



Mildura Rural City Council
Hattah Land Use Plan

April 2021

Executive summary

This Land Use Plan sets out the vision for Hattah and seeks to guide the future growth and development of Hattah. Our vision is for Hattah to *retain local township qualities, while promoting environmental values, responding to the surrounding national parks, providing a safe quality of life for residents and great experience and services for visitors.*

Hattah is a small town consisting of approximately 30 parcels with 12 private dwellings and a Roadhouse. While Hattah is small, it is central to the growing tourism of the region, popular due to the number of national parks on Hattah's doorstep.

The focus of this Land Use Plan is to deliver a shared vision for Hattah. The Land Use Plan seeks to remove the existing planning scheme zoning anomaly and to rezone the land parcels to an appropriate zoning for anticipated future growth and development, while being respectful to the existing landscape and surrounding environs. It strikes a reasonable balance between maintaining the environmental values and allowing limited development on the land.

The Land Use Plan also reviews the application of the Bushfire Management Overlay (BMO) to Hattah, requiring future developments to address the requirements of the BMO.

While making recommendations regarding the planning scheme zones and overlays, this Land Use Plan also makes a number of recommendations for consideration for the township, including future studies and opportunities created by potential surplus Crown land.

GHD has been engaged by Mildura Rural City Council (MRCC) to prepare this Land Use Plan, to ensure it reflects the needs and aspirations of the local community and key stakeholders.

This report is subject to, and must be read in conjunction with, the limitations set out in section 1.2 and the assumptions and qualifications contained throughout the Report.

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1. Introduction

1.1 Project purpose

The purpose of this project is to develop an appropriate vision for the future of the Hattah Township (Hattah), which reinforces the existing land uses both in Hattah and the broader area.

This project reviews the existing context, and highlights issues and opportunities to be considered for the future vision of Hattah.

MRCC has commissioned GHD to prepare a Land Use Plan for Hattah and in doing so, to review the application of the Public Conservation and Resource Zone (PCRZ), identify the most appropriate zoning to reflect current uses, and review the application of the BMO to Hattah.

The key objectives of this project are to:

- Undertake the necessary background research to ensure all relevant issues are identified
- Identify the strategic and visual importance of Hattah
- Confirm the strategic basis for the land uses within Hattah
- Identify the long-term preferred land use vision and development future for the land
- Identify realistic development options for the land and an appropriate zonings and overlays regime to realise its attainment
- Establish sound planning and design and development principles and planning responses to guide future development and ensure that future use and development of the land occurs in a manner that reflects the preferred land use vision
- Identify and detail any consequential changes which need to be made to the Mildura Planning Scheme
- Consolidate recommendations in an appropriate land use plan or like document, for each of the study areas.

1.2 Limitations

This report has been prepared by GHD for MRCC and may only be used and relied on by MRCC for the purpose agreed between GHD and the MRCC as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than MRCC arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared. More specifically, this report does not take into account the effects, implications and consequences of or responses to COVID-19, which is a highly dynamic situation and rapidly changing.

GHD has prepared this report on the basis of information provided by MRCC and others who provided information to GHD (including Government authorities)], which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

1.3 Background

Hattah consists of approximately 30 parcels with 12 private dwellings and a Roadhouse. The entire township, including private land holdings, was rezoned from Rural Zone to PCRZ in 1999 at the introduction of the 'new format Planning Schemes' and has not changed since.

The new format Mildura Planning Scheme (the Planning Scheme) was prepared and exhibited in 1997, considered by Panel in March 1999, and approved by the Minister for Planning on 21 October 1999. At this time, the entire Hattah Township was rezoned from Rural Zone to PCRZ. The Planning Scheme has since been subject to a number of reviews.

The PCRZ is a Public Land Zone within the Planning Scheme and is not intended to cover privately owned land. It is restrictive in nature with most uses prohibited, unless the use is conducted by or on behalf of a public land manager or Parks Victoria, or specified in an Incorporated Plan in a schedule to the zone. There are no exemptions listed at Clause 62.01 or 62.02 applying to the land. Therefore, a permit is required for almost all land use and development.

The PCRZ is consistent with the surrounding conservation land, but its application to privately owned land within Hattah indicates a zoning anomaly with the Planning Scheme given that public land zones are not intended to be applied to privately owned land. Further, the PCRZ is also applied to rail land within and adjacent to Hattah which also indicates a zoning anomaly. As a result, privately owned land in Hattah is being used and developed in a manner inconsistent with the purpose of the PCRZ.

The purpose of the PCRZ, as defined in Clause 36.03 of the Planning Scheme, is:

- *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes*
- *To provide for appropriate resource based uses.*

The BMO was introduced to the Mildura Planning Scheme in 2011, with updated mapping completed in 2017. Hattah and all of the immediately surrounding land is contained within the BMO.

During the recent Planning Scheme Review undertaken by Ethos Urban in 2018-2019, one submission was received from the Department of Environment, Water, Land and Planning (DELWP), highlighting a need to reconsider the PCRZ zoning. The Ethos Urban report recommended that:

- *Council should investigate the zoning and land ownership details of properties in this area to determine whether the PCRZ has been inappropriately applied, and if so, determine what the appropriate zone is for this area.*

Accordingly, Council engaged GHD to review the current zoning controls that apply to Hattah.

2. Background

2.1 Project Area

Hattah is located approximately 35 km north of the Township of Ouyen on the Calder Highway. The project area includes the land within the cadastral boundary of the Township and the interfacing land parcels, as shown in Figure 2-1. Hattah is surrounded by the Hattah-Kulkyne National Park, Murray-Sunset National Park and Hattah State Forest.

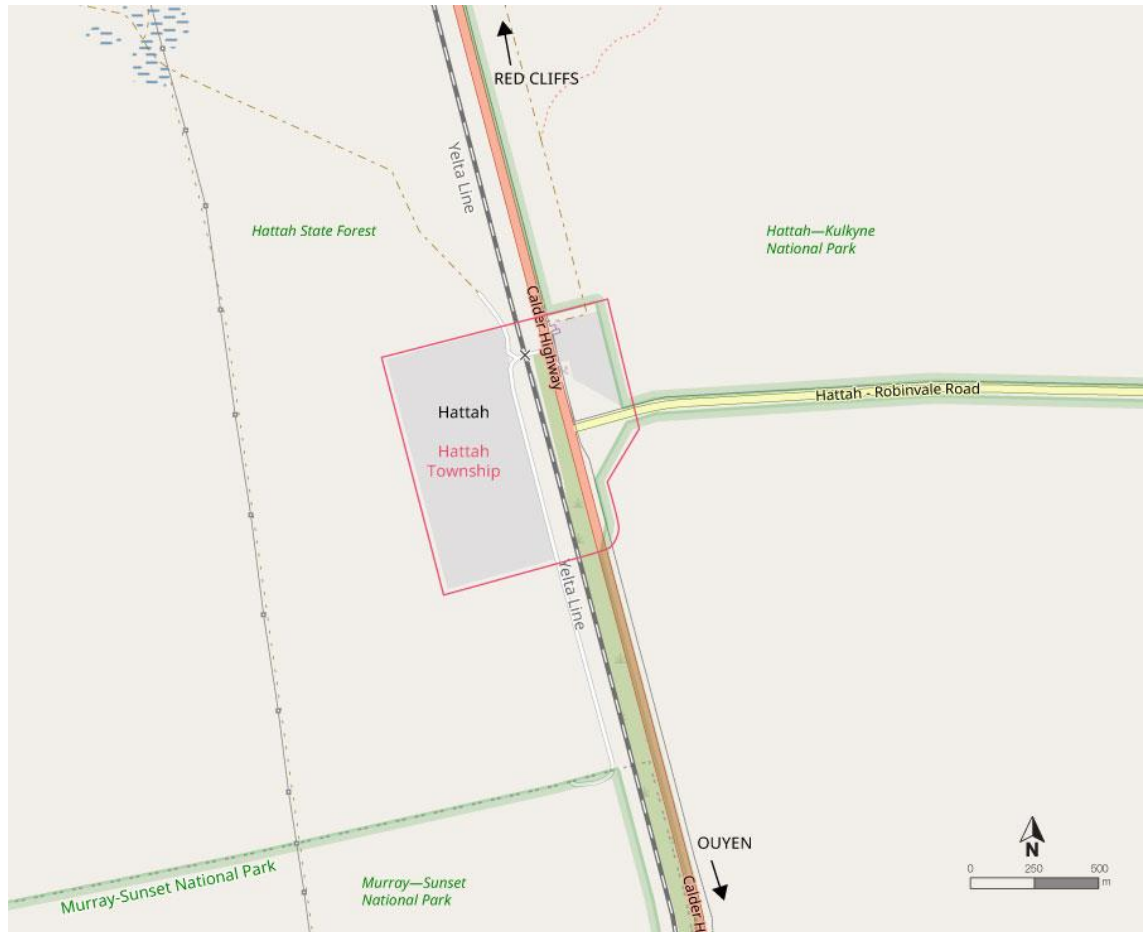


Figure 2-1 Project Area Map – Hattah

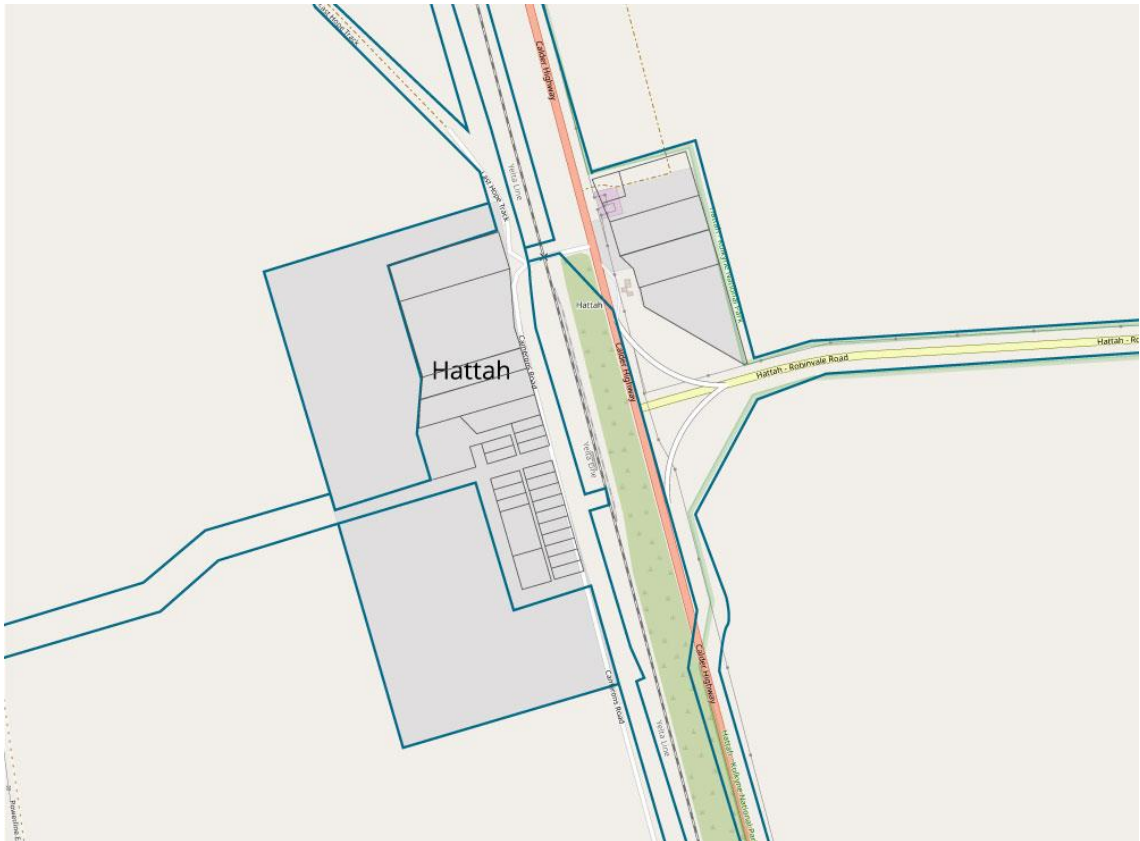


Figure 2-2 Detail of land parcels

2.2 Context

2.2.1 Environment

Land in the region is characterised by infertile dunefields associated with the large national parks and low lying fertile alluvial soils adjacent to the Murray River. The regions inland location makes it the hottest and driest in Victoria.¹

2.2.2 Historic Context

The Traditional Owners of the land within the northern Mallee region are the Latji Latji, Nyeri Nyeri and Ngintait (Nintay) people, who are represented by the First People of the Millewa-Mallee Aboriginal Corporation.²

European settlers initially arrived in the 1840's, with a permanent residential population appearing in the 1850's. The town of Wentworth on the Murray River was established in 1860 and was known as one of the busiest and largest inland ports. Mildura was established in 1887 as an irrigation town, creating a horticultural hub in North-West Victoria.

2.2.3 Regional Context

The MRCC region is in the north-west corner of Victoria, strategically located between several major cities, including Adelaide to the west, Melbourne to the south-east and Broken Hill to the north, as shown in Figure 2-3.

¹ RDV, Victoria Loddon Mallee Region, 2018

² Parks Victoria, Mallee Parks Landscape Conservation Action Plan 2019–2024

With a population of 53,878 people³ it is the largest regional municipality in Victoria, covering 22,000 square kilometres.

