



# Rural Areas Strategy

## Volume 1

## Final Report

### Strategic Planning Framework

Mildura Rural City Council

November 2005

MAUNSELL | AECOM

# Rural Areas Strategy

Prepared for

**Mildura Rural City Council**

Prepared by

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# Quality Information

Document Rural Areas Strategy

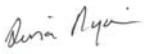
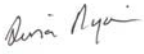
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## Revision History

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			Name/Position	Signature
A	18/05/2005	Draft Report – Rural Areas Strategy	Lisa Ryan Principal Planner	
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# 1.0 Introduction

## 1.1 Impetus for Study

With assistance from the Department of Sustainability and Environment (DSE), Mildura Rural City Council (Council) has commissioned Maunsell Australia (Maunsell) and Sunraysia Environmental to develop a *Rural Areas Strategy* (Strategy) to provide Council with a long-term framework for guiding subdivision, development and use in its rural areas. This strategy is a response to the State Government's recent decision regarding the introduction of new rural zones for rural Victoria and Council's commitment to review the future of its rural areas.

The Mildura Planning Scheme was approved in December 1999 and the rural area controls were largely based on strategic work undertaken during the 1990's. Council believes that it is an opportune time to review its approach to managing the rural areas to take advantage of the opportunities afforded by the new zones and to respond to emerging trends in the agriculture sector.

Council has recently completed a range of strategic work addressing residential, retailing, industrial and rural living needs that will lead to significant amendments to the Mildura Planning Scheme. This strategic work has implications for some of the municipality's rural areas.

## 1.2 Aim of Study

The purpose of this study is to provide council with a long-term framework for management of the rural areas. The municipality's rural areas are of national and international significance in terms of their agricultural output and important environmental characteristics. Therefore, careful management and planning is required for the region to maintain this important role.

By conducting a rural areas audit, trend and issue analysis as well as consultation with the relevant stakeholders, a strategic framework and planning scheme amendment will provide the Council with a means for managing the use and development of rural areas according to the State Government's initiatives. The strategy will review the approach to managing rural areas, taking advantage of new rural zones and responding to emerging trends in the agricultural sector.

## 1.3 Study Area

The study area includes all land within the municipality that is subject to the Rural Zone. Refer to Figure 1. The municipality's rural areas are nationally and internationally significant in terms of their agricultural output and important environmental characteristics.

Agriculture in the municipality can be characterised as having three general forms as outlined below.

### **Small Scale Horticulture**

Smaller scale horticulture production in and around the older pump irrigated areas of Mildura, Irymple and Red Cliffs. These areas include some larger scale land holdings, but many are smaller holdings that are either farmed on a part-time basis or require off-farm income to support the landowner. These areas have, to varying degrees, been subject to small lot subdivision and excisions to create rural living opportunities.

