>Organisation (if applicable): <u></u></p> <p>Postal address: <u></u></p> <p>Postcode: <u></u></p>

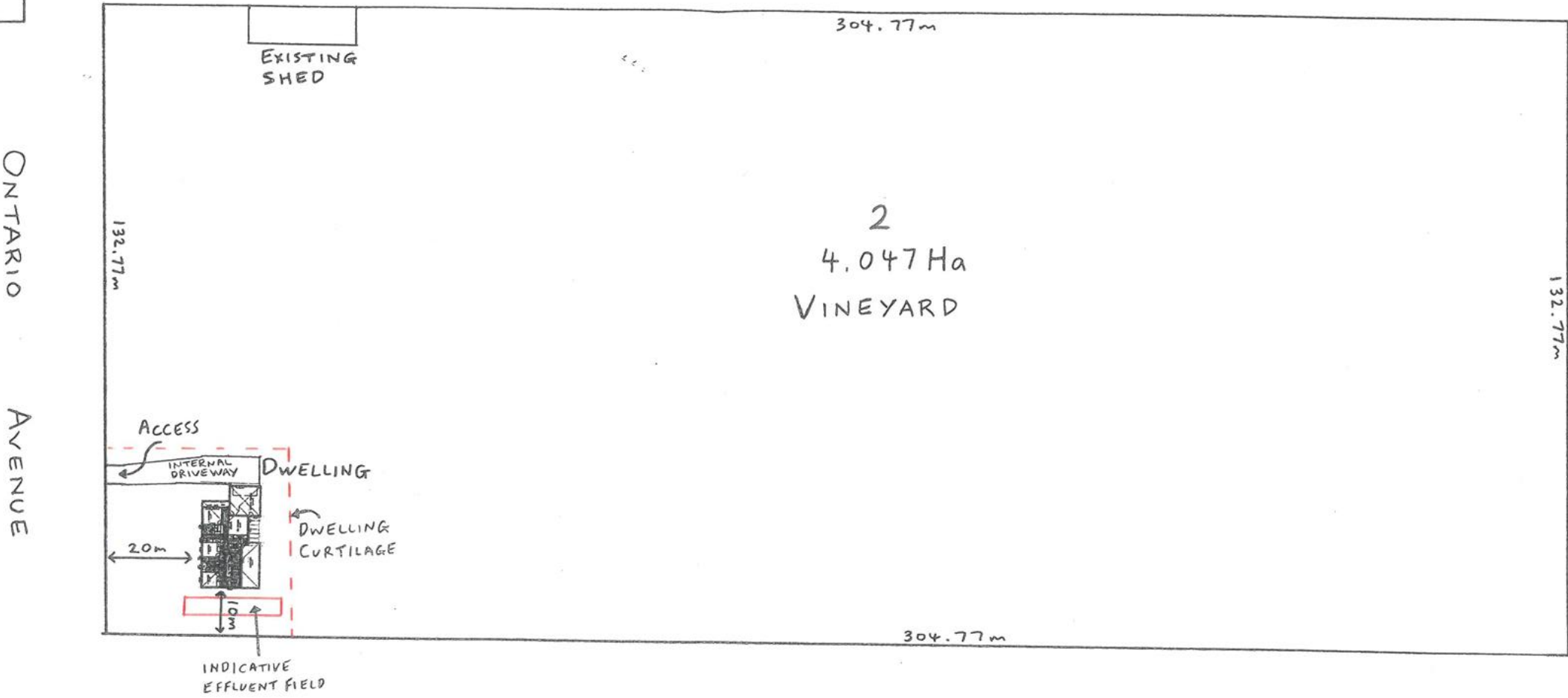
Lodgement

<p>Lodge the completed and signed form and all documents with:</p>	<p>Council Name: Mildura Rural City Council</p> <p>Council Address: 108-116 Madden Avenue, Mildura</p> <p>Council Address: PO Box 105, Mildura, Victoria, 3502</p> <p>Council Address: DX 50014 MILDURA</p> <p>For help or more information</p> <p>Telephone: 03 5018 8410</p> <p>Fax: 03 5021 1899</p> <p>Email: ds@mildura.vic.gov.au</p>
--	--

RECEIVED:
11/05/2021

DWELLING
Lot 2
TP 676528U
ONTARIO AVENUE
MILDURA

Mildura Rural City Council
Advertised Plan Document



AMENDED

SCALE
1:1000

RECEIVED:
11/05/2021

**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura

PO Box 2925 Mildura 3502

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

**Mildura Rural City Council
Advertised Plan Document**

Our Ref: 21-029
Your Ref: P21/097

4 May 2021

Ebony Cetinich
Planning Department
Mildura Rural City Council
PO Box 105
MILDURA 3502

Dear Ebony,

**PLANNING APPLICATION P21/097
DWELLING
747 ONTARIO AVENUE, MILDURA**

We refer to your letter dated 15 April 2021 requesting further information in respect to the above planning application.