The Sunraysia and broader Loddon Mallee region is home to a number of major settlements and townships, with Mildura being the largest and most prominent. Mildura is not only the principal service centre in the area but also in northern Victoria, possessing the highest concentration and most diverse range of retail, health, education and Government services⁴.

Transport

The MRCC region is well connected by road to other major cities, via the Sturt, Silver City and Calder Highways. There are no passenger trains to the area, however V/Line coaches connect the area to surrounding regional centres of Ballarat, Bendigo and Swan Hill. Mildura Airport is located south of Mildura's CBD and is the busiest regional airport in Victoria (after Avalon), providing daily commercial return services to Melbourne and regular services to Adelaide, Broken Hill and Sydney⁵.

Parks

The MRCC region hosts approximately 40% of the total area of the Victorian Parks system, including a number of significant national and state parks. The major parks include the Hattah-Kulkyne National Park, Murray-Sunset National Park, Wyperfield National Park, Big Desert Wilderness Park and the Murray-Kulkyne Park. All these parks are the subject of an overall management plan and contain highly significant landscape, flora, fauna and cultural values, representing the least disturbed ecosystems in Australia.

Across the border with NSW is the Mallee Cliffs National Park, located approximately 20 kilometres from Red Cliffs.

Tourism

These parks offer tourists a variety of experiences to enjoy such as walking, canoeing, camping, scenic drives, birdwatching, mountain biking and fishing.

In addition, the region's tourism is driven by the diverse offering of fresh local produce, wineries and the Murray River which forms the northern border of the municipality.

Mildura Tourism is the region's body for management of the tourism industry. It has established a three year strategic tourism plan (2015-2017) to promote the Mildura region domestically and internationally as a premier holiday destination. The strategy aims to further establish a wider community and stakeholder understanding of tourism as the prominent driver for the region's economic, social and environmental growth.⁶

In 2017, Mildura Tourism and the Mildura Development Corporation bodies combined to become one entity. The new board was established to drive complimentary tourism and economic growth initiatives, more effectively for the region. It also aims to strengthen ties with neighbouring municipalities to adopt a more regional approach⁷.

Tourism has and continues to be a driver for Mildura and the broader region, including Hattah.

³ ABS, Mildura Community Profile, 2016

⁴ RDV; Mildura City Economic Profile 2016, p.12

⁵ RDV; Mildura City Economic Profile 2016, p.44

⁶ Mildura Tourism, Mildura Tourism Strategic Plan 2015-2017

⁷ Mildura Rural City Council, Mildura CBD Plan Background Report 2018

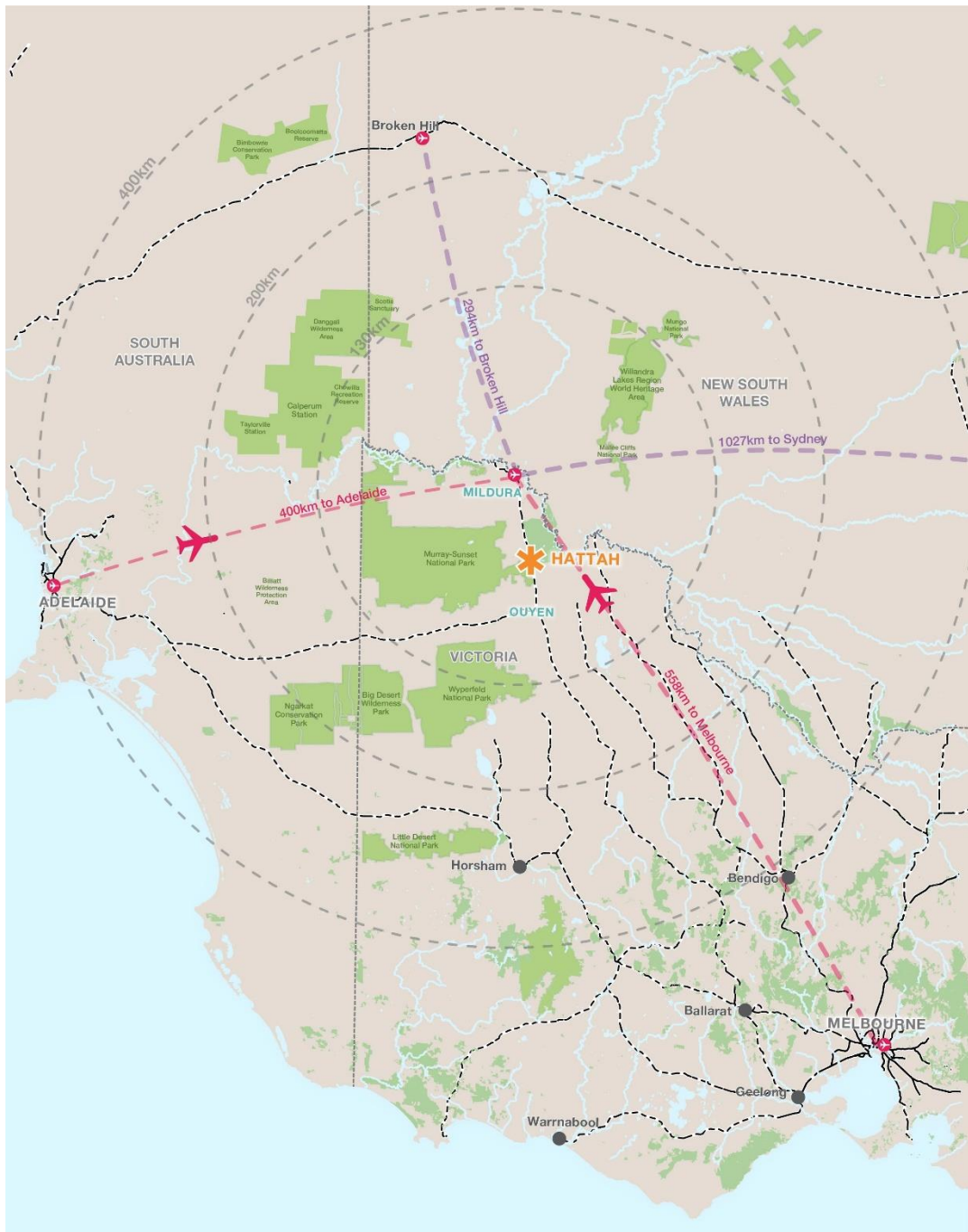


Figure 2-3 Regional Context Map⁸

2.2.4 Local Context – Hattah

Whilst Hattah is a small township, it is central to the growing tourism of the region, popular due to the number of national parks on Hattah’s doorstep. To the east of Hattah is the Hattah-Kulkyne National Park, to the north-west is the Hattah State Forest and the Glencoe Station airstrip, and to the south-west is the Murray-Sunset National Park.

Land Use

Based on the ABS 2016 Census, the Hattah Township contains 12 residential properties. A number of properties are also used for farming.

⁸ Map created by GHD

The only commercial development in Hattah is the Hattah Roadhouse (located at 3478 Calder Highway), being the only food and supplies stop along the 85 km stretch of Calder Highway between Ouyen and Red Cliffs. The Roadhouse facility is a longstanding use and development. It provides an important service facility for locals and visitors to the neighbouring parks, particularly visitors to the Hattah Lakes visitor centre and campground contained within the adjoining Hattah-Kulkyne National Park to the east. It has an important role in facilitating tourism opportunities both in the surrounding national parks and the broader region.

Built Form

Hattah contains 12 residential properties with predominantly single storey detached dwellings with storage sheds.

The Hattah Roadhouse is comprised of two single storey detached buildings with an overhead structure providing shelter to fuel pump users. The Hattah Roadhouse also includes a caretaker house which has been brought onsite to the rear of the store and what appears to be a residential cabin at the rear of the property.

Transport

Calder Highway is the main road through Hattah in a north south direction. Hattah lies at the intersection with the Hattah-Robinvale Road, 35 km north of Ouyen and 65 km south of Mildura. Hattah Township has daily services by V/Line Coach providing connections to the surrounding regional centres of Ballarat, Bendigo and Swan Hill.

Immediately to the west of Calder Highway is the rail line to Mildura which ceased providing passenger services in 1993 and is currently used for freight services.

Tourism

The Hattah-Kulkyne National Park and Murray-Sunset National Park offer many tourist attractions including nature walks, lookouts, scenic drives, canoeing, camping, discovery trails, birdwatching, fishing and mountain biking.

Every year in July, the Hattah Desert Race is held on Boonoonar Road, just north of Hattah Township, over 3 days and attracts over 550 motorcycle riders and teams from all over Australia with thousands of spectators expected each year.

Environment

The adjoining land use surrounding Hattah is generally State and National Parks. All of these parks are managed and protected through the Mallee Parks Landscape Conservation Action Plan 2019-2024 and the River Red Gum Parks Management Plan 2018 and contain highly significant landscape, flora, fauna and cultural values. They represent the least disturbed Mallee ecosystems in Australia.

The Hattah-Kulkyne National Park is the oldest in the region and was established in 1960. The Hattah-Kulkyne National Park is ecologically significant for its River Red Gum landscape which provides diverse habitats for the seasonally inundated floodplain environment of the Park.⁹

The Hattah-Kulkyne National Park is home to an extensive lake system, the Hattah-Kulkyne Lakes, which is the largest overflow lake system of national and geological significance on the Murray River. The lakes include systems which hold water for several years after filling events and are important aquatic habitat in a semi-arid environment. The lakes provide habitat for a large number of bird species and native fish populations.¹⁰

⁹ Parks Victoria, River Red Gum Parks Management Plan 2018

¹⁰ Parks Victoria, River Red Gum Parks Management Plan 2018

Hattah community profile

Hattah has a population of 28 people comprising 10 families and 12 private dwellings. Average household size is 1.4 people with an average of 2.3 motor vehicles per household.¹¹

Land ownership and tenure

There are approximately 30 parcels of land within the Hattah project area. These parcels/properties are discussed individually in Table 2-1 below. Figure 2-4 demonstrates the land ownership and tenure within Hattah being all privately owned, with all surrounding parcels of land being Crown land.

Table 2-1 Hattah Township – Land tenure and use

Property	Parcel	Description	Land Use
44 Camerons Road	12~3\PP5370	Residential property with a single detached dwelling and multiple storage sheds.	Residential
	13~3\PP5370		
	14~3\PP5370	Multiple vehicle access points from informal roads to the north and west and from Camerons Road.	
	1~3\PP5370		
	4~3\PP5370		
	5~3\PP5370		
	7~3\PP5370		
	11~3\PP5370		
3~3\PP5370			
Camerons Road	2~3\PP5370	Vacant property.	Residential
	6~3\PP5370	Appears to be part of the property of 44 Camerons Road.	
Camerons Road		Vacant property.	Residential
	9~3\PP5370	Appears to be part of the property of 44 Camerons Road.	
	10~3\PP5370		
	15~3\PP5370		
47 Camerons Road	21F\PP3199	Residential property on the eastern side of Camerons Road, interfacing with the rail corridor. Vehicle access from the rail land (parcel 2006\PP3199)	Residential
34 Camerons Road	3~2\PP5370	Residential property with 2-3 single storey dwellings and multiple storage sheds.	Residential
	7~2\PP5370		
	8~2\PP5370	Multiple vehicle access points from the informal roads to the south and from Camerons Road.	
	9~2\PP5370		
	10~2\PP5370	Potential building structures located on informal road which runs between the parcels 19, 20 and 8, 9, 10.	
	19~2\PP5370		
20~2\PP5370			

¹¹ ABS, Mildura Community Profile, 2016

Property	Parcel	Description	Land Use
18 Camerons Road	1~2\PP5370	Residential property with a single storey dwelling and multiple storage sheds. Vehicle access from Camerons Road. Large paddocks / cleared areas	Residential Potentially farming
	2~2\PP5370		
12 Camerons Road	1~1\PP5370	Residential property with a single storey dwelling and multiple storage sheds. Vehicle access from Camerons Road. Large paddocks / cleared areas with multiple access tracks, potentially for recreational bike use.	Residential Potentially farming
Camerons Road	2~1\PP5370	Vacant property. Appears to be part of the property of 12 Camerons Road. Vehicle access from Camerons Road. Multiple access tracks through the property, potentially for vehicles or recreational bike use.	Residential Potentially farming
3488 Calder Highway	21B\PP3199 2G\PP3199	Residential property with a single storey dwelling and multiple storage sheds. Vehicle access from Calder Highway.	Residential
Calder Highway	21D\PP3199	Electricity / power depot	Utility
3478 Calder Highway (Hattah Roadhouse)	21C\PP3199	Commercial property with two single storey buildings and a fuel depot with a large overhead structure. Potential residential uses. Unbundled fuel depot at the rear of the property. Vehicle access from Calder Highway.	Commercial Potentially residential
23 Hattah-Robinvale Road	21E \PP3199	Residential property with a single storey dwelling and multiple storage sheds. Vehicle access from informal track to the east of the property, which links to Hattah-Robinvale Road.	Residential
Camerons Road	1~4\PP5370	Vacant Crown land (former landfill)	Unused
Camerons Road	3~1\PP5370	Vacant Crown land	Unused



Paper Size A4
 0 50 100 150 200
 Metres
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1984
 Grid: GDA 1984 MGA Zone 54

LEGEND

Rail station	Collector	Crown Land Tenure
Highway	Rail	Private
Arterial	Public	

Mildura Regional City Council
 Hattah Land Use Plan

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Land ownership and tenure

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 Data source: Parcel, Crown Land Tenure, Land ownership - VicMap 2020. Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DO, USDA, UGO, AeroGRID, IGN, and the GIS User Community Created by Jembury

Figure 2-4 Land ownership and tenure

3. Planning, legislative and policy context

This section provides an overview of the current strategic planning framework, including state, regional and local policies and strategies that need to be considered as part of the Hattah Land Use Plan.