### **Large Scale Horticulture**

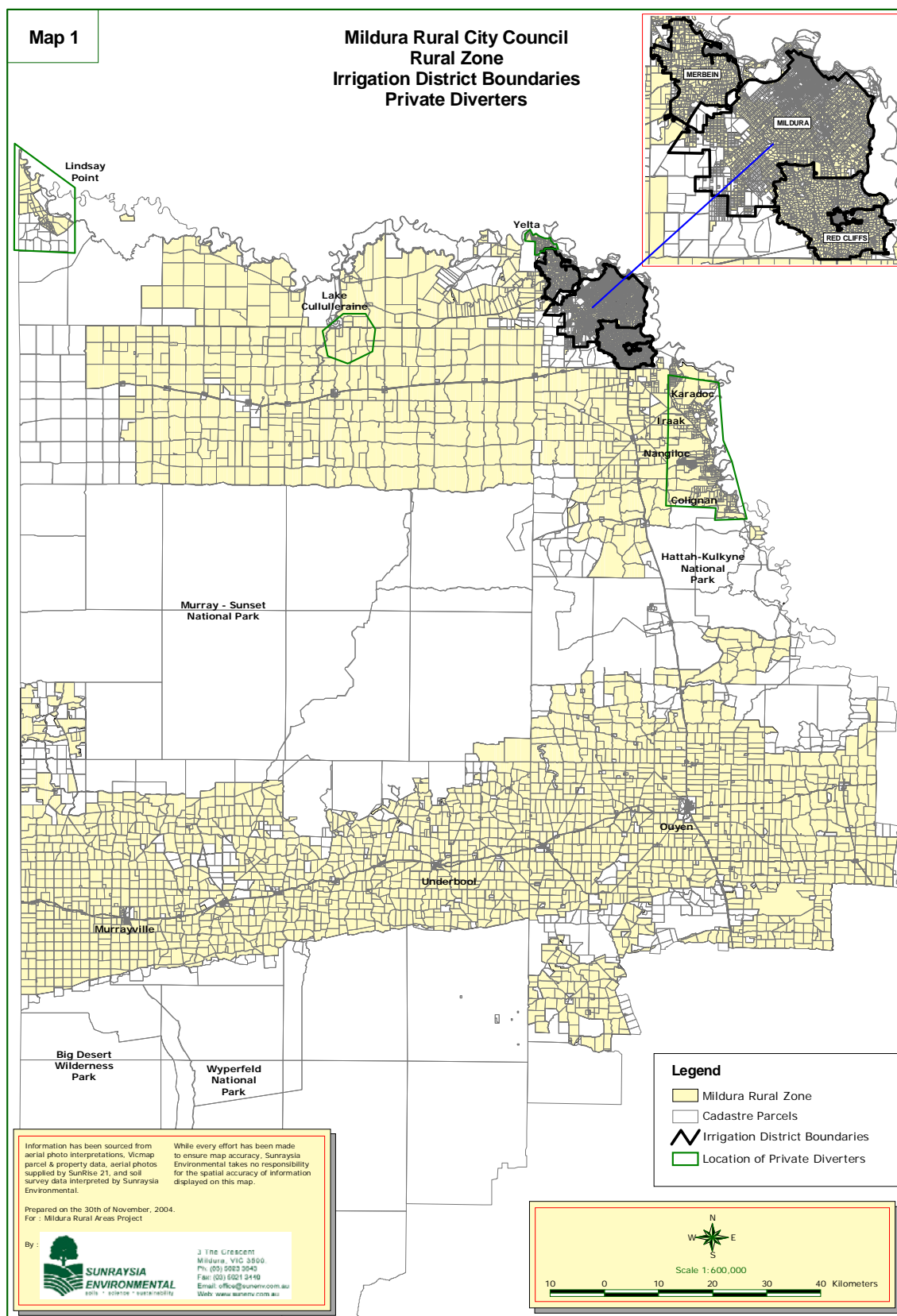
Large-scale horticulture production to the northeast and central north of the municipality usually associated with wine grape production but also for other crops such as olives. These large-scale enterprises have required development of significant new irrigation infrastructure and play an increasingly important role in the region's economy.

### **Dryland Farming**

Dryland farming areas throughout the remainder of the municipality that are generally held in large lot sizes and predominantly used for cereal cropping and sheep.

Although not part of the study areas, the rural areas also contain approximately 40% of the Victorian parks system, including important mallee, riverine and wetland habitats.

Figure 1 Mildura Rural City Council Rural Zone – Irrigation District Boundaries Private Diverters





## 1.4 Background

In response to the project brief, the project team has presented the strategy into two volumes. This report forms Volume 1 and includes:

- Introduction and impetus for study;
- Relevant background information;
- Discussion of existing planning controls;
- Overview of new farming zones;
- Key issues from stakeholder consultation;
- Overview of relevant planning policy;
- Strategic Planning Framework; and
- Planning Scheme Amendment.

Volume 2 relates to the Agricultural Land Capability Assessment, which informs the preparation of the strategic planning framework and subsequent planning scheme amendment referred to in Volume 1. The Agricultural Land Capability Assessment includes three principles sections:

- Rural Areas Review/Audit identifying landscape characteristics, land systems, irrigated horticulture and land use.
- Trend and Issues Analysis including The Deakin Project, Excisions and small lot subdivision, property Multiple uses on horticulture, impact of water deregulation, right to farm issues, viability of smaller horticultural holdings, urban development and application of Environmental Zones.
- Key Findings.

### 1.4.1 Overview Existing Planning Scheme Provisions

As indicated in section 1.1, the planning policy and controls in the Mildura Planning scheme were largely based on strategic work undertaken during the 1990's. It is important to provide comment on the performance of the existing planning controls and issues associated with their implementation, as this will inform the preparation of the strategic planning framework and subsequent planning scheme amendment. Outlined below is description of the relevant policy and control and comments on its performance.

#### (i) Municipal Strategic Statement

The Municipal Strategic Statement (MSS) outlines the key strategic planning objectives, strategies and implementation mechanisms that collectively provide the rationale for local policies, land use and development provisions in the Planning Scheme. It is Council's key planning tool and provides for development anticipated to be required until the year 2011.