We wish to advise the following:

- The subject site is Lot 1 and the plans are correct.
- Amended plans delineating the curtilage of the proposed dwelling and indicative effluent field and internal driveway is attached.
- Further justification for the dwelling is:
 - The purchaser seeks to reside on the property and redevelop new table grape production upon the site in stages.
 - His parents (family) own table grape properties within the immediate area for which he operates with his family.
 - By the new owner living on the property and in close proximity to his family properties, the properties can be operated in the most efficient and effective manner.
 - The purchaser is an integral part of the family table grape business; and the new owner being upon the property is important to the every day operating functions, in particular water management and harvesting of the production.
 - The purchaser is to take over the entire family table grape business, which includes the subject land and surrounding properties owned by the family.
 - The main aim of this proposal is to ensure the property is used for horticultural production until the land is rezoned in the future for urban development.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

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



Planning
Institute
Australia

**RECEIVED:
5/05/2021**

**Mildura Rural City Council
Advised Plan Document**

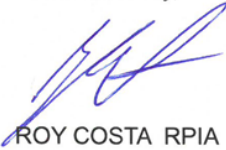
- This is supported by the VCAT Decision of Ghidinelli v Mildura RCC [2019] VCAT 839 (5 June 2019).

It should be noted that the same provisions apply, and this proposed dwelling is acceptable when considered in relation to the decision guidelines of the Farming Zone and the MOIA Incorporated Document.

We now request Council further process this application and issue the planning permit accordingly.

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

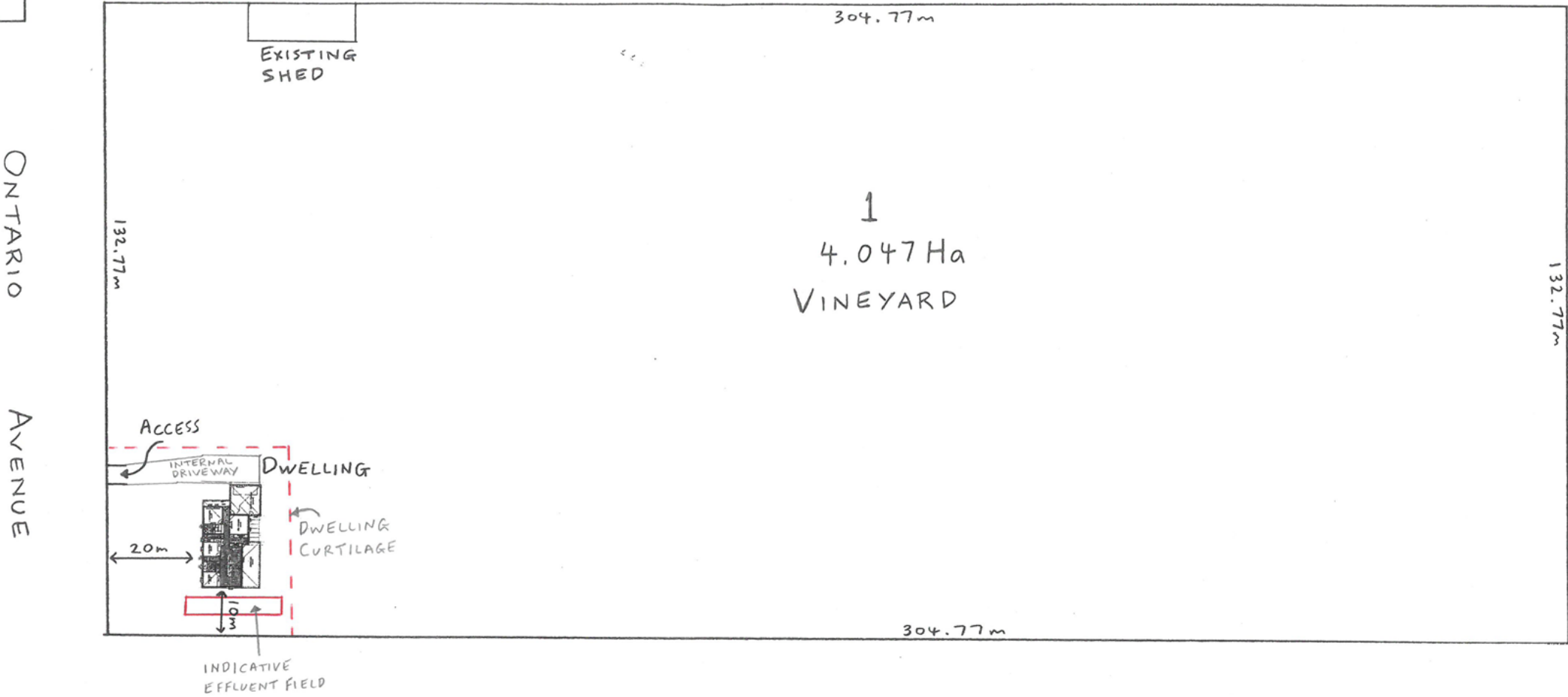
Yours sincerely,



ROY COSTA RPIA
ROY COSTA PLANNING & DEVELOPMENT

DWELLING
LOT 1
TP 676528U
ONTARIO AVENUE
MILDURA

Mildura Rural City Council
Advertised Plan Document



SCALE
1:1000

SUPERSEDED

RECEIVED:
5/05/2021



Planning Enquiries
Phone: 03 5018 8100
Web: <http://www.mildura.vic.gov.au>

Office Use Only

Application No.:

Application for Planning Permit

**Mildura Rural City Council
Advertised Plan Document**

Date Lodged: / /

Amount \$ 1288.50

Rec. No. 01713343

Date: 8/04/2021

Recd. by ncawood

If you need help to complete this form, read [How to Complete the Application for Planning Permit form](#).