Planning and Environment Act 1987

The Planning and Environment Act 1987 (PE Act) sets out a framework for planning the use, development and protection of land in Victoria. The Act establishes procedures for preparing and amending the Victorian Planning Provisions and the Mildura Planning Scheme and matters that need to be raised when preparing and assessing a Planning Scheme amendment.

Land use and development must have regard to the objectives of planning in Victoria as set out in Section 4(1) of the PE Act.

3.1 State and Regional Policy Context

The Planning Policy Framework (PPF) includes part of the Victorian Planning Provisions (VPP) in the form of state and regional planning policies, and local context in the form of local planning policies.

At an overarching level, the PPF seeks to ensure that the needs of existing and future communities are properly planned having regard to factors ranging from the provision of appropriately zoned and located land, to understanding and minimising environmental impacts.

3.1.1 Planning Policy Framework

Clauses of particular relevance to this Land Use Plan include:

- *Clause 11 Settlement*

The objective of Clause 11 is to ensure that planning anticipates and responds to the needs of existing and future communities and contributes to sustainable development opportunities that are appropriate for the area
- *Clause 12 Environmental and Landscape Values*

The objective of Clause 12 is to protect the health of ecological systems and the biodiversity and ecosystems that they support
- *Clause 13 Environmental Risks and Amenity*

The objective of Clause 13 is to strengthen the resilience and safety of communities by adopting best practice environmental management and risk managements planning approaches. Planning should aim to avoid and minimise natural hazards including bushfires and climate change impacts
- *Clause 14 Natural Resource Management*

The objective of Clause 14 is to assist in the conservation and use of natural resources, ensuring that agricultural land is managed sustainably

- *Clause 15 Built Environment and Heritage*

The objective of Clause 15 is to recognise the role of urban design, building design, heritage and energy and resource efficiency in creating liveable and sustainable communities

- *Clause 16 Housing*

The objective of Clause 16 is to provide for housing diversity, ensure the efficient provision of supporting infrastructure, ensure the long-term sustainability of new housing including access to services and amenities and ensure provision of land for affordable housing

- *Clause 17 Economic Development*

The objective of Clause 17 is to provide for a strong and innovative economy which contributes to the economic wellbeing of the state and foster economic growth so that each region may build on its strengths and achieve its economic potential.

These policies seek to ensure that settlements within the region promote sustainable growth and development which will strengthen economic prosperity and minimise negative impacts to the natural landscapes that are significant to the region. They also include considerations for settlements vulnerable to climate changes and to ensure bushfire risks are managed. The above policies also ensure that planning delivers liveable and healthy communities which are safe, accessible and appropriate for their region.

3.1.2 Regional Policies

Victoria's 30-Year Infrastructure Strategy, Infrastructure Victoria, 2016

Infrastructure Victoria is an independent authority providing long term infrastructure planning advice for Victoria. Infrastructure Victoria's 30-Year Infrastructure Strategy was released in 2016. It recognises the challenges faced by regional and rural areas and the contribution they make to the State. It states that Mildura is the major centre of the Loddon Mallee North region which is identified for its diverse community profile, with a highly mobile population of seasonal and transient workers. It also recognises that agriculture is central to the economy and significant natural assets which are vulnerable to development pressures and climate change.

Loddon Mallee North Regional Growth Plan 2014

The Loddon Mallee North Regional Growth Plan (LMNRGP) details a regional approach to land use planning across the five municipalities within the Loddon Mallee region, including Mildura. The LMNRGP identifies opportunities to encourage and accommodate growth and address challenges over the next 30 years, noting strategic assets in the area such as the significant national parks in Hattah and the Hattah-Kulkyne Lakes. The LMNRGP identifies strategies to establish sustainable growth throughout the region which supports a prosperous economy. The plan considers a range of land uses and recommends a framework to be applied when considering future growth in the region.

Loddon Mallee Regional Strategic Plan, Regional Development Australia, 2015-18

The Loddon Mallee Regional Strategic Plan (LMRSP) identifies opportunities and needs of the Loddon Mallee Region and encourages investment to be directed where it will have the greatest impact on future prosperity. The plan outlines aspirations and strategic directions to strengthen and diversify the regional economy and value the natural and cultural heritage of the region.

Shaping Our Future, Parks Victoria

Parks Victoria's Strategy, *Shaping our Future*, provides a framework to underpin the Parks Victoria philosophy 'Healthy Parks Healthy People'. This philosophy reinforces Parks Victoria's important working relationships with local communities, businesses and partners, Aboriginal communities, Traditional Owners, tourism organisations, and peak bodies and recreational groups, to plan and collectively achieve great outcomes for Victoria's parks. This approach includes conserving and enhancing the community's resources so that ecological processes are maintained and quality of life can be increased. The conservation and management of Parks Victoria assets should strive to achieve the vision of this strategy and fulfil its four broad themes:

- Connecting people and parks
- Conserving Victoria's special places
- Providing benefits beyond park boundaries
- Enhancing organisational excellence.

Mallee Parks Landscape Conservation Action Plan, Parks Victoria

The Mallee Parks Landscape Conservation Action Plan identifies priority threats to conservation assets and management strategies and actions to improve the assets condition over the next 15 years. The Action Plan outlines a vision to *"increase the resilience of natural assets in the Mallee Parks Landscape and maintain ecosystem services in the face of climate change and other stressors"*. One key conservation strategy is the need to reduce visitor impacts on natural and cultural assets within the region, to balance the conservation of the landscapes with community and visitor activities.

3.2 Mildura Planning Scheme

3.2.1 Local Planning Policy Framework (LPPF)

The LPPF includes the following clauses which are of particular relevance to this Land Use Plan:

- *Clause 21.04-5 Rural residential and low density development*

The objective of Clause 21.04-5 is to accommodate the planned provision of future rural residential opportunities in appropriate locations, where it will not compromise long term agricultural production

- *Clause 21.05-4 Public Land*

The objectives of Clause 21.05-4 are to protect the environmental, landscape, cultural heritage and archaeological value of public land while supporting opportunities for tourism and improving the interface between public and private lands

- *Clause 21.06-1 Rural Land*

The objective of Clause 21.06-1 is to protect rural land for agriculture and horticulture

- *Clause 21.07-1 Avoiding land use conflicts*

The objective of Clause 21.07-1 is to minimise the potential for future land use conflicts

- *Clause 21.08-2 Tourism*

The objective of Clause 21.08-2 is to increase visitor numbers and length of stay. This Clause also suggests strategies for achieving this such as supporting the development of new tourism enterprises including “bed and breakfast” accommodation in appropriate rural locations

- *21.08-3 Retail/Commercial*

The objective of Clause 21.08-3 is to achieve balanced and sustainable retail facilities that serve the needs of, and are accessible to, residents and visitors. The clause identifies a strategy to support the development of local neighbourhood stores to serve local retail needs of future residential areas.

3.2.2 Planning Zones

Hattah is exclusively zoned PCRZ, with the exception of the Road Zone 1 (RDZ1) applying to Calder Highway and Hattah-Robinvale Road, as outlined in Table 3-1 and shown in

below. No other zones apply to any parcels of land in the Hattah project area.

Table 3-1 Planning Zones – Hattah

Zones	Locations	Purpose	Restricted Uses
PCRZ	All parcels within the Hattah project area.	To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values; to provide facilities which assist education and preservation of places of natural significance; and to provide for appropriate resource based uses.	A number of uses are prohibited in this zone, consistent with the zone purpose. This zone is restrictive in nature, requiring a planning permit for all proposed private land uses and developments, as the PCRZ is intended to be applied to public land.
RDZ1	Calder Highway and Hattah-Robinvale Road.	To identify significant existing roads and to identify land which has been acquired for a significant proposed road.	The use is consistent with the zone purpose.

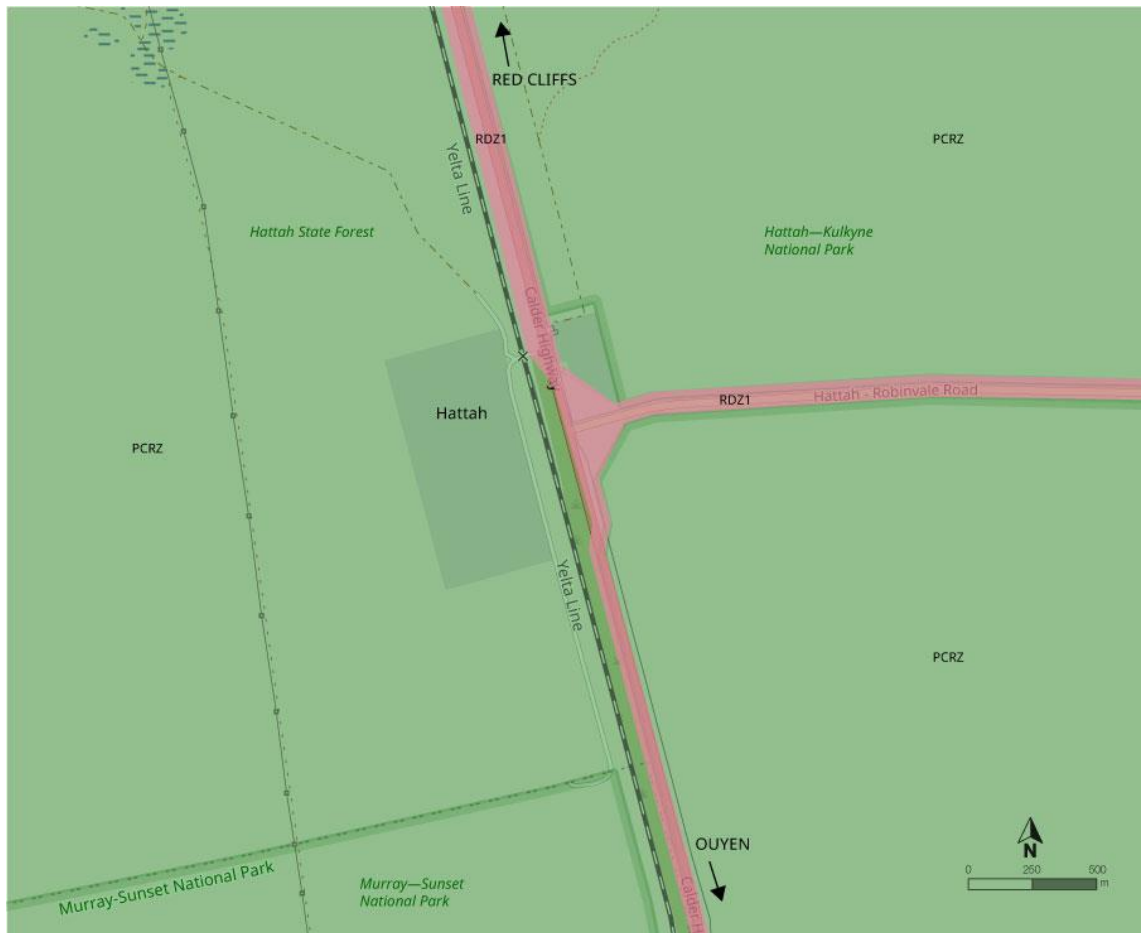


Figure 3-1 Hattah - Planning zones map¹²

3.2.3 Planning Overlays

The BMO covers all the parcels of land within the Hattah project area. No other overlays apply to any parcels of land within this project area.

Table 3-2 Planning Overlays – Hattah

Overlay	Location	Purpose	Restrictions / requirements
BMO	All parcels within the Hattah project area	To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire; to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented; and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.	The BMO restricts subdivisions, restricts buildings and works for various uses and ensures comprehensive application requirements.

¹² Map sourced from VicPlan (August 2020)



Figure 3-2 Hattah - Planning overlays map¹³

¹³ Map sourced from VicPlan (August 2020)

4. Planning Permit History

Since Hattah was rezoned to PCRZ in 1999, MRCC has received one (retrospective) planning permit application relating to Hattah. This retrospective planning permit application was for the use of 3478 Calder Highway (the Roadhouse) as a diesel storage and commercial vehicle refuel facility.

A planning permit for this use would ordinarily be required under the PCRZ, or the use would need to be conducted by or on behalf of Parks Victoria under the relevant provisions of various legislation, or specified in an Incorporated Plan in a schedule to the PCRZ, as outlined in Clause 36.03-1 Table of Uses of the Planning Scheme.

MRCC is unable to undertake enforcement proceedings until the planning scheme zoning anomaly is addressed.

5. Consultation

This section provides a summary of engagement with stakeholders and community to demonstrate how their input has informed the development of this Land Use Plan.