The MSS provides a vision for the Mildura Rural City as follows:

*A municipality that recognises that the River systems and the Land provide life and prosperity that must be managed with sensitivity to sustain productivity for future generations.*

*The municipality's townships will be clearly defined and separated from each other, and framed by agricultural and horticulture activities. They will be maximising the use of infrastructure and services and avoiding development in environmentally sensitive or prime agricultural areas.*

*Residents will be living in a variety of housing styles and environments. They will range from attractive and consolidated medium density clusters in the major townships, to rural living in low density allotments in clearly defined rural settings that are in harmony with the environment and that are not inhibiting the productivity of agricultural and horticulture activities.*

### Agriculture and Horticulture

*Agricultural and horticultural production will be the foundation of the municipality's strong and prosperous economy and will be uninhibited by urban encroachment. Agricultural pest plants, particularly silver-leaf nightshade, hardheads, camelthorn, and "spiked weeds", will be controlled.*

*Land, water and physical infrastructure in agricultural and horticultural areas will be utilised for their most productive agricultural or horticultural use and being managed in a sustainable manner.*

Additionally the MSS specifies the following key commitment:

*We will protect and enhance the natural and built environments and preserve our pioneer heritage.*

Table 1 outlines relevant characteristics for consideration as part of this strategy.

**Table 1 Municipal Characteristics**

Theme	Characteristics
Agriculture and Horticulture	<ul style="list-style-type: none"><li>Horticulturists within the municipality and surrounding Sunraysia District produce more than 95% of Australia's dried vine fruit, 60% of Australia's table grapes, 50% of Australia's asparagus; 37% of Australia's wine grapes; 31% of Australia's carrots; and 20% of Australia's citrus. The majority of this activity occurs on irrigated land centred on Mildura, Irymple, Red Cliffs, Nangiloc and Merbein. There is also significant almond production at Lindsay Point.</li><li>The main agricultural activities of dryland farmers in the municipality include production of mixed cereal crops (12% of Victorian Production), wool (2.3% of Victorian Production), grain and pasture legumes. These activities are focused in the Mallee country to the south and west of Mildura. There is also significant egg production at Murrayville. Major regional livestock saleyards are located at Yelta and Ouyen.</li><li>Apiculture is an important industry in the region, undertaken over large areas of public land throughout the municipality.</li><li>Both dryland and irrigated horticultural industries have recognised that "clean and green" production is vital to prosper in their export driven industries.</li><li>Gross value of production from these agricultural and horticultural activities exceeds \$300 million per annum.</li></ul>

The MSS also specifies the following strategic directions according to a number of themes, which are identified as key land use planning considerations for the municipality. Relevant for this project are the strategies relating to Agriculture and Horticulture as expressed in Table 2.

**Table 2 Strategic Directions**

Theme	Objectives	Strategies
Agriculture & Horticulture	Support the development of sustainable agricultural and horticultural industries.	<ul style="list-style-type: none"><li>Adopt minimum subdivision lot sizes of 100 ha in dryland areas and 10 ha in horticultural areas.</li><li>Discourage non agricultural use and development on land zoned rural.</li><li>Discourage the excision of small lots in horticultural areas.</li><li>Protect rural and agricultural infrastructure.</li></ul>

Theme	Objectives	Strategies
		<ul style="list-style-type: none"> <li>• Discourage urban intrusion into existing horticulture areas.</li> <li>• Establish buffers between urban and rural areas.</li> <li>• Encourage provision of water to suitable cleared soils.</li> <li>• Encourage an enterprise mix.</li> <li>• Protect high quality land and water resources.</li> <li>• Ensure future subdivision is based on sustainable and viable farming methods and on sustainable environmental grounds.</li> </ul>

## (ii) Local Planning Policy

There are two local planning policies which require comments in terms of their effectiveness and performance namely clause 22.05-1 Protection of Agricultural and Horticultural Land and Council's adopted Rural Areas Policy.

### ***Clause 22.05-1 Protection of Agricultural and Horticultural Land***

This policy provides an overview of the importance and significance of the horticultural and agricultural industry nationally and internationally. The policy basis also highlights the potential to expand agricultural and horticultural production throughout the municipality.

The purpose of this policy is to retain high value rural land for agricultural and horticultural purposes.