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) are mandatory and must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

The Land

- ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 747	St. Name: ONTARIO AVENUE
Suburb/Locality: MILDURA		Postcode:

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

A Lot No.: 1 ☐ Lodged Plan ☒ Title Plan ☐ Plan of Subdivision No.: 676528V

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

- ② For what use, development or other matter do you require a permit? *

If you need help about the proposal, read:
[How to Complete the Application for Planning Permit Form](#)

USE & DEVELOPMENT
OF A DWELLING

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

- ③ Estimated cost of development for which the permit is required *

Cost \$ 380,000

You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

- ④ Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

HORTICULTURE & SHED

Provide a plan of the existing conditions. Photos are also helpful.

**RECEIVED:
06/04/21**

Title Information

⑤ Encumbrances on title *

If you need help about the title, read:
How to Complete the Application for Planning Permit Form

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☐ No
- ☒ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

⑥ Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Please provide at least one contact phone number *

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title: Mr First Name: Roy Surname: Costa

Organisation (if applicable): Roy Costa Planing & Development

Postal Address:

Unit No.: St. No.: St. Name: PO Box 2925

Suburb/Locality: Mildura State: VIC Postcode: 3502

Contact person's details *

Same as applicant (if so, go to 'contact information') ☒

Name:

Title: Mr First Name: Roy Surname: Costa

Organisation (if applicable): Roy Costa Planing & Development

Postal Address:

Unit No.: St. No.: St. Name: PO Box 2925

Suburb/Locality: Mildura State: VIC Postcode: 3502

Contact information

Business Phone: 50210031 Email:

Mobile Phone: Fax:

Name:

Title: First Name: [REDACTED] Surname: [REDACTED]

Organisation (if applicable):

Postal Address:

Unit No.: St. No.: St. Name: c/- PO Box 665M

Suburb/Locality: MILDURA SOUTH State: VIC Postcode: 3501

Owner's Signature (Optional): Date: day / month / year

Declaration

⑦ This form must be signed by the applicant *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: [Signature] Date: 16/3/21 day / month / year

Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit Form](#). General information about the planning process is available at <http://www.dpcd.vic.gov.au/planning>

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- 8 Has there been a pre-application meeting with a Council planning officer?

☒ No

☐ Yes

If 'yes', with whom?:

Date:


day / month / year


Checklist

- 9 Have you:

☒ Filled in the form completely?

☒ Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

☒ A Full, current copy of title information for each individual parcel of land, forming the subject site.

☒ A plan of the existing conditions.

☒ Plans showing the layout and details of the proposal.

☒ Any information required by the planning scheme, requested by council or outlined in a council planning permit check list.

☐ If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

☒ Completed the relevant Council planning permit checklist?

☒ Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Mildura Rural City Council
PO Box 105 Mildura VIC 3502

Contact information:

Telephone: 61 03 50188100

Fax: 61 03 50211899

Email: mrcc@mildura.vic.gov.au

TTY: 50188175

DX: 50014

Mildura Rural City Council Advertised Plan Document

Aboriginal Heritage Act 2006

Cultural Heritage Management Plan

- Changes to the Aboriginal Heritage Act 2006 were introduced on 28 May 2007
- The purpose of the Act is to provide for the protection of Aboriginal Cultural Heritage in Victoria.
- You must find out if a CHMP is required under the Aboriginal Heritage Act.
- Information in relation to the Aboriginal Heritage Act and requirements can be found at www1.dvc.vic.gov.au/00a/heritage

Information to be submitted with an application

The following information must be provided when lodging a planning application.

It is the legal responsibility of the applicant to determine if a Cultural Heritage Management Plan is required.

Please advise which is applicable to your planning application:

A Cultural Heritage Management Plan is **NOT** required:

☒

An **approved** Cultural Heritage Management Plan is attached:

☐

A Cultural Heritage Management Plan is required and has **NOT** been approved. Refer note 1.

☐

Note 1: Under Section 52 (1) of the Aboriginal Heritage Act 2006 the responsible authority must not grant a planning permit without an approved CHMP.

Under Section 52 (4) of the Aboriginal Heritage Act 2006 until the responsible authority has received a copy of the approved CHMP the time required for the responsible authority to make a decision is deemed **NOT** to have commenced.

This form must be signed

Remember it is against the law to provide false or misleading information, which could result in the planning permit being invalid.

I declare that the above information is true and correct and the owner (if not myself) has been advised.

Name: Roy Costa Planning & Development

I am the: (tick all that apply)

☐

Owner

☒

Applicant

Signature:



Date:

16/3/21

Council will not accept your application if this form is not completed.



**RECEIVED:
06/04/21**



Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, LANDATA REGD TM System, Victorian Land Registry Services Pty Ltd, ABN 96 221 056 356 or trusted for the Victorian Land Registry Services Trust ABN 83 205 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

**Mildura Rural City Council
Advised Plan Document**

**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 02372 FOLIO 286

Security no : 124088660127A
Produced 15/03/2021 08:52 AM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 676528U (formerly known as Lots 15 and 16 Block E
Section 42 on Plan of Subdivision 002653).
PARENT TITLE Volume 02134 Folio 692
Created by instrument K095669 22/09/1982

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors



ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP676528U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