5.1 Approach

5.1.1 Framework

An Engagement and Communication Plan (Engagement Plan) was prepared, detailing the framework and methods through which key project stakeholders would be engaged and the mechanisms that their feedback would be incorporated. The Engagement Plan aligned with the project purpose to investigate and establish an appropriate vision for the future of Hattah.

The development and delivery of the Engagement Plan was guided by three important sources:

- Victorian Auditor-General’s Office (VAGO) Guidelines ‘*Public Participation in Government Decision-Making*’
- International Association for Public Participation (IAP2) ‘*Spectrum of Public Participation*’
- Mildura Rural City Council Community Engagement Policy (2015).

5.1.2 Stakeholders

Engagement was focussed on the local community, impacted landowners and relevant government stakeholders. The following stakeholders were engaged to varying degrees during the process.

Table 5-1 Stakeholders

Group	Who	Role
Steering Committee	MRCC staff including: <ul style="list-style-type: none"> • Manager Community Futures • Manager Development Services • Co-ordinator Strategic Planning • Strategic Planner 	Critical partner and responsible authority in charge of governance.
Local community	<ul style="list-style-type: none"> • Hattah community 	Essential stakeholder – directly impacted and interested community. Hold insights into issues and opportunities, and interest in vision for future of township.
Government and Statutory bodies	<ul style="list-style-type: none"> • Parks Victoria • Department of Environment, Land, Water and Planning (DELWP) • Country Fire Authority (CFA) • Department of Transport (DoT) • VicTrack 	Responsible for governance, land use, ownership and planning approvals.

5.1.3 Engagement activities

The engagement methods proposed were adapted to enable a need to limit face-to-face engagement in response to Victorian and Federal government mandated COVID-19 social distancing restrictions. The project engagement activities ran from September to November 2020. Provided below is an overview of the different engagement methods.

1. Steering Committee meeting

September 2020

The Steering Committee was made up of key MRCC staff who have provided ongoing input to the project. Direct engagement included a Microsoft Teams meeting in September to present the Background Report and discuss opportunities and potential constraints for the project. Minutes were recorded at the meeting.

2. Mail out

22nd October 2020

In October, a letter was mailed out to residents and external agencies detailing project information and FAQs, in addition to information around how to provide input, including via the survey (online link and/or hardcopy). MRCC's email and phone number were provided on the letter for recipients requesting further information. MRCC managed the mail out of letters and stakeholder liaison, including recording correspondence.

3. Online survey

22nd October – 19th November 2020

An online survey ran over four weeks through Survey Monkey (see Appendix A). The survey was designed to understand issues and opportunities, and the community vision for Hattah Township. The survey coincided with the mail out which included hardcopy versions. The survey listed MRCC's phone number and email address for people to contact for further information or to discuss the project. Survey responses, online and hardcopy, were collated and analysed.

4. Targeted external agency phone conversations

November 2020

In November, the project team conducted targeted stakeholder conversations to identify issues and opportunities and to understand stakeholder priorities. Identified stakeholders participated in phone conversations and included the following government landowners and relevant statutory authorities:

- Parks Victoria
- DELWP
- CFA
- DoT
- VicTrack.

Where meetings were undertaken, the meeting was held over Microsoft Teams and minutes recorded. Some agencies provided written feedback in the form of a letter or email.

5.1.4 Communications

The following communication tools were used to promote participation in the survey:

- Letter to residents and external agencies with a link to the online survey and hardcopy survey attached to the letter
- Council website – *Have Your Say* page including project information and a link to the online survey
- Council website – Current Strategic Planning Projects including project information, status of project, link to online survey, FAQs, and hard copy survey.

5.2 Response

5.2.1 Overview

From the engagement methods, there were six survey responses received, along with input from five external agencies.

The following sections detail the findings of stakeholder and community engagement. The findings have been reported by engagement activity. Care has been taken in transcribing feedback to capture the full range of ideas, concerns and views expressed during consultation activities, however the accuracy of all notes cannot be guaranteed.

5.2.2 Survey

The survey was open for four weeks from 22 October to 19 November 2020, allowing community and stakeholders the opportunity to participate. There were six responses to the survey.

Feedback from the online and hard copy survey responses have been collated and the general findings are detailed below.

- Most respondents were from the Hattah area and feedback related to Hattah Township
- Respondents value the proximity to national parks, rural lifestyle, and birdlife and animals. Respondents also noted that key aspects of the area include that it has not been built up with too many houses, experienced low traffic volumes, enjoyed a quiet feel and few people
- Current land uses noted by respondents, include residential, rural/farming, and other uses including camping, animal breeding and hobby farms
- Responses were mixed regarding whether restrictions were encountered when using or developing land, including 'yes', 'no' and 'unsure' responses. Respondents that answered 'no' identified that they did not own land in the area. Reasons for 'yes' responses were that the current zoning is inappropriate for the township, and 'unsure' responses reflected residents thinking that the land was currently zoned Farming Zone, or those that have not applied for any development
- Most respondents had issues or concerns with the current use of land in the study area. Reasons included that current zoning restricts the chance for renewal of the township, respondents would like to build in the future but are currently restricted, there are safety concerns regarding trucks using the Roadhouse, as well as concerns about truck noise and parking
- Respondents identified the following opportunities for the future of the study area, in order from what was identified the most by respondents to least mentioned: tourism, environmental conservation, residential, farming, commercial/retail, and accommodation

- There was a conservation and tourism focus, noting the need to preserve National Parks and that the strategic location of the township near National Parks could be a tourism drawcard. Respondents also identified the need to address zoning so that the township has the chance to have more housing, and so accommodation could be provided
- Regarding any improvements, development or changes that would enhance the community, respondents identified the following: seal Cameron's Road, improve road quality, have a site for community infrastructure, address noise issues with truck brakes, and address safety concerns with trucks and the roundabout
- Respondents noted the following considerations for the future vision of the Hattah Township: environmentally sensitive improvements, small increase in population to ensure continuous occupation and future tenure, road improvements and traffic management.

The responses provided in the survey have helped to understand community issues, opportunities and vision for the Hattah Township, and responses been used to guide the development of the Land Use Plan.

5.2.3 Key external agencies

The selection for engagement with key external agencies was targeted and focussed on government stakeholders who are landowners or Statutory Authorities. Phone conversations were undertaken with DoT and DELWP. VicTrack provided an email response and engaged in a phone conversation. The CFA provided a written letter response and Parks Victoria provided an email response. The feedback helped identify issues and opportunities for the project, and development of recommendations.

Feedback from the key external agencies is summarised in Table 5-2 below.

Table 5-2 Key external agency feedback

Agency	Correspondence date	Feedback
Parks Victoria	10 November 2020 Email	<ul style="list-style-type: none"> Does not see any issues and has no further interest at this stage, provided there is no impact on adjacent parks or reserves.
DoT	12 November 2020 Video conference	<ul style="list-style-type: none"> When the new roundabout was constructed at the intersection of Hattah-Robinvale Road and Calder Highway, the road and rail reserve was not where DoT thought it was based on planning scheme mapping. There were issues with aligning boundaries and so the zones were incorrect. DoT had to relocate the roundabout to align Roundabout constructed about 10 months ago – not on Google maps. 80km zone now and 40km through roundabout. The works include roadhouse upgrade with outer separators to regulate parking on site. Outside the roadhouse there is a bus stop and sealed shoulder; not a service road as such Suggest barrier separated service road on eastern side of Highway Any new development should have access to the Highway via a service road or existing local road Issues concerning unsafe truck parking on highway and use of fire trail. Suggest an onsite management plan to restrict fire trail use Suggest a basic Traffic Impact Assessment to consider capacity of dwellings and understand long term impact on roads. Suggested triggers for road upgrades based on development and population DoT rely on Planning Scheme mechanisms to consider integration with arterial road use and how roads are managed in the future. Potentially consider a contributions plan e.g. \$10k per lot for infrastructure Suggest formalising Camerons Road intersection Noted Rest Area Strategy for the provision of rest areas in rural Victoria - private land can be a rest stop Opportunity for planting native vegetation in road reserve areas Potential opportunity to give surplus RDZ1 DoT land at roundabout back to Council/community, which could be used as a rest stop and/or for native planting. This would be subject to approvals and land capacity / native vegetation assessment.

Agency	Correspondence date	Feedback
CFA	19 November 2020 Letter submission	<ul style="list-style-type: none"> • Consider whether future development and activity at Hattah is appropriate based on the bushfire risk • Recommend a bushfire landscape assessment to determine the bushfire hazard • Consider the access and egress routes and explore whether an area within the township could be used as a safer place and whether there are any alternative access arrangements that could improve movement away from an approaching fire from various directions • Consider access to safer areas and ensure adequate access provisions • Any settlement growth must meet radiant heat exposure benchmarks • Consider what other bushfire protection measures can be implemented on an ongoing basis to reduce bushfire risk and create a more bushfire resilient community.
DELWP	20 November 2020 Video conference	<ul style="list-style-type: none"> • Review of BMO – Hattah is in a high-risk area. Recommended that a bushfire assessment be undertaken that addresses all risks • Rezoning of land from PCRZ must consider impacts. Scope of new development to be balanced against the risk. Also consider impacts to native vegetation and further subdivision. Appropriate zoning for the Roadhouse and impacts from any rezoning must be considered. Crown land in the township should remain PCRZ for consistency with the wider area, except for rail line and substation which should be rezoned • Consider potential cultural heritage • Not a lot of room for growth given crown land restrictions and BMO restrictions • Need to consider what sort of growth we are envisaging as growth requires services and infrastructure. Need to consider if that is appropriate for the area • Based on industry and permit applications there may be requirements for accommodation in future.
VicTrack	24 November 2020 Email and phone conversation	<ul style="list-style-type: none"> • Rail land should be rezoned from PCRZ to PUZ4 • Opportunity for sale of excess rail land to Council.

5.3 Next steps

Council undertook formal exhibition of the draft plan for four weeks from 5 February to 5 March 2021. The Land Use Plan was updated following further feedback received during exhibition. The Planning Scheme Amendment (PSA) process will follow.

Stakeholders will have the opportunity to provide comment on the Draft Land Use Plan during exhibition and engage further with the project when the Planning Scheme Amendment is placed on exhibition.

6. Issues and opportunities

6.1 Context and local environmental values

Hattah is bounded by Crown land associated with the Hattah State Forest (northern, western and southern perimeters) and the Hattah-Kulkyne National Park (to the east). To the south and west of the Hattah Township and Hattah State Forest, the Murray-Sunset National Park occupies a large area.

As stated in Section 2.2.2, the Hattah-Kulkyne National Park is ecologically significant for its River Red Gum landscape which provides diverse habitats for the seasonally inundated floodplain environment of the Park and is home to an extensive lake system, the Hattah-Kulkyne Lakes, the largest overflow lake system of national and geological significance on the Murray River. The lakes include systems which hold water for several years after filling events and are important aquatic habitat in a semi-arid environment.¹⁴

All of these parks are managed and protected through the River Red Gum Parks Management Plan 2018 and the Mallee Parks Landscape Conservation Action Plan 2019-2024. . These parks contain highly significant landscape, flora, fauna and cultural values and represent the least disturbed Mallee ecosystems in Australia¹⁵.

These Crown land areas provide for the retention and management of a very large and contiguous area of native vegetation around Hattah. This plays a role in providing biodiversity benefits to the region, water storage, recreation and tourism benefits. However, these parks also contribute to the bushfire risk to Hattah and surrounding land.

Clause 21.05-4 *Public Land* of the Planning Scheme seeks to protect the environmental, landscape, cultural heritage and archaeological value of public land while supporting opportunities for tourism and improving the interface between public and private lands.

6.2 Development potential and re- zoning options

6.2.1 Development potential

Respondents highlighted the value of the proximity to national parks and the rural lifestyle, with low traffic volumes, few people and enjoying a quiet feel. However, respondents also felt that the current zoning was inappropriate for the township restricting the chance for renewal of the township and that a small increase in population would ensure continuous occupation and tenure.

DELWP highlighted the need to consider any impacts that may occur from rezoning the land, to what extent of growth is envisaged for the area and to balance the scope of any new development against any risks. DELWP also highlighted that further development and subdivision may impact native vegetation and create demand for increased services and infrastructure.

Figure 6-1 illustrates the existing land uses in Hattah, showing that there are limited parcels of land available to develop.

¹⁴ Parks Victoria, River Red Gum Parks Management Plan 2018

¹⁵ MRCC Brief 2020

It is considered that due to the relatively remote location and small scale of Hattah and the limited parcels of vacant land, there would be minimal demand for additional services and infrastructure potentially generated by developing the remaining privately owned vacant parcels of land, in line with the provisions of the Rural Activity Zone (RAZ). Development within the RAZ would be guided by a Bushfire Landscape Assessment being undertaken for the project area to inform future planning permit decisions under the RAZ.