The policy elements include:

- Subdivision of land to provide for an existing or proposed dwelling not incidental to the use of the land from crop raising is strongly discouraged.
- The use of rural land for purposes other than agriculture, horticulture, extractive industry, leisure and recreation, mining or natural systems, or uses which support these uses are strongly discouraged including:
  - (i) Retail.
  - (ii) Dwellings not related to use of land for horticulture or agriculture.
  - (iii) Industrial uses not intrinsically related to horticulture or agriculture.
- If a lot is to be created the following should apply:
  - (i) Prior to subdivision lot size should be at least 10 ha.
  - (ii) No further subdivision permitted from the parent lot with a note to be placed on the title to indicate this restriction.
  - (iii) Where possible the houses on the parent and the subdivided lot should use a common access way and common services and should be positioned close together and in a way to minimise removal of native vegetation.

### **General Comment MSS and LPP**

Key issues/comments in relation to the performance of the existing LPPF with regard to agriculture and horticulture include:

- It does not differentiate between Older and Newer Irrigated Areas (MSS /LPP).
- It does not adequately address and/or acknowledge existing characteristics and emerging trends of agricultural and horticulture in the region such as (MSS/LPP):
  - (i) A local tradition and expectation that farming families will retire on land in the family home.
  - (ii) Implications of inappropriate subdivisions such small lot excision, boundary realignments involving multiple lots, road reserve, channel and utility lots.
  - (iii) The current level of rural living use of small lots within the horticultural areas has generally not given rise to “right to farm” issues common in other agricultural areas.
  - (iv) The size of agricultural landholdings necessary for efficient production has been steadily increasing.
  - (v) In some of the older irrigated areas, efficiency and productivity gains have been achieved by enlarging landholdings.
  - (vi) The introduction of tradeable water rights has led to some horticultural land being taken out of production.
  - (vii) New irrigated horticultural areas, enterprises are being established that are of a significantly greater size and scale than the older irrigated areas.
  - (viii) To sustain or improve the productive capacity of older irrigated horticultural areas the size of landholding must be increased.
  - (ix) To protect land for potential very long term future urban development large landholding must be retained and consolidation encouraged (MSS)
- It does not adequately provide a planning response to these trends/characteristic.
- The LPP objective does not reflect the current situation.

In response, to a number of these issues a revised Rural Areas Policy was prepared and adopted by Council in November 2003.

### **Adopted Rural Areas Policy (not in Mildura Planning Scheme)**

The Rural Areas Policy was prepared in response to the *Rural Residential Study Review, October 2003*, undertaken by O'Neill Pollock and Associates. This study highlighted that in addition to development of land zoned Low Density Residential, rural living opportunities have historically also been met through the creation and development of small lots (less than 2 hectares) in the rural zones.

Importantly and with implications for this project, this review highlighted that future annual lot yield of small-lot creation in the rural zone will be significantly influenced by the policy position Council adopts relating to vacant small lot creation in the rural zone.

This review identified three scenarios for consideration relating to tightening of rural policy, adopting a rural policy that discourages lot excisions on properties less than 10 hectares and liberalisation of the Council's Rural Policy. **The study recommended adopting a Rural Policy position that discourages lot excisions on properties less than 10 hectares but allows the creation some vacant lots in the Rural Zone through boundary realignments as a trade-off for farm consolidation.** The rationalisation for this policy is summarised as follows:

- Adoption of a policy position that discourages lot excisions from properties less than 10 hectares in size but allows the creation of some small vacant lots in the rural zone via boundary realignments in some instances as a trade off for facilitating farm consolidation.

- Opportunities for boundary realignments are finite as they are based on existing lot conditions and that section 173 Agreements are placed on title stating that further lot subdivisions if prohibited. As a result as time progresses there will be a diminishing pool of such resources.
- Based on the diminishing rate of such opportunity it is estimated that over the next 10 years approximately 150 such lots could reasonably be expected to be created (at approximately 15 lots per year).

Therefore, the *Rural Areas Policy* was developed based on Council adopting the position that discourages lot excisions on properties less than 10 hectares in size in the Rural Zone but allows some vacant lots as trade off for farm consolidation.

Under this policy, it is projected that the existing supply of rural residential opportunities in the municipality (inclusive of approximately 15 lots per year in the Rural zone) would be exhausted in approximately 5 years. Under this scenario, it is projected approximately 82 hectares would be required to be rezoned to Low Density Residential Zone to meet the likely/ambitious 10 year rural residential demand in the municipality.

#### *Comment on Rural Areas Policy*

The effectiveness of the *Rural Residential Study Review – 2003* will largely depend on Council's actions relating to small lot excisions of rural zoned land.