**RECEIVED:
06/04/21**

Delivered by LANDATA®, timestamp 15/03/2021 08:53 Page 1 of 1

**Mildura Rural City Council
Advised Plan Document**

TITLE PLAN		EDITION 1	TP 876528U								
Location of Land Parish: MILDURA Township: Section: Crown Allotment: Crown Portion: Last Plan Reference: LP2653 Derived From: VOL 2372 FOL 286 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN									
Description of Land / Easement Information ENCUMBRANCES REFERRED TO <u>THE RESERVATIONS AND CONDITIONS contained in Transfer 307786 -</u>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED 02/11/2000 VERIFIED: PC									
<table border="1"> <thead> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> </thead> <tbody> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">PARCEL 1 = LOT 15 SECTION 42 BLOCK E ON LP2653</td> </tr> <tr> <td colspan="2">PARCEL 2 = LOT 16 SECTION 42 BLOCK E ON LP2653</td> </tr> </tbody> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = LOT 15 SECTION 42 BLOCK E ON LP2653		PARCEL 2 = LOT 16 SECTION 42 BLOCK E ON LP2653	
TABLE OF PARCEL IDENTIFIERS											
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962											
PARCEL 1 = LOT 15 SECTION 42 BLOCK E ON LP2653											
PARCEL 2 = LOT 16 SECTION 42 BLOCK E ON LP2653											
LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets									

**RECEIVED:
06/04/21**



Mildura Rural City Council Advertised Plan Document

Our Ref: 21-029
Your Ref:

March 16, 2021

Andrew Millen
Manager Development Services
Mildura Rural City Council
PO Box 105
MILDURA 3502

Dear Andrew,

PLANNING APPLICATION DWELLING LOT 1 TP 676528U ONTARIO AVENUE, MILDURA

Enclosed, please find a planning application lodged on behalf of the nephew of the owner of the land, proposing the construction of a new dwelling upon the above property.

The nephew is seeking to purchase the property.

The proposed dwelling is for the purchaser of the land to reside on the land and operate the vineyard production upon the site.

At present the owner lives with his parents and is now seeking to build his own dwelling upon his vineyard property, which he seeks to purchase and continue with the operation of the Table Grape production.

The site is 4.047ha in area, with the subject land currently containing a vineyard.

The dwelling is to be setback 20 metres from the front boundary and 10 metres from the closest side boundary.

The dwelling is to be of brick-veneer construction.

A double garage is to be constructed as part of the dwelling for parking of vehicles.

The dwelling is to be connected to a septic tank system in accordance with the Health Act and Environment Protection Authority Requirements, to the satisfaction of the Responsible Authority.

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



**RECEIVED:
06/04/21**

MILDURA PLANNING SCHEME**Mildura Rural City Council
Advertised Plan Document**

In accordance with the Mildura Planning Scheme, the subject land is zoned Farming Zone (FZ).

In addition, the subject land is located within Design & Development Overlay 8 (DDO8), Development Contributions Plan Overlays 1 & 2 (DCPO1 & DCPO2) and Special Controls Overlay 1 (SCO1).

All buildings are to be located further than 5 metres from the side and rear boundaries.

The proposed buildings require a permit in accordance with the Farming Zone provisions.

The proposal complies with the Mildura Planning Scheme as detailed below.

The subject land is located within the Mildura Older Irrigation Area; thus, is subject to the Mildura Older Irrigation Area Incorporated Document, May 2020.

The MIOA document specifies requirements to be met for a planning application for a dwelling.

This proposal meets the proposed relevant provisions by way of the following:

1. The Dwelling meets the requirements of Clause 35.07-2 and Clause 35.07-6 of the Mildura Planning Scheme by:
 - Access to the dwelling will be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
 - The dwelling will be connected to a septic tank system in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
 - Town water is available; thus the dwelling will be connected to the town water supply within the area.
 - The dwelling will be connected to a reticulated electricity supply.
 - In relation to Clause 35.07-6, it is discussed further in this submission.
2. The dwelling location is not subject to inundation.
3. A landscape buffer is not required for the proposed dwelling as the dwelling is associated with the existing vineyard upon the land.
4. The dwelling is to be setback further than 5 metres from any boundary.
5. The proposed dwelling will not compromise the future urban development of the land; as the dwelling is to be located at the eastern corner of the property, thus allowing the remainder of the land adequate for a road network to be established in the future for the urban development of the land.
6. The dwelling is to be located close to the neighbouring property boundary, thus longer term road access and servicing connections will not be compromised.

- Mildura Rural City Council
Advertised Plan Document**
7. The dwelling will not compromise the continuation of the existing horticultural use of the land as the dwelling is for the new owner to build his house on the land and operate the vineyard in the most efficient and effective manner.
 8. The dwelling will not affect the on-going use of adjoining land.
 9. The proposed dwelling is not seen to compromise the ability to achieve a preferred urban design outcome, as the dwelling is to be of a high standard consistent with the surrounding area.
 10. The dwelling is located within the Mildura South Growth Area on Map 2 of the MOIA document.
 11. The lot is not encumbered by a Section 173 Agreement preventing any further dwellings.
 12. The lot was not created via a consolidation of lots which would otherwise have increased the opportunity for a dwelling.
 13. The dwelling is not located within the Mildura South By-pass Corridor.

STATE PLANNING POLICY FRAMEWORK

Clause 14.01-1S PROTECTION OF AGRICULTURAL LAND

Clause 14.01-2S SUSTAINABLE AGRICULTURAL LAND USE

Clause 14.01-2R AGRICULTURAL PRODUCTIVITY – LODDON MALLEE NORTH

The land will remain planted to vines and used for horticultural purposes.

The dwelling is to be used for the new owner who will operate the vineyard on this land; thus the land will remain in production and given the new owner will be living on the land will be able to operate the vineyard in the most efficient and effective manner; which in turn will protect the horticultural land for continued production in the future.