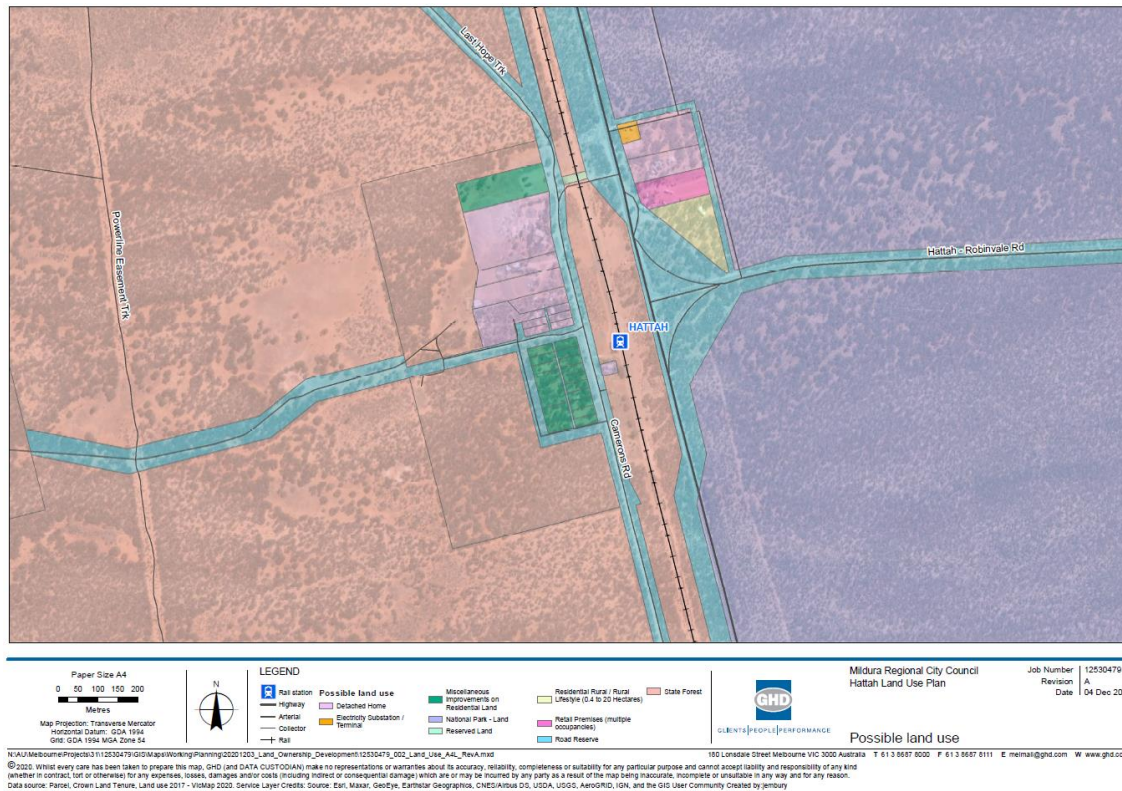


Figure 6-1 Possible land use

6.2.2 Re-zoning options

Planning Scheme Zones define the purpose for which land is to be used. By defining the types of uses which are to be encouraged within Hattah, the proposed new zonings will play a major role in achieving the vision of the Land Use Plan. As part of the PSA, it is recommended that the following zones be applied, as demonstrated in Figure 6-2.



Figure 6-2 Proposed planning zones

6.2.2.1 Public Use Zone Schedule 4 (PUZ4)

The rail land in the project area is currently zoned PCRZ, extending north and south along the rail line beyond the project area for approximately 15 km when it changes to PUZ4 *Transport*.

The PCRZ zoning applied to rail land is an anomaly in the Planning Scheme. This issue was raised during consultation, and submitters felt that all rail land should be zoned PUZ4 *Transport*, in line with the purpose of the PUZ4:

- *To recognise public land use for public utility and community services and facilities*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Therefore, it is recommended that the rail land is rezoned from PCRZ to PUZ4.

6.2.2.2 Rural Activity Zone (RAZ)

The Rural Activity Zone (RAZ) is generally the most appropriate zone for the privately owned land within the Hattah Township.

The RAZ would correct the PCRZ zoning anomaly that was applied to privately owned land in the project area.

The purpose of the RAZ is:

- *To provide for the use of land for agriculture*
- *To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area*
- *To ensure that use and development does not adversely affect surrounding land uses*

- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone*
- *To protect and enhance natural resources and the biodiversity of the area*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

It was noted that the RAZ allows for multiple uses including agriculture, domestic animal husbandry, bed and breakfast (no more than 10 persons), home based business, rural stores and utility installations. Permits would be required for a camping and caravan park, convenience shop, dwelling, service station and minor utility installations.

During the consultation process, stakeholders felt that the current PCRZ zoning was inappropriate for the township and restricted the opportunity for renewal of the township. Respondents also raised concerns about the Roadhouse, largely relating to traffic, safety and noise impacts.

Submissions also contained a conservation and tourism focus, noting the need to preserve the surrounding National Parks and that the strategic location of Hattah near National Parks could be a tourism drawcard. Respondents also identified the need to address zoning so that the township has an opportunity to have more housing, and so tourist accommodation could be provided.

The RAZ would provide for the current uses and development of land, while protecting the local environment and biodiversity of the area.

While issues were raised about the operation of the Roadhouse, the Roadhouse has been in operation for a significant amount of time, having existing use rights for its operation. Further, applying the RAZ to the parcel would correct a zoning anomaly and apply the most appropriate zone for the land parcel and the surrounding privately owned parcels in the project area.

It is noted that a parcel of privately owned land to the north-east in the project area (21D\PP3199) contains a utility installation. Given a utility installation is permitted under the RAZ, it is recommended that this parcel is re-zoned RAZ in line with the adjacent township.

6.2.2.3 Public Conservation and Resource Zone (PCRZ)

The general consensus was that the PCRZ would remain on the Crown land to the north-west and south-west of the Township, in line with the purpose of the zone:

- *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes*
- *To provide for appropriate resource based uses.*

The PCRZ would be retained on the Crown land in the project area for consistency with the zoning of adjoining Crown land. This aligns with feedback received from DELWP.

6.3 Bushfire risk

As stated in Section 6.1, Hattah is surrounded by national parks and state forests on all boundaries. Vegetation surrounding the Township is predominantly Semi-Arid Woodland and Mallee ecological vegetation classes, subject to varying levels of historical disturbance. This vegetation is often in close proximity to and adjoining existing residences and outbuildings. Cleared areas are limited to paddocks immediately adjoining some residences, the Roadhouse parking area, railway and road reserves, and powerline easements.

The Hattah Township mapped as Bushfire Prone and subject to a BMO under the Mildura Planning Scheme. Figures 6-3 and 6-4 show the location of Hattah in the broader context of the BMO and Bushfire Prone Areas.

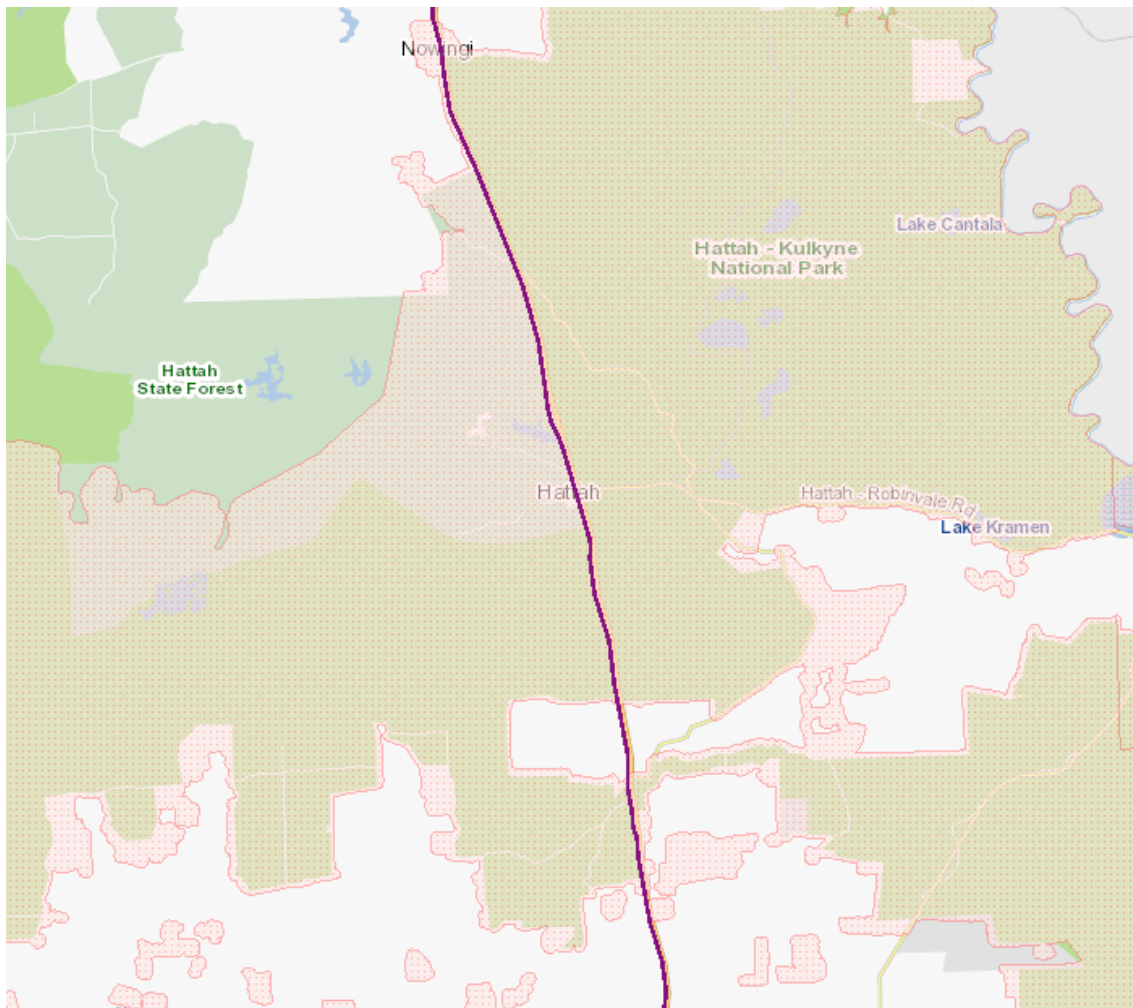


Figure 6-3 Bushfire Management Overlay – broader area¹⁶

¹⁶ Map sourced from VicPlan (December 2020)

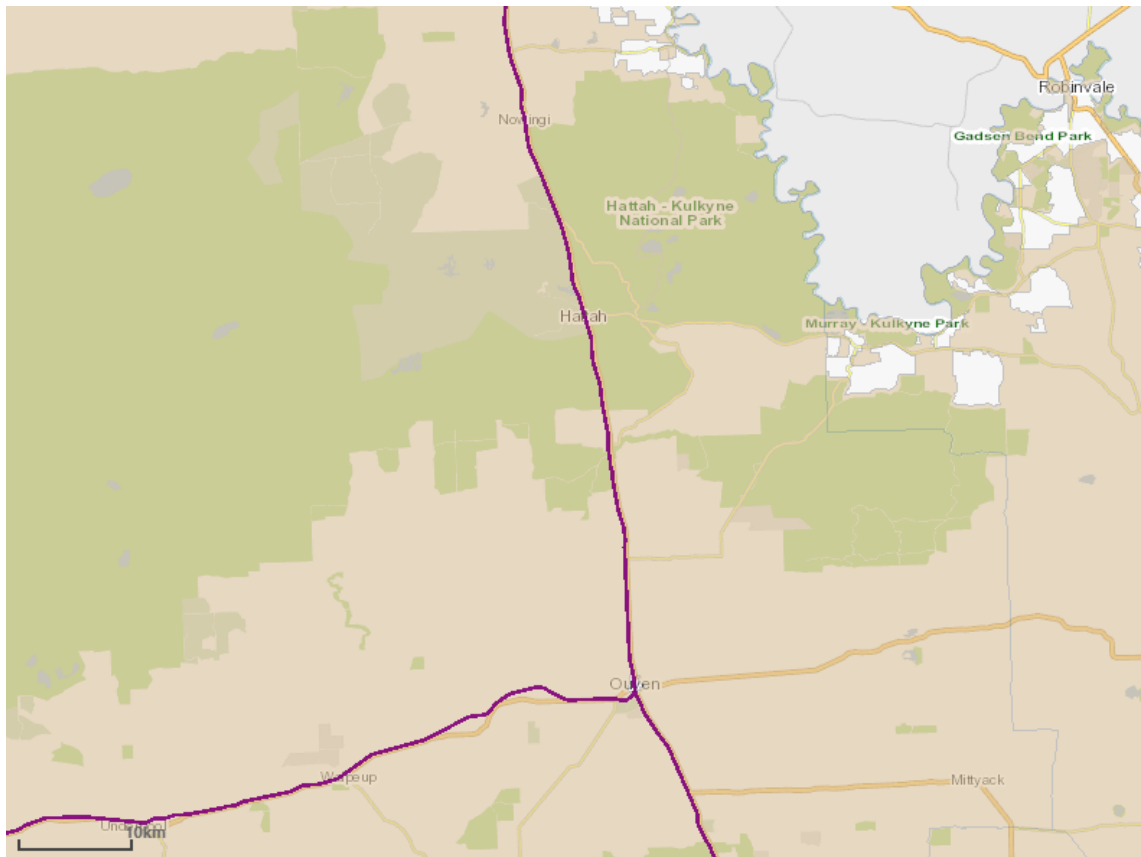


Figure 6-4 Bushfire Prone Areas ¹⁷

Access and fire management / response considerations

Primary access / egress for the township is via Calder Highway (north – south) or the Hattah-Robinvale Road (east - west).