It is important to understand, that Council's projections for rural residential development which were based on a scenario adopting a Rural Policy that discourages lot excisions on properties less than 10 hectares in size but allows the creation of some vacant lots in the Rural Zone through boundary realignments as a trade off for farm consolidation should be upheld as part of the *Rural Areas Strategy*.

Therefore, the assumptions behind the Rural Areas Policy need to be reflected in any modifications and/or redrafting of the Rural Areas Policy as they underpin Council's rural residential projections which have been upheld at Panel through the support for inclusion of Nicols Point and Former Mildura Feedlots site into the Low Density Residential Zone as part of Amendment C28 (refer to discussion below).

Given Council relies upon this policy in assessing applications. It is important to review its performances and effectiveness as part of this project.

Discussion with Council officers and a review of applications has highlighted some issues with policy.

Overall, the policy has been relatively effective in achieving it's objectives in relation to:

- Consolidation of land.
- Discouraging the fragmentation of rural land.
- Ensuring newly created dwellings lots are of sufficient size to accommodate serving and buffering needs.
- Discouraging inappropriate commercial and industrial uses in rural areas.

Key issues or opportunities for improvement relate to simplification of the policy basis and the need for the policy to provide guidance in relation to:

- Multiple lot boundary re-alignments;
- The use of vinculums; and
- The creations of easements.

#### 1.4.2 Amendment C28

Amendment C28 is the vehicle for implementing the recommendations of the “Three Year Review” of the Mildura Planning Scheme. It was also the first of four substantial amendments that will set the strategic framework for the future planning of the municipality. Of particular relevance to this study are the assumptions relating to Council population projections for rural residential development as these have implications for Council’s Rural Areas Policy (refer to section 1.4.1).

##### **Submissions**

The Panel has referred a number of submissions that requested inclusion of land in the Low Density Residential Zone, and in one case from the Low Density Residential Zone to Residential 1 Zone have to this study for consideration.

That Panel stated that in assessing these submissions

*It is important to not undermine the Residential and Low Density Strategies adopted by the Planning Authority radically alter the boundaries of these zones, as proposed by the amendment.*

This also has important implications for the *Rural Areas Strategy* as it provides guidance and clear direction for how small lot excisions in Mildura rural areas should be managed and assists in setting the foundations for the Strategic Planning Framework.

The submissions referred to this study for consideration predominantly relate to subdivision requests to facilitate low-density development in the rural zone. A number of these submissions relate to rezoning requests relate to the Cabarita and Koorlong areas.

Appendix A Table 1 provides a summary of these submissions and key implications for the Rural Areas Strategy.

##### **Panel Recommendations**

The Panel Report makes the following conclusions and recommendations in relation to Cabarita and Koorlong areas:

*That given the nature of residential development at **Cabarita**, it may be a candidate for inclusions in a Low Density Residential Zone once land has been taken up at Lake Hawthorn and Nichols Point. Alternatively, having regard to existing “low density” residential development around the golf course it should be referred to the consultant undertaking the Rural Strategy Review.*

*That given the attributes of **Koorlong** for low-density residential development, it may be a candidate for inclusion in a Low Density Residential Zone once land has been taken up at Lake Hawthorn and Nichols Point. Also, it should be referred to the consultant undertaking the Rural Strategy Review.*

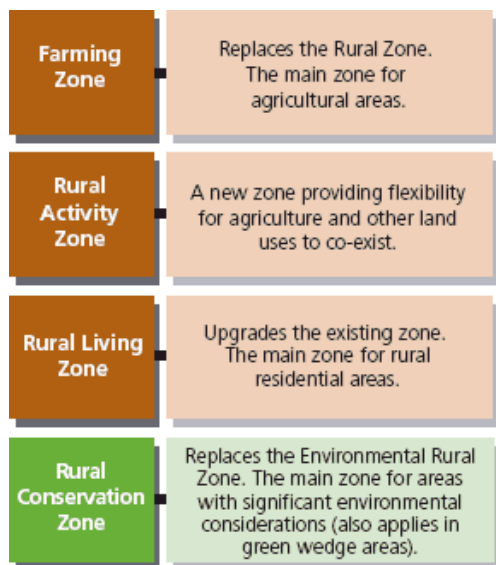
As discussed in section 4.1.2 the future strategic direction of these two areas has been considered in conjunction with Council officers and Councillors.