The location of the dwelling is most suitable, as such will not affect the infrastructure associated with the vineyard production.

The location of the dwelling will also not affect the surrounding properties.

The proposed dwelling reflects the characteristics of the surrounding area.

This is consistent with the similar size dwellings existing within the area.

LOCAL PLANNING POLICY FRAMEWORK**Mildura Rural City Council
Advertised Plan Document****Clause 21.02-1 ECONOMIC DEVELOPMENT****Clause 21.03-1 ECONOMIC DEVELOPMENT****Clause 21.06-1 PROTECTION OF RURAL LAND****Clause 21.08-1 AGICULTURE**

Such use does not lead to urban encroachment, as only properties meeting the requirements of the Mildura Older Irrigation Area Incorporated Document, May 2020 can apply for a planning permit.

Therefore, a proliferation of dwellings will not be established due to this proposal.

The dwelling proposed will not inhibit rural activities in the area in any way.

The allotment is of sufficient size to be used for horticultural purposes and therefore the construction of a dwelling will not affect the horticultural economy of the district.

In fact, as the dwelling is to be used for the new owner who will operate the vineyard on this land; the land will remain in production and given the owner will be living on the land will be able to operate the vineyard in the most efficient and effective manner; which in turn will protect the horticultural land for continued production in the future.

The dwelling is for persons to continue within the horticultural industry; which is very important to the district's horticultural production which enables the next generation to continue within the industry that is important in supporting the local economy.

The proposed dwelling will be intrinsically linked to the horticultural production upon the site.

FARMING ZONE PROVISIONS**Clause 35.07 PURPOSE**

The dwelling meets the SPPF, LPPF, MSS and LPP's as stated above.

The dwelling will not affect the use of the surrounding land or the actual property for horticultural purposes.

The intentions of these provisions are to protect valuable agricultural land; and as previously detailed the proposed dwelling will support the continuation of the horticultural production upon the site.

**Mildura Rural City Council
Advertised Plan Document**

Clause 35.07-1

TABLE OF USES (Refer Mildura Planning Scheme)

This details that the use is a permit-required use.

Clause 35.07-2

USE OF LAND FOR A DWELLING

Access to the site will be provided to the satisfaction of the Responsible Authority.

All necessary services are available for the construction of the dwelling.

Clause 35.07-4

BUILDINGS AND WORKS

The dwelling is to be setback 10 metres from the closest boundary.

The setbacks will in no way adversely affect the amenity of the area.

Clause 35.07-5

APPLICATION REQUIREMENTS FOR DWELLINGS

The dwelling is to be located on the land for persons to reside on the land and operate the vineyard holding in the most efficient and effective way.

The dwelling is required for the vineyard to continue production as persons can reside on the land; thus reduce overhead costings such as residing in town and having to travel to the property; and in the case of equipment failure, in particular the watering infrastructure wasting large amounts of water and expense.

Clause 35.07-6

DECISION GUIDELINES

The proposal meets the SPPF, LPPF, MSS and LPP's as detailed above.

No Regional Catchment Strategy applies to the land.

The allotment is valuable agricultural land as previously detailed.

The dwelling will not adversely affect the surrounding properties.

No flora and fauna issues exist to the site.

No waterways exist near the site that would be affected by the proposed dwelling.

The dwelling will not have negative impacts on services within the area; with adequate services existing for the dwelling.

No traffic management measures are required for this proposal.

Page 5

**RECEIVED:
06/04/21**

The proposal will not lead to a proliferation of dwellings in the area as numerous dwellings already exist.

Furthermore, this Mildura South Growth Area was considered as part of the Mildura Older Irrigation Area Incorporated Document as an area where planning applications can be lodged with Council for consideration.

**Mildura Rural City Council
Advertised Plan Document**

OVERLAY PROVISIONS

The land is located within Design & Development Overlay 8 (DDO8).

The proposed dwelling will not affect the operations of the Mildura Airport in any way.

The land is also located within Development Contributions Plan Overlay 1 & 2 (DCPO1 & DCPO2).

We consent to a condition upon the permit in respect to these overlays.

The subject property is also located within Special Controls Overlay 1 (SCO1).

The proposal meets SCO1 as detailed throughout the submission as such overlay relates to the MOIA Incorporated Document May 2020.

CONCLUSION

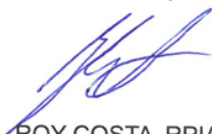
In summary, the proposed development complies with all relevant provisions of the Mildura Planning Scheme, in particular, SPPF, LPPF, MSS & LPP's.

The proposed dwelling also meets the requirements of the Mildura Older Irrigation Area Incorporated Document May 2020.