A number of minor roads and tracks provide access around the settlement and to the Glencoe Station airstrip, located to the north-west of Hattah.

There is no nominated Neighbourhood Safer Place in the Township and the nearest CFA stations are located at Carwarp (on Calder Highway 35 kilometres to the north), Ouyen (35 kilometres to the south) and Wemen (on the Hattah-Robinvale Road 36 kilometres to the east).

Fire History

A review of DELWP fire history mapping indicates that the area has experienced large fires once or twice a decade since 1970 (occurring in the years 1973, 1975, 1982, 1989, 1996, 1998, and 2008).

The most recent large fire in 2008, exceeded 10,500 hectares and required the evacuation of the township (<https://www.abc.net.au/local/stories/2008/10/31/2407302.htm>).

Fires have tended to run in a south-west to the north-east direction based on the prevailing wind direction.

Consultation

Consultation with both the CFA and DELWP highlighted that Hattah is in a high bushfire risk area and that a bushfire landscape assessment should be undertaken for the project area.

¹⁷ Map sourced from VicPlan (December 2020)

Through consultation with the CFA, it was suggested that access and egress routes needed to be considered along with an alternative access arrangement that could improve movement away from an approaching fire from various directions. It was also suggested that consideration be given to whether an area within the township could be used as a safe place.

6.4 Access and egress routes

DoT also recommended that the Camerons Road intersection be formalised, however, it is recognised that VicTrack may not want to create a new formalised level crossing. It is recommended that a Traffic Impact Assessment be undertaken to investigate the viability of formalising the Camerons Road intersection to provide an alternative access/egress route to Calder Highway.

6.5 Long term impacts on roads

DoT suggested that further development of Hattah could have a long-term impact on roads. Accordingly, DoT suggested that the Traffic Impact Assessment referred to above should also take into account the capacity of Hattah to accommodate additional dwellings, the long-term impact of traffic generated by additional dwellings and to suggest triggers for road upgrades based on development and population.

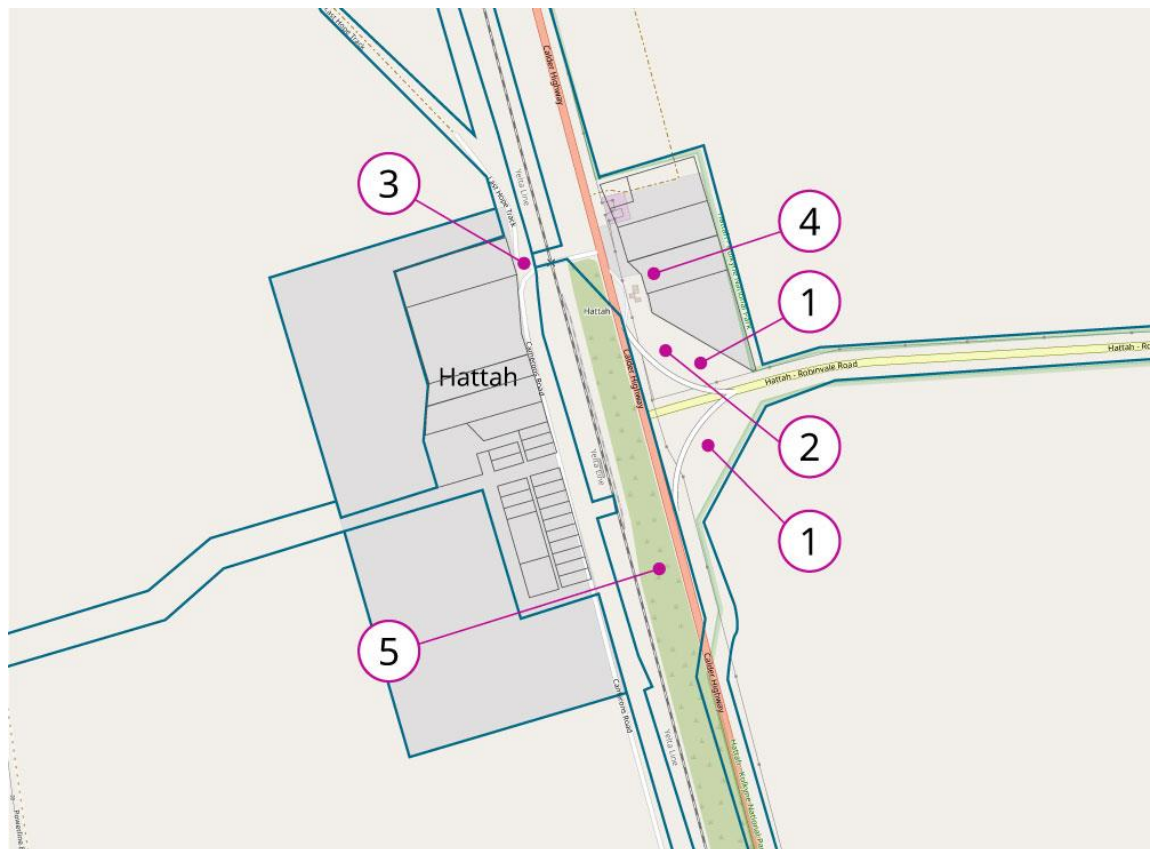


Figure 6-5 Opportunities map

Legend:

1. Surplus DoT land at roundabout – plant native vegetation
2. Surplus DoT land at roundabout – provision of rest area
3. Investigate formalising Camerons Road intersection to provide alternative access/egress routes for township
4. Construct barrier separated service road for access to the Roadhouse and private properties
5. Potential opportunity for rail land surplus to transport requirements to become available for other uses.

6.6 Vehicular access to Roadhouse

The Roadhouse is the only commercial development in Hattah, providing an important service facility for locals and visitors to the neighbouring parks as it is the only food and supplies stop along the 85 km stretch of Calder Highway between Ouyen and Red Cliffs.

When the new roundabout was constructed in early 2020, the works included an upgrade to the Roadhouse frontage with outer separators to regulate parking on site. Outside the Roadhouse there is a bus stop and sealed shoulder, but no service road as such.

DoT suggested that a barrier separated service road on the eastern side of Calder Highway be constructed to provide safer vehicular access to the Roadhouse and private properties.

6.7 Mapping errors

DoT advised that when the new roundabout was constructed at the intersection of Hattah-Robinvale Road and Calder Highway in early 2020, the road and rail reserve was not located where DoT thought it should be based on planning scheme mapping.

This caused issues with boundary alignment and zone boundaries being incorrect and meant that DoT had to relocate the roundabout to achieve a proper alignment with property boundaries.

6.8 Surplus DoT land at roundabout

DoT recognised that due to the new configuration of the roundabout (previously a T intersection), there is surplus land to the north-east and south-east of the roundabout. DoT advised that there is a potential opportunity to give surplus RDZ1 land at the roundabout to Council/community, which could be used as a rest stop and/or for native planting. This would be subject to approvals and land capacity / native vegetation assessment.



Figure 6-6 New round-about at intersection of Calder Highway and Hattah-Robinvale Road (looking north along Calder Highway)¹⁸

¹⁸ DoT November 2020



Figure 6-7 New round-about at intersection of Calder Highway and Hattah-Robinvale Road (looking east along Hattah-Robinvale Road)¹⁹

6.9 VicTrack land

To the west of Calder Highway is the rail line to Mildura which ceased providing passenger services in 1993 and is currently used for freight services.

VicTrack has advised that all rail land should be zoned PUZ4, in line with the purpose of the zone.

Consultation with VicTrack has indicated that VicTrack may be willing to consider selling surplus rail land to Council.

¹⁹ DoT November 2020

7. Future considerations

Section 5 *Consultation* and Section 6 *Issues and Opportunities* raised a number of issues and opportunities relating to the current use of land within Hattah that Council needs to further consider.

7.1 Future infrastructure provision

Consultation with DELWP outlined the need to consider future growth and what infrastructure and would be required, appropriate for the area. While any additional growth is unlikely to generate the need for reticulated services in the future, it is recommended that a Traffic Impact Assessment (TIA) be undertaken to investigate:

- The viability of formalising the Camerons Road intersection to provide an alternative access/egress route to Calder Highway
- The long-term impact on local roads and access, and potential triggers for road upgrades based on development and population

It is also recommended that a Bushfire Landscape Assessment be undertaken for the project area to inform future planning permit decisions under the RAZ.

7.2 Vehicular access to Roadhouse

That a barrier separated service road on the eastern side of Calder Highway be constructed to provide safer vehicular access to the Roadhouse and private properties.

7.3 Surplus DoT land at roundabout

It is recommended that discussion be held with both Regional Roads Victoria and VicTrack regarding the surplus land to the north-east and south-east of the roundabout, and its potential use as a rest stop and/or for native planting. This would be subject to approvals and land capacity / native vegetation assessment.

If this surplus land is handed over to Council, consideration should be given to rezoning the land from RDZ1 to PCRZ, in line with the adjoining Crown land.

7.4 Planning Scheme mapping errors

It is noted that while DoT experienced mapping errors when constructing the roundabout at the intersection of Hattah-Robinvale Road and the Calder Highway, DELWP is currently undertaking a state-wide correction of aerial mapping of the cadastre.

8. Vision, objectives and zoning recommendations

The opportunities and issues outlined in this Land Use Plan will be addressed through the Mildura Planning Scheme, in particular the LPP's, Zones and Overlays. Hattah is a small town but is central to the growing tourism of the region, popular due to the number of national parks on Hattah's doorstep. Through studying the existing and preferred character of the township, it is clear that the local community has a vision of what values attach to the character of the township and how the township should evolve over time. A vision proposed statement is set out below, along with key supporting objectives for the Land Use Plan.

8.1 Vision

Hattah will retain local township qualities, while promoting environmental values, responding to the surrounding national parks, providing a safe quality of life for residents and great experience and services for visitors.

8.2 Key Objectives

The following key objectives underpin the vision for Hattah and will help to steer decision making and focus land use and development within Hattah:

- Deliver a shared vision for Hattah, providing opportunities for renewal of the Hattah Township
- Protect and enhance the surrounding forests and national parks
- Provide for tourism opportunities
- Provide services for the travelling public
- Protect the life and wellbeing of residents.

8.3 Planning Zones

Planning Scheme Zones define the purpose for which land is to be used. By defining the types of uses which are to be encouraged within each area, the proposed new zoning will play a major role in achieving the vision of the Land Use Plan.

As part of the Planning Scheme Amendment (PSA), it is recommended that the following zones be applied, as outlined in Section 6.2.2 and Figure 6-2 'Proposed planning zones' above:

- PUZ4 – applying to all railway land within the township
- RAZ – applying to most private land for which development is proposed
- PCRZ – applying to all land for which ongoing conservation of natural and biodiversity values is proposed
- RDZ1 – applying to Calder Highway and Hattah-Robinvale Road.

8.4 Planning Overlays

Planning Scheme Overlays provide additional information about a parcel of land. Overlays may protect attributes or constrain land due to particular hazards or resources.

Currently, the BMO applies to all the project area and surrounding land.

Given the land uses and site setting, predominant vegetation types, fire history, limited access and fire response infrastructure it is recommended that the BMO remains in place. Any future development proposals should be considerate of and respond to the bushfire requirements of the Mildura Planning Scheme.

9. Next steps

Council undertook formal exhibition of the draft Land Use Plan for four weeks from 5 February to 5 March 2021. The Land Use Plan was updated following further feedback received during exhibition.

Following, the Land Use Plan and related policy provisions will be implemented through a PSA. The PSA process will be led by Council, with the PSA to be placed on exhibition for further comments from the community and key stakeholders. The PSA will incorporate revised zoning controls which reflect the strategic directions of the Land Use Plan.

There are a couple of further studies, which it is recommended Council undertakes. It is recommended that a Traffic Impact Assessment (TIA) is undertaken as the recommendations and findings of the TIA can help inform and strengthen the Land Use Plan. It is also recommended that a Bushfire Landscape Assessment is undertaken to inform future planning permit decisions under the RAZ.

10. Acknowledgements

MRCC and GHD would like to acknowledge a number of individuals and organisations who have contributed to the development of this Hattah Land Use Plan, in particular those who participated in consultation sessions and online via Survey Monkey.

Although it is not possible to list all individuals separately, your contributions to shaping the future of Hattah is greatly appreciated.

The contributions of the following groups are in particular acknowledged:

- Internal Departments of MRCC
- DELWP
- CFA
- VicTrack
- DoT
- Parks Victoria
- Members of the general community and community group representatives.

Appendices

Appendix A – Survey

Mildura Rural City Council (MRCC) is currently investigating appropriate zones to address existing zoning anomalies in the Hattah Township and 174 Cootamundra Avenue, Red Cliffs (the study area). Both areas are zoning inconsistencies where private land is incorrectly contained within the Public Conservation and Resource Zone (PCRZ), a zone which is intended to apply to public land and is otherwise consistent with the surrounding conservation land.

MRCC have engaged GHD to prepare the *Hattah Land Use Plan* that will be submitted to Council as part of a Planning Scheme Amendment to change the zoning. The first stage of the *Hattah Land Use Plan* is to investigate and establish an appropriate vision for the future of the Hattah Township and 174 Cootamundra Avenue.