#### 1.4.3 New Farming Zones

The four additional rural zones were introduced into the Victorian Planning Provisions (VPP) via amendment VC24, however the amendment does not apply to any land until councils amend their planning schemes. Three of the new rural zones (Farming Zone, Rural Activity Zone, Rural Living Zone) retain important elements of the existing rural zones and include improvements recommended

by the Rural Zones Review Reference Group and comments made by submitters to The Reference Group's discussion and options paper. The fourth new zone is the Rural Conservation Zone which is one of two zones (along with Green Wedge Zone) introduced subsequent to its proposal by the Green Wedge Implementation Plan of *Melbourne 2030*.

**Figure 2 New Rural Zones**



Outlined is a description of the main features of the new zones:

### **Purposes**

The main feature of the **Farming Zone** is its recognition of agricultural as the dominant land use in rural Victoria. The purpose of the zone articulates the encouragement of agriculture as a future sustainable land use. Most agricultural uses that require a permit will need to consider the environmental effects and potential land use conflicts with surrounding agricultural uses.

The **Rural Activity Zone** is designed to be applied to selected areas where agricultural activities and other land uses co-exist. A wider range of tourism, commercial and retail uses may be considered in the zone. Agriculture has primacy in the zone, but other uses may be established if they are compatible with the agricultural, environmental and landscape qualities of the area.

The **Rural Conservation Zone** will protect and enhanced the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed in the zone provided it is consistent with the environmental and landscape values of the area.

The revised **Rural Living Zone** provides for residential uses in a rural environment. While the zone provides for agricultural activities the amenity of residential living must be protected

### **Subdivision**

The Farming Zone provides the ability to create small lots for one existing dwelling. Subject to a permit this one-off opportunity is conditional on a Section 173 agreement under the *Planning and Environment Act 1987* being entered into – to ensure that the land is not further subdivided beyond the lot size specified in the schedule to the zone. This is to prevent serial excisions eroding the primary agricultural purposes of the zone.



## ***Building and Works***

For alterations and extensions to existing dwellings or buildings used for agriculture, councils can specify a building area below which a permit is not required. This allows councils to remove permit requirements for building and works that have no significant planning impact.

Councils can also schedule in appropriate alternatives to standard setbacks within which buildings require a permit.

The new zones do not control farm dams. The *Water Act 2001* requires licensing for particular dams in rural areas.

## ***Application requirements for dwellings***

Planning permit applications for dwellings in the Farming Zone now require the submission of a written statement explaining how the proposal responds to certain Decisions Guidelines in the zone.

*What other changes were made by Amendment VC24 ?*

Clause 17.05 of the State Planning Policy Framework has been amended to remove references to “high quality” agriculture and to focus on the protection of productive agricultural land.

Appendix B Table 2 provides a comparison of key features of the new rural zones.

## ***Implication and considerations for this project***

It is also important to understand and note the key differences between the new Farming Zone and existing Rural Zone, as the Rural Zone applies to a significant portion of the municipality.

As mentioned earlier the main purpose of the new Farming Zone is its recognition of agriculture as the dominant land use in rural Victoria. In contrast, to the existing Rural Zone the purpose of the Farming Zone articulates the encourage of agricultural as a future sustainable land uses and seeks to ensure that non-agricultural uses, particularly dwellings do not adversely affect the use of the land for agriculture. The existing Rural Zone is not as strong in promotion and protection of productive agricultural land.

Key differences in the permit requirements for uses are summarised in the Table 3 below:

As mentioned earlier the Farming Zone provides the ability to create small lot for an existing dwelling as does the existing Rural Zone. The key difference is that the ability to create a small lot for one existing dwelling in the new Farming Zone is conditional on a Section 173 agreement under the *Planning and Environment Act 1987* being entered into to ensure land is not further subdivided.

**Table 3 Key differences in the permit requirements**

<b>List of Uses</b>	<b>New Farming Zone</b>	<b>Existing Rural Zone</b>
<i>Agriculture</i>	Permit not required	Permit required
<i>Convenience Shop</i>	Prohibited	Permit required with condition
<i>Industry (other than Rural Industry)</i>	Prohibited	Permit required
<i>Retail Premises</i>	Prohibited (other than community market,	Permit required (other than shop which is prohibited)



List of Uses	New Farming Zone	Existing Rural Zone
	manufacturing sales, primary produce sales and restaurant)	
<i>Warehouse</i>	Prohibited	Permit required
<i>Accommodation</i>	Prohibited (other than Dependent person's unit, Dwelling, Group accommodation, host farm and residential hotel which are all section 1 and 2 uses).	Permit Required (other than Dependent person's unit and Dwelling which are section 1 uses)

A key difference with the new Farming and existing Rural Zones relates to application requirements for dwellings and decision guidelines. Clause 35.07- 5 Farming Zone relates to application requirements for dwellings and requires applications to use a lot for a dwelling be accompanied by a written statement which explains how the proposed dwelling responds to the Decision Guidelines. The Decisions Guidelines in the Farming Zone are all directed towards supporting and enhancing agricultural production and minimising potential land use conflict, which may compromise the role and function of agricultural land uses.