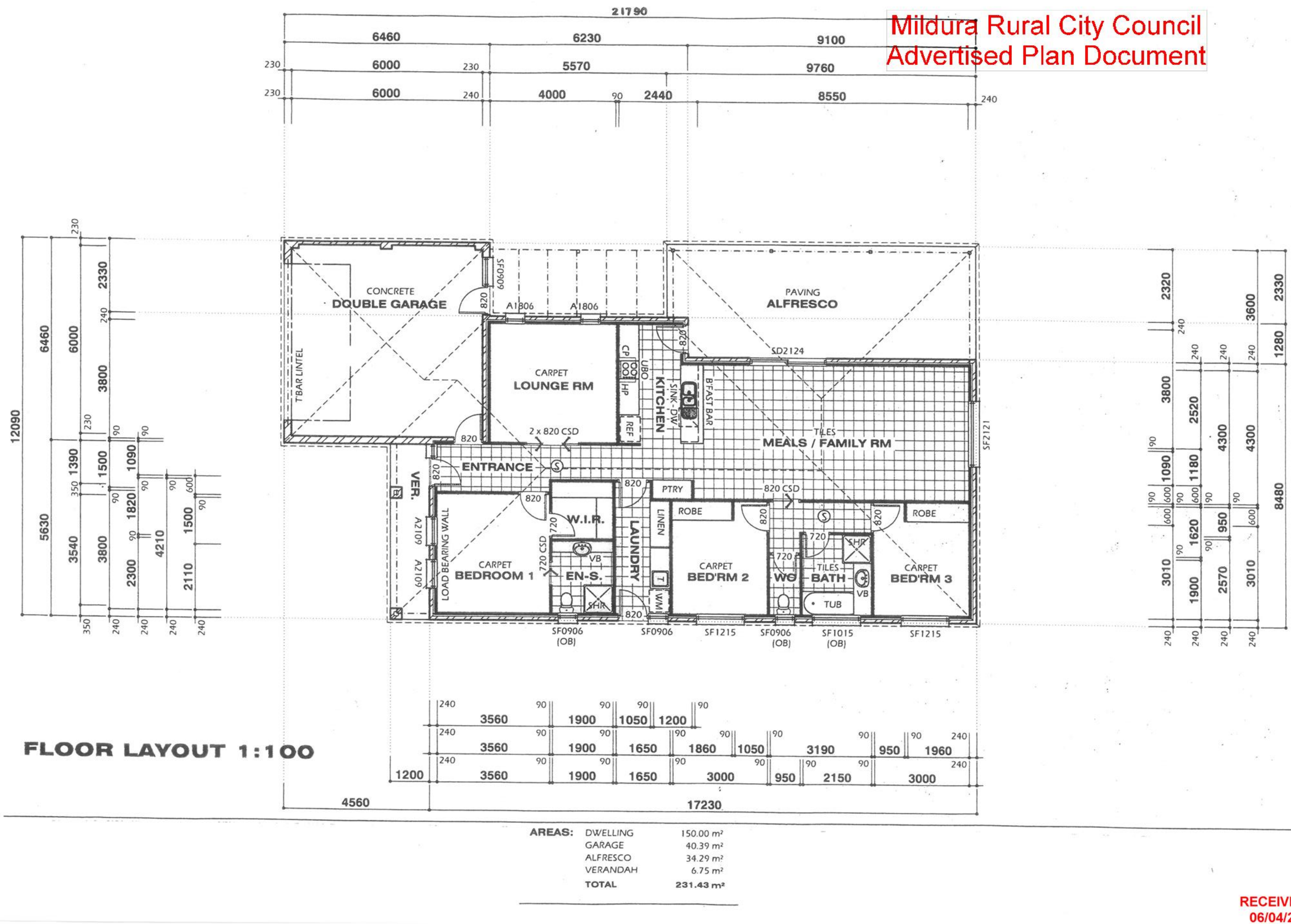
Given all the above-mentioned, we now request Council support this application as proposed.

Should you have any queries or require further information in respect to this application, please do not hesitate to contact Roy Costa from this office.