Council is keen to hear community values, issues and concerns to inform the preparation of the *Hattah Land Use Plan*. Input can be provided by completing the short survey (available online at: <https://www.surveymonkey.com/r/PWPJ67Z>), which will run from 22 October 2020 to 19 November 2020.

Survey responses will help shape the draft *Hattah Land Use Plan*. There will be an opportunity to review and provide comments on the proposed zoning when the draft Plan is placed on exhibition.

For any questions about this project, please contact (03) 5018 8100 or email daniel.gebert@mildura.vic.gov.au.

1. What is your residential postcode?

2. Please indicate which area you are responding about.

- 174 Cootamundra Avenue, Red Cliffs
- Hattah Township
- Both

3. What aspects do you most value about living in the study area? (For example, proximity to national parks, rural lifestyle etc.)

4. For what purpose do you currently use your land? (please tick all that apply)

Please tick all that apply

- Residential
- Rural/farming
- Commercial/retail
- Accommodation
- Not applicable
- Other (please specify)

5. Do you encounter any restrictions when using or developing your land?

- Yes
- No
- Unsure

Please explain your response.

6. Do you have any issues or concerns with the current use of land in the study area?

- Yes
- No
- Unsure

Please explain your response.

7. **What opportunities do you think should be the focus for the future of the study area?
(please tick all that apply)**

- Tourism
- Commercial/retail
- Residential
- Farming
- Environmental conservation
- Accommodation
- None
- Other (please specify)

Please explain your selection.

8. **Are there any improvements, development or changes that you think would enhance
the community?**

- Yes
- No
- Unsure

Please explain your response.

9. **What is your vision for the future of the Hattah township?**

Appendix B – Red Cliffs Parcel – Letter



22 December 2020

Daniel Gebert
Mildura Rural City Council
108 Madden Avenue
Mildura VIC 3500

Our ref: 12530479-99839-61
Your ref:

Dear Sir/Madam

174 Cootamundra Avenue, Red Cliffs

1.1 Purpose of letter

The purpose of this letter is to review the existing planning scheme zones and overlays of the land parcel at 174 Cootamundra Avenue, Red Cliffs (174 Cootamundra Avenue), consider consultation findings, and discuss the appropriate future zoning of the site.

The key objectives of this letter are to:

- Outline background research to ensure all relevant issues are identified
- Identify an appropriate zonings and overlays regime
- Identify and detail any consequential changes which need to be made to the Mildura Planning Scheme and
- Consolidate recommendations

1.2 Background

A single parcel of land at 174 Cootamundra Avenue, Red Cliffs (174 Cootamundra Avenue) was rezoned from Rural Zone to Public Conservation and Resource Zone (PCRZ) in 1999 at the introduction of the 'new format Planning Schemes' and has not changed since.

The new format Mildura Planning Scheme (the Planning Scheme) was prepared and exhibited in 1997, considered by Panel in March 1999, and approved by the Minister for Planning on 21 October 1999. At this time, 174 Cootamundra Avenue was rezoned from Rural Zone to PCRZ. The Planning Scheme has since been subject to a number of reviews.

The PCRZ is a Public Land Zone within the Planning Scheme and is not intended to cover privately owned land. It is restrictive in nature with most uses prohibited, unless the use is conducted by or on behalf of a public land manager or Parks Victoria, or specified in an Incorporated Plan in a schedule to the zone.

The purpose of the PCRZ, as defined in Clause 36.03 of the Planning Scheme, is:

- *To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values*
- *To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes*
- *To provide for appropriate resource based uses*

There are no exemptions listed at Clause 62.01 or 62.02 that would potentially apply to the land. Therefore, a permit is required for almost all land use and development.

The PCRZ is consistent with the surrounding conservation land to the north and west, but its application to privately owned land at 174 Cootamundra Avenue indicates a zoning anomaly within the Planning Scheme. As a result, the land at 174 Cootamundra Avenue cannot be used or developed in a manner consistent with privately owned land.

During the recent Planning Scheme Review undertaken by Ethos Urban in 2018-2019, one submission was received from the landholder of 174 Cootamundra Avenue in relation to their property. The submission highlighted a need to reconsider the PCRZ zoning to the land parcel. The Ethos Urban report recommended that:

- *Confirm ownership of 174 Cootamundra Avenue Red Cliffs and if private, rezone to the appropriate zone – likely Farming Zone given the surrounding area*

Accordingly, MRCC engaged GHD to review the current zoning control that applies to 174 Cootamundra Avenue.

1.3 Project area

174 Cootamundra Avenue is a single 0.8 hectare parcel of private land located approximately 9 km from the main Township of Red Cliffs. The project area for the purposes of this report includes the interfacing properties in order to provide a revised zoning recommendation for 174 Cootamundra Avenue. The project area and interfacing properties are shown in Figure 1.

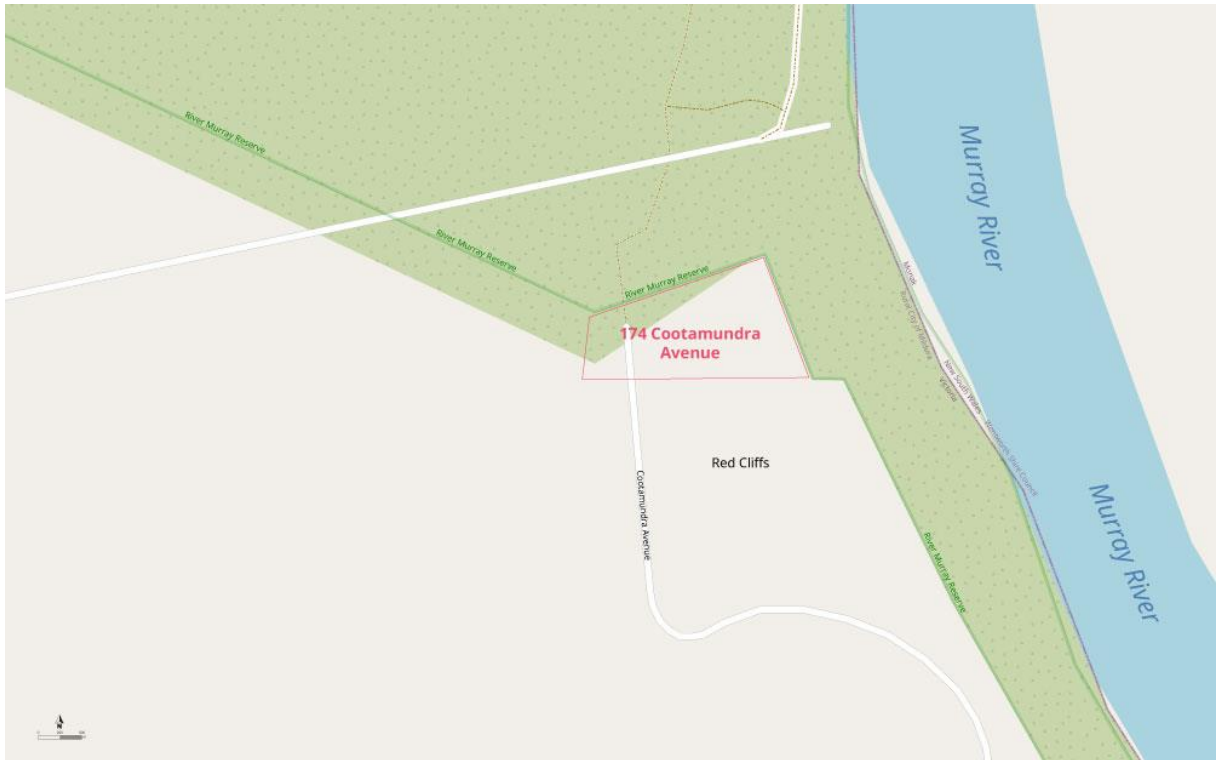


Figure 1 Project Area Map - 174 Cootamundra Avenue

1.4 Context

174 Cootamundra Avenue is located near the Murray River and approximately 9 km east of the Township of Red Cliffs. The land is currently vacant and being used informally to access the Murray River.

The interfacing land uses include the road reserve of Cootamundra Avenue to the south, the public land of the proposed 'Murray River Park' to the north and two private properties used for farming and agricultural purposes addressing Cootamundra Avenue.

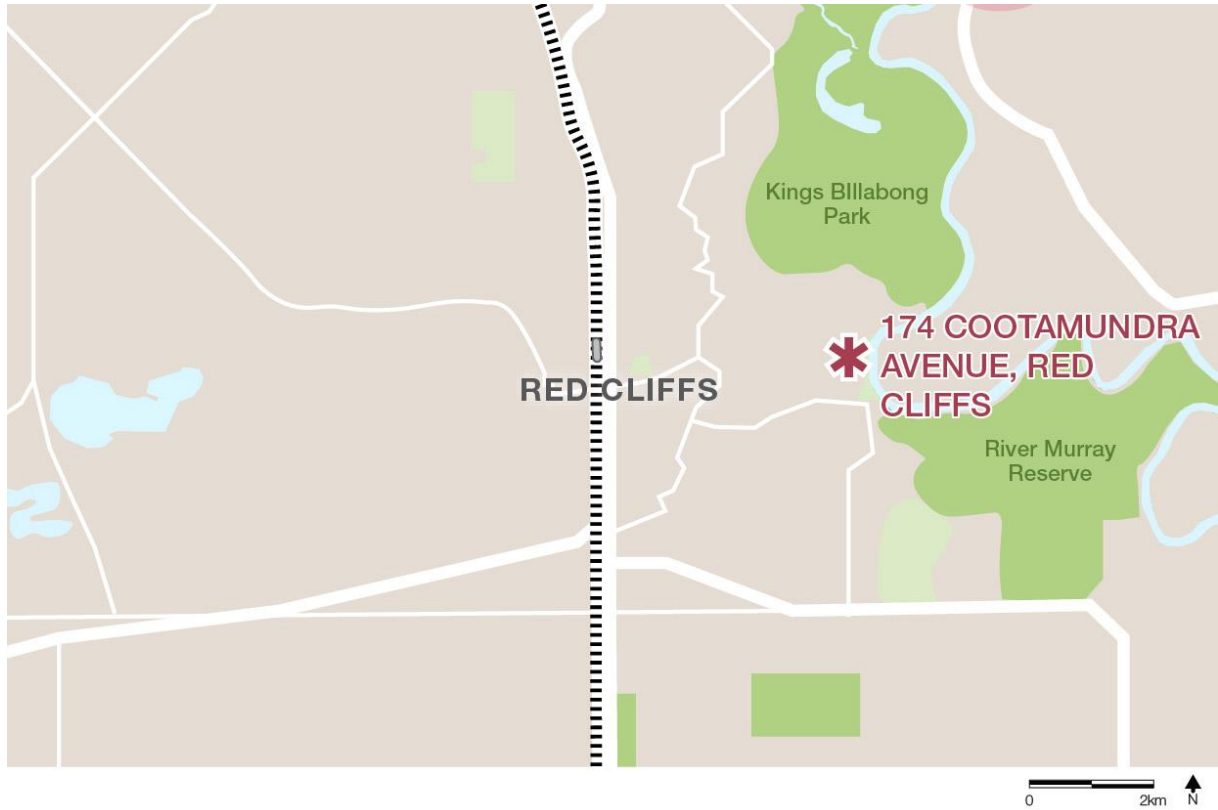


Figure 2 174 Cootamundra Avenue, Red Cliffs local context map¹

1.5 Planning Zones

174 Cootamundra Avenue, Red Cliffs is zoned PCRZ in the Planning Scheme. To the north, the public owned land is zoned PCRZ. To the south, the privately owned properties and Cootamundra Avenue are zoned Farming Zone (FZ), as shown in Figure 3.

Table 1 Planning Zones – 174 Cootamundra Avenue

Zones	Location	Purpose	Restricted Uses
PCRZ	174 Cootamundra Ave Surrounding public land	To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values; to provide facilities which assist education and preservation of places of natural significance; and to provide for appropriate resource based uses.	A number of uses are prohibited in this zone, consistent with the zone purpose. This zone is restrictive in nature, requiring a planning permit for all proposed private land uses and developments, as the PCRZ is intended to be applied to public land.

¹ Map created by GHD using VicPlan data (August 2020)

Zones	Location	Purpose	Restricted Uses
Farming Zone (FZ)	157 Cootamundra Ave (interfacing property) 154 Cootamundra Ave (interfacing property) Cootamundra Avenue	To provide for the use of agriculture, encourage retention of productive agricultural land and ensure development is appropriate to the agricultural land use.	This zone offers flexibility of the use, provided the use is appropriately located. Any use listed in Section 3 is considered prohibited use.



Figure 3 174 Cootamundra Avenue planning zones map²

1.6 Planning Overlays

As at 3 December 2020, 174 Cootamundra Avenue is located within two overlays, as outlined in Table 2 and shown in Figure 4 and Figure 5.

² Map sourced from VicPlan (August 2020)

MRCC has prepared Amendment C106 mild “Mallee CMA Flood Mapping Update” to the Planning Scheme. The Amendment was adopted by MRCC on 22 January 2020 and is awaiting approval by the Minister, with a decision expected shortly. The Amendment proposes to update the flood mapping of the municipality and will remove the Land Subject to Inundation Overlay (LSIO) from the entire area surrounding 174 Cootamundra Avenue and include it within the Floodway Overlay (FO).