It is important to highlight the comprehensive detail expressed in the Decision Guidelines of the Farming Zone as this has important implications in relation to the role and function of a local planning policy for rural areas.

## 2.0 Stakeholder Consultation

An important input to this study has been and will continue to be consultation with stakeholders. This has facilitated an understanding of the key land use issues in the study area. The stakeholders consulted thus far have included state and local government agencies, landowners, developers, business owners and real estate agents.

Outlined below is an overview of the key issues raised during the three Focus Group Session:

### ***Agency Focus Group***

The Agency Focus Group included participants from MRCC, Mallee Catchment Management Authority and DSE. Key issues/comments can be summarised as follows:

- General support for protection of older irrigated areas managed by Lower Murray Water and First Mildura Irrigation Trust (FMIT).
- Increasing trend for irrigation of large scale enterprises;
- Different irrigated areas have different expectations;
- Key concern relates to people retiring land and leaving land redundant.
- There is limited town water therefore there is a problem with subdivision in the rural areas.
- General concern over the expansion of retail activity into rural areas.
- Concern in relation to adequacy of infrastructure in older irrigated areas.
- Management of the interface between horticulture and dry land agriculture.

The Corporate/Business and Farmer Focus Group including participants from real estate agents, surveying practices, Sunraysia Rural Consulting Services and Sunraysia Mallee Economic Development Board. Key issues/comments can be summarised as follows:

- Need for a policy for consolidation within the irrigation district to protect prime horticultural properties;
- Dwellings should be kept out of agricultural areas;
- Minimise selling off water rights and leaving redundant land.
- Small lot excisions are used to finance business infrastructure.
- Concern over labour shortage for seasonal work.
- Lot size of 10 hectares can be viable.
- Critical to protect water irrigation infrastructure.
- Spray drift from wheat to grapes is an issue with dryland farming.

The Residents Focus Group included residents and participants from planning consultancies, investment companies and developers. Key issues/comments can be summarised as follows:

- Consideration must be given to the historic subdivision of Mildura,
- Local Planning Policy for Agricultural areas should be reviewed as part of this Strategy,
- Support both for and against the non-urban break between Benetook and Sandilong Avenues,
- There is a need to develop a Gateway to define the entrance to Mildura,
- Council needs to revisit the non-urban break between Sandilong and Benetook Avenue along Fifteenth Street to determine the future role and function of this area.

## 3.0 Planning Context

Strategic planning policy is a key influence in shaping rural areas. It is critical that key policy initiatives and positions at both the State and Local level are understood in relation to their influence over management and planning of the rural areas.

Outlined below is a summary of the implications of the more relevant documents. Further detail of background information of indirect relevance to this project is in Appendix C.

### 3.1 Council Plan 2004 – 2008

The Mildura Rural City Council Plan sets out the Council's vision and objectives and the means to achieve these objectives. Council's vision involves a municipality that:

- Celebrates diversity and builds on this diversity of its people and their skills and capabilities with access to education and training opportunities.
- Promotes excellence in social support and access for all age groups in the community while promoting self-esteem, self-reliance and initiative.
- Has an environment where the community experiences health, safety and well-being to enjoy their chosen lifestyle.
- Recognises young people as an intrinsic part of our communities and has employment and education opportunities for them so that they see the municipality as part of their future.

Table 1 provides a summary of the relevant strategies proposed by the plan that relate to a rural areas strategy. The plan supports a review of the rural area zoning in order to adopt practices that promote sustainability, best practice environmental management and community well being.

**Table 4 Council's Visions and Strategies**

Vision	Strategies
<p>1.0 Good Governance</p> <p><i>"Wide Community Consultation supported by appropriate advocacy as required."</i></p>	<p>Review all policies and strategies to ensure currency, relevance and appropriateness.</p> <p>Promote and advocate the State Government for a North West Region to better meet the needs of the municipality's residents.</p>
<p>3.0 Environment</p> <p><i>"Advocate for the protection of our environment with co-operation from natural resource managers and the residents of the municipality."</i></p>	<p>Implement the review of the Mildura Planning Scheme.</p> <p>Undertake a review of the Mildura Planning Scheme's Rural Zone.</p> <p><u>Conduct the Rural Zone Review</u></p> <p>Work in Partnership with our community, environmental authorities and all levels of government and advocate on issues of local concern, including:</p> <ul style="list-style-type: none"> <li>• Water management, quality, access and environmental flows.</li> <li>• Natural resource management, biodiversity and land use.</li> <li>• Sustainable environment and industry.</li> </ul>

Vision	Strategies
	<ul style="list-style-type: none"> <li>Waste minimization and management.</li> <li>Implications of global climate change.</li> <li>Community education.</li> </ul> <p>Set the example in all areas, adopting best practice environmental management, ensuring that Council is pro active and sensitive to Government legislation and adheres to United Nations Charters.</p>
4.0 Economic  <i>"Economic enhancement creating opportunities for productive investments in our communities."</i>	Develop mechanism to engage businesses to best facilitate sustainable growth in the region.
5.0 Organisation and People  <i>"Operate at best practice levels for Victorian Local Government municipalities."</i>	<p>Celebrate diversity and build on this diversity of its people and their skills and capabilities with access to education and training opportunities.</p> <p>Work in partnership with community agencies and groups to ensure the safety, well-being and connectedness of its communities.</p>

### 3.2 State Planning Policy

The purpose of State policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State level planning policy which are to be taken into account and given effect to in planning and administering their respective areas. It is expected that responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development.

The relevant clauses are outlined in Table 5.

**Table 5 State Planning Policy**

Clause	Purpose	Implications for Rural Areas Strategy
17.05 Agriculture	To ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.	<ul style="list-style-type: none"> <li>Areas of productive agricultural land should be identified and not removed without consideration of its economic significance.</li> <li>Encourage sustainable land use.</li> <li>Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.</li> <li>Planning should support agriculture.</li> </ul>
16.03 Rural Living and Rural Residential	To identify land suitable for rural living and rural residential development.	Minister's Direction No 6, Rural Residential Development applies to the preparation of planning scheme amendments to allow

Clause	Purpose	Implications for Rural Areas Strategy
Development		<p>rural residential development.</p> <p>This rural areas strategy should only allow land to be zoned for rural living or rural residential development where it:</p> <ul style="list-style-type: none"> <li>• Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.</li> <li>• Can be supplied with electricity and water and good quality road access.</li> </ul> <p>Land should not be zoned for rural living or rural residential development if it will encroach on productive agricultural land or adversely impact on waterways or other natural resources. It is understood that Council has already identified the areas for future rural residential development through previous strategy work.</p>
15.0 Environment	<p>To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.</p> <p>To assist the protection of:</p> <ul style="list-style-type: none"> <li>• Life, property and community infrastructure from flood hazard.</li> <li>• The natural flood carrying capacity of rivers, streams and floodways.</li> <li>• The flood storage function of floodplains and waterways.</li> <li>• Floodplain areas of environmental significance.</li> </ul> <p>To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.</p> <p>To ensure that potentially</p>	<p>Encourage:</p> <ul style="list-style-type: none"> <li>• Retention of natural drainage corridors along waterways to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values.</li> <li>• Measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.</li> <li>• Measures to filter sediment and wastes from stormwater prior to its discharge into waterways.</li> </ul>

Clause	Purpose	Implications for Rural Areas Strategy
	<p>contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.</p> <p>To assist the minimisation of risk to life, property, the natural environment and community infrastructure from wildfire.</p> <p>To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.</p> <p>To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.</p>	

### 3.3 Melbourne 2030 Implementation Plan 5, October 2002

*Melbourne 2030* aims to achieve a fundamental change in the relationship of rural areas to metropolitan Melbourne. It focuses growth in areas best able to be served with transport and other infrastructure and concentrate new urban development in areas best able to cope with that change, to sustain the values of the green wedges outside them. Clarifying where urban development will be allowed and where rural activities and environmental values are to prevail will enable landowners in green wedges to plan and invest with greater certainty.

This plan builds on *Melbourne 2030* by explaining how outside the urban growth boundary (UGB), priority in planning and development will be directed to agriculture, conservation, natural resource-based uses, airports and ports, tourism, and the protection of important water catchments.

Implementation Plan 5 relates to Green Wedges and their purpose. Green wedges are the open landscapes that were set aside, more than 30 years ago, to conserve rural activities and significant natural features and resources between the growth areas of metropolitan Melbourne as they spread out along major road and rail links. This implementation plan is relevant to the rural areas strategy in