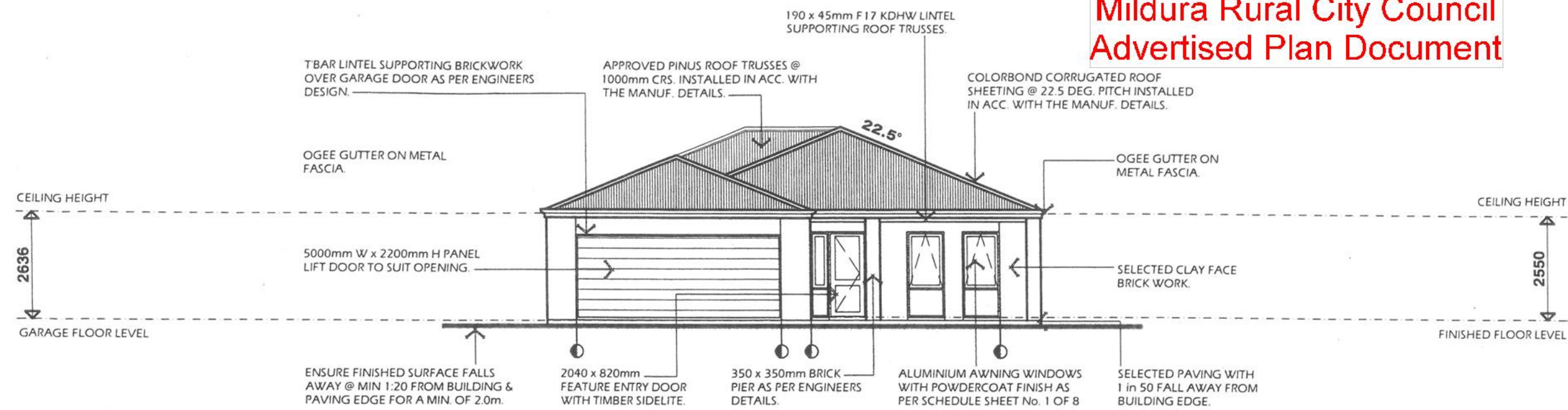
Yours Sincerely,



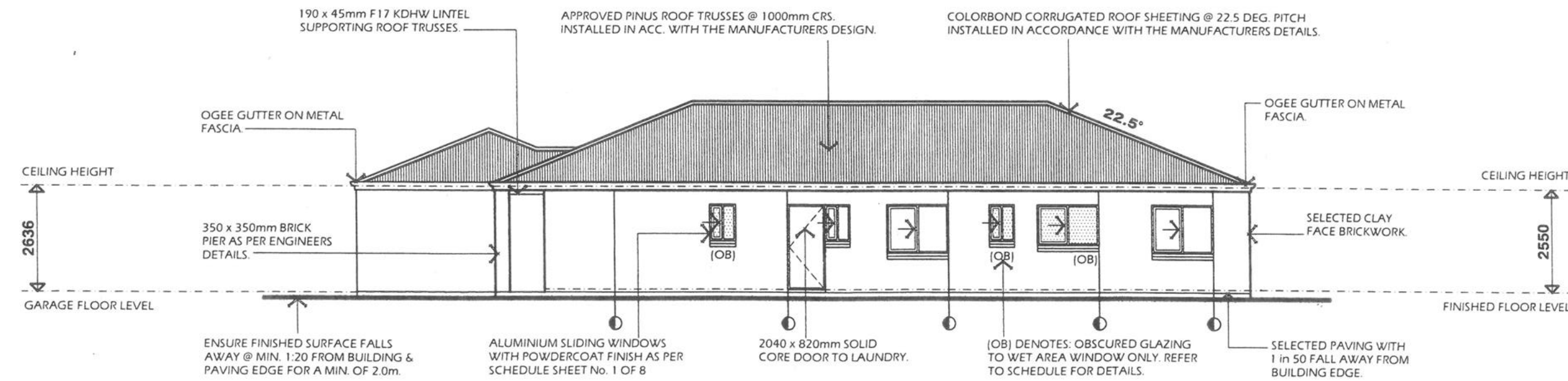
ROY COSTA RPIA
ROY COSTA PLANNING & DEVELOPMENT



Mildura Rural City Council
Advertised Plan Document



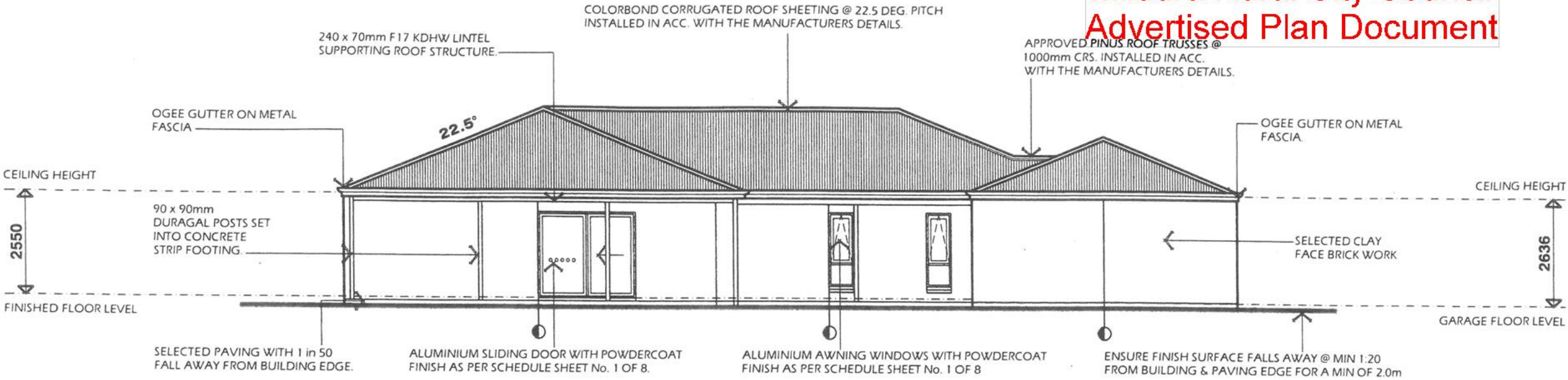
ELEVATION - 1



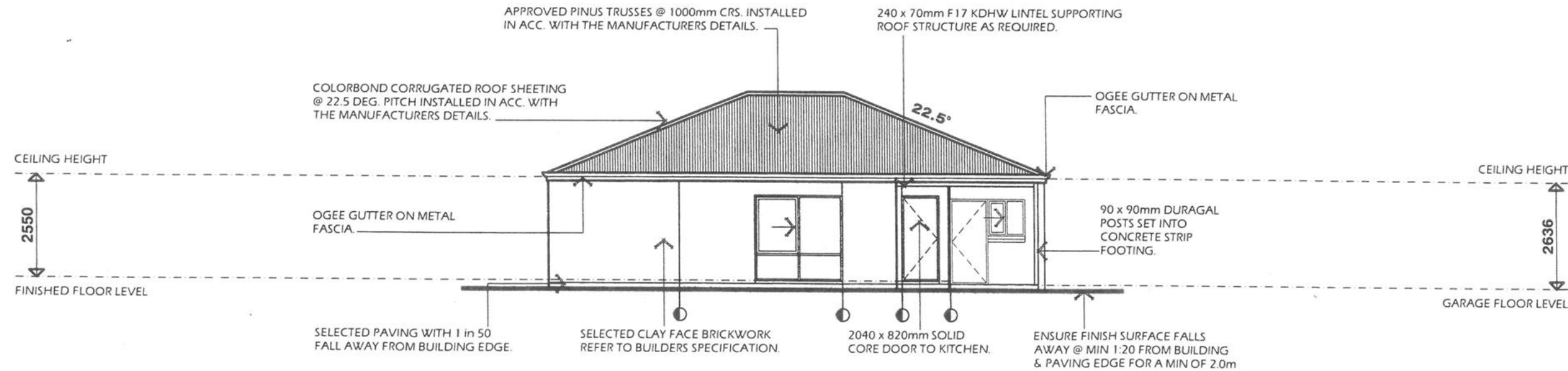
ELEVATION - 2

RECEIVED:
06/04/21

Mildura Rural City Council
Advertised Plan Document



ELEVATION - 3



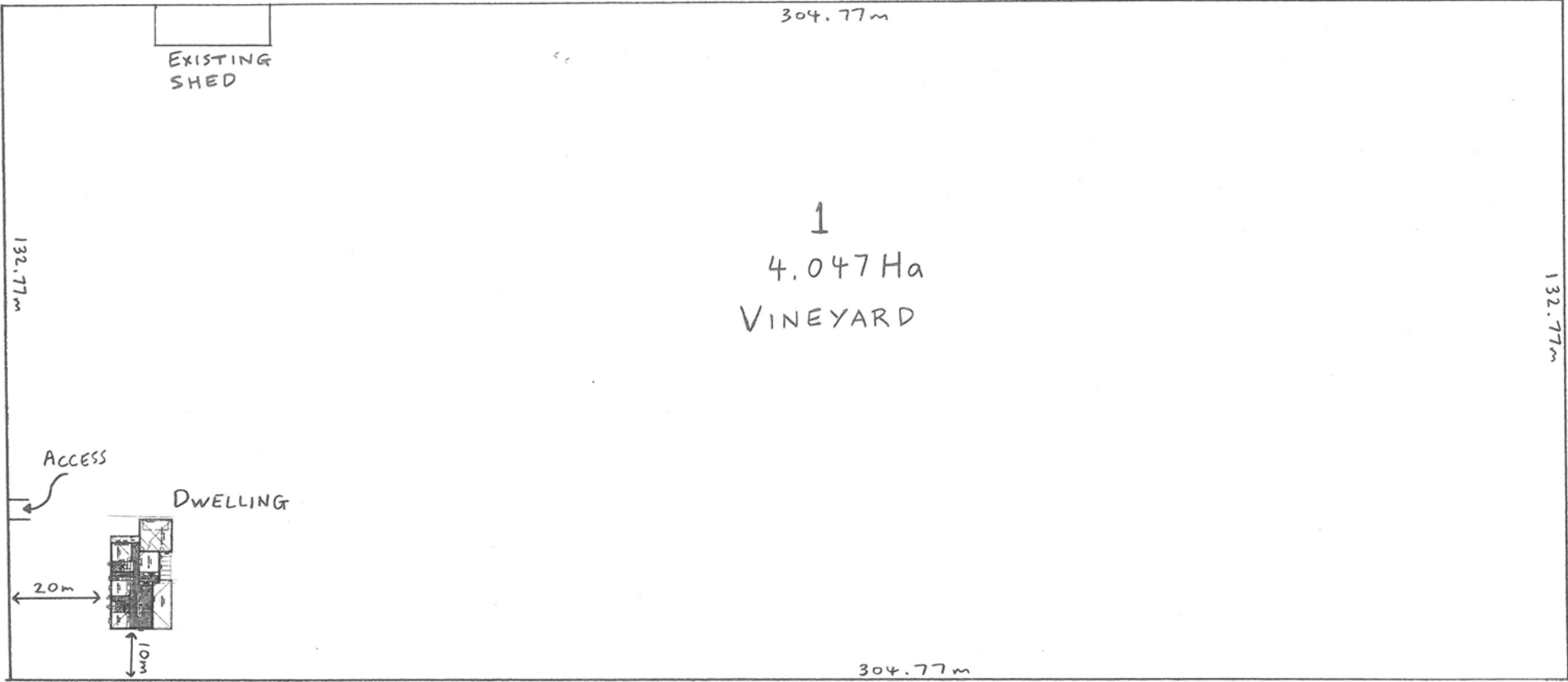
ELEVATION - 4

RECEIVED:
06/04/21

DWELLING
LOT 1
TP 676528U
ONTARIO AVENUE
MILDURA

Mildura Rural City Council
Advertised Plan Document

ONTARIO AVENUE



SUPERSEDED

RECEIVED:
06/04/21



15 URGENT BUSINESS

16 COMMUNITY QUESTIONS

17 CONFIDENTIAL BUSINESS

Recommendation

That Council resolve to move into confidential business to deal with the following matters as pursuant to section 66(2) of the *Local Government Act 2020*:

17.1 TENDER AWARD - CARD FUEL AND ASSOCIATED PRODUCTS - STATE PURCHASING CONTRACT C370

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

17.2 TENDER AWARD - PROVISION FOR BANKING AND BILL PAYMENT SERVICES - CONTRACT 2021/55

Section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that –

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

17.3 RELEASE OF CONFIDENTIAL COUNCIL REPORTS

Section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice Council should Council wish to keep any of the information in confidential.

18 CLOSURE