An Environmental Significance Overlay (ESO) also covers the entire area including and surrounding 174 Cootamundra Avenue.

Table 2 Planning Overlays – 174 Cootamundra Avenue

Overlay	Location	Purpose	Restrictions/ Requirements
Environmental Significance Overlay (ESO) – Schedule 1 ‘Murray River Corridor’	174 Cootamundra Ave Surrounding public land 157 Cootamundra Ave (interfacing property) 154 Cootamundra Ave (interfacing property)	To identify areas where development of land may be affected by environmental constraints; and to ensure that development is compatible with identified environmental values.	The ESO is restrictive in nature, requiring a permit to subdivide, for buildings and works, and to remove, destroy or lop any vegetation, including dead vegetation.
Land Subject to Inundation Overlay (LSIO)	174 Cootamundra Ave Surrounding public land 157 Cootamundra Ave (interfacing property) 154 Cootamundra Ave (interfacing property)	To identify land that may be impacted by flooding events and ensure development minimises flood risk. This overlay also protects water quality, ensuring development maintains or improves river and wetland health, waterway protection and flood plain health.	The LSIO is restrictive in nature, requiring a permit for buildings and works for various uses.

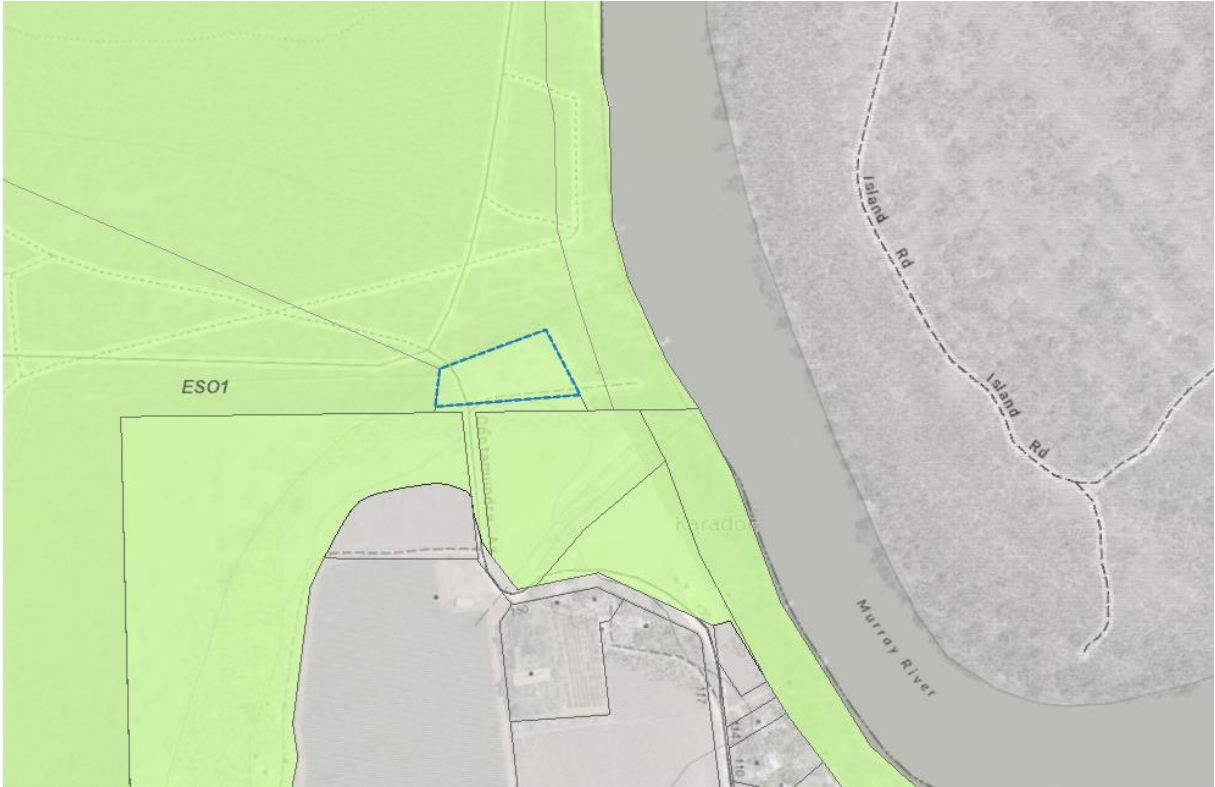


Figure 4 174 Cootamundra Avenue – Environmental Significance Overlay map³

³ Map sourced from VicPlan (August 2020)

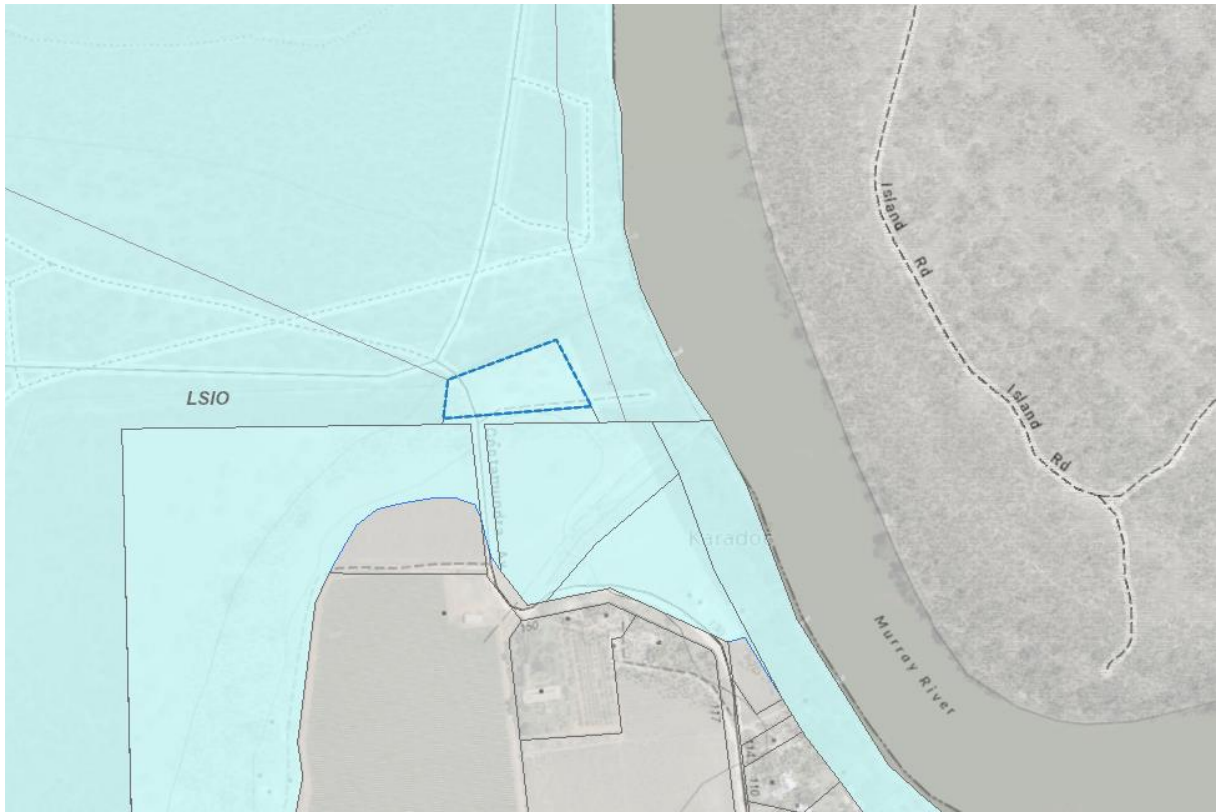


Figure 5 174 Cootamundra Avenue – Land Subject to Inundation Overlay map⁴

1.7 Planning Permit History

174 Cootamundra Avenue has been subject to the planning permits listed in Table 3. It has not been subject to any enforcement issues.

Table 3 Planning Permit History – 174 Cootamundra Avenue

Permit Number	Planning Permit	Status
005.2014.00000104.001	Extension to dwelling (other than dwelling)	Lapsed Application (11 June 2014)
005.2014.00000239.001	Storage shed	Permit by Delegation (24 November 2014)
005.2014.00000239.002	Extension of Time	Permit by Delegation (7 December 2018)

⁴ Map sourced from VicPlan (August 2020)

1.8 Consultation

Engagement was undertaken with the landowner of 174 Cootamundra Avenue and relevant government stakeholders.

In October, a letter was mailed out to the landowner and external agencies detailing project information and FAQs, in addition to information around how to provide input, including via the survey (online link and/or hardcopy). MRCC's email and phone number were provided on the letter for recipients requesting further information. MRCC managed the mail out of letters and stakeholder liaison, including recording correspondence.

An online survey ran over four weeks through Survey Monkey (see Appendix A). The survey was designed to understand issues and opportunities, and the vision for the land parcel. The survey coincided with the mail out which included hardcopy versions. The survey listed MRCC's phone number and email address for people to contact for further information or to discuss the project.

The landowner did not respond to the online survey or hard copy letter.

In November, the project team engaged in targeted stakeholder conversations to identify issues and opportunities and to understand stakeholder priorities. Stakeholders identified included government landowners and relevant statutory authorities. Video conferences were undertaken with DoT and DELWP, and a phone conversation was undertaken with VicTrack. Parks Victoria provided an email response. Feedback from the key external agencies is summarised in Table 5-1.

Table 4 Key external agency feedback

Agency	Correspondence date and form	Feedback
Parks Victoria	10 November 2020 Email	Does not see any issues and has no further interest at this stage, provided there is no impact on adjacent parks or reserves.
DoT	12 November 2020 Video conference	No comment on 174 Cootamundra Avenue as it is located away from RDZ1 land.
DELWP	20 November 2020 Video conference	Take into consideration that the LSIO is being removed (Amendment with the Minister) and will be replaced by the Flooding Overlay.
VicTrack	24 November 2020 Email and phone conversation	<ul style="list-style-type: none">No comment on 174 Cootamundra Avenue, Red Cliffs as it is located away from rail land.

1.9 Development potential and re-zoning options

Parks Victoria does not see any issues with re-zoning the land, provided there is no impact on adjacent parks or reserves. DELWP advised that Council should take into consideration that the LSIO is being removed and being replaced by the Flooding Overlay.

174 Cootamundra Avenue is currently vacant and being used informally to access the Murray River. Land to the north is proposed to be the 'Murray River Park'. The interfacing properties addressing Cootamundra Avenue to the south are used for farming and agricultural purposes.

As noted previously, the current zoning is an anomaly. The PCRZ zoning is inappropriate for privately owned land and restricts the opportunity for the landowner to develop the land in an appropriate manner.

Due to the relatively remote location of 174 Cootamundra Avenue and given that only one land parcel is involved, there would be minimal impact to the adjacent parks to the north or any further demand on services and infrastructure by developing the parcel, in line with the provisions of the Farming Zone.

The Farming Zone would correct the zoning anomaly. The purpose of the Farming Zone is:

- *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*

Considerations include:

- The adjacent privately owned land to the south is zoned Farming Zone
- The Farming Zone allows for multiple uses including agriculture, domestic animal husbandry, a dwelling to be constructed on the lot (subject to requirements) and primary produce sales
- The Farming Zone would provide for the future use and development of the land, while limiting impacts to the adjoining land zoned PCRZ to the northern, western and eastern boundaries
- Roads are permitted within the Farming Zone, by virtue of Clause 62.01 of the Planning Scheme

The Farming Zone would provide for the future use and development of the parcel, in line with the properties to the south.

As part of the Planning Scheme Amendment (PSA), it is recommended that the Farming Zone be applied to 174 Cootamundra Avenue and the interfacing land to the south, as outlined in Figure 6 below:



Figure 6 Proposed planning zones

1.10 Planning Overlays

MRCC has prepared Amendment C106mild “Mallee CMA Flood Mapping Update” which proposes to update the flood mapping of the municipality and replace the LSIO from the entire area surrounding 174 Cootamundra Avenue and include it within the Floodway Overlay.

ESO1 ‘Murray River Corridor’ covers 174 Cootamundra Avenue and surrounding parcels. ESO1 has a number of objectives, including to protect and enhance the Murray River, to prevent use and development of land adjoining the river from degrading water quality, and to restrict inappropriate use and development on land adjoining and near the River, amongst other objectives. Given that 174 Cootamundra Avenue is located approximately 50 metres from the Murray River, it is recommended that ESO1 remains on the parcel.

Given there is a current PSA that seeks to replace the LSIO with the Floodway Overlay, and there is an existing ESO that covers the parcel and the wider area, this land use review does not recommend any changes of the existing and proposed overlays that apply to 174 Cootamundra Avenue.

1.11 Recommendations

It is recommended that:

- The Farming Zone is applied to the parcel at 174 Cootamundra Avenue and the interfacing parcel to the south
- There are no further changes to the overlays that apply to 174 Cootamundra Avenue

Sincerely
GHD



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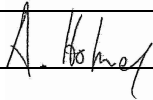
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132/https://projectsportal.ghd.com/sites/pp17_02/hattahstructureplan/ProjectDocs/12530479_REP-1_Hattah Land Use Plan Final v2 (response to submissions 12 April 2021, trk chg).docx

Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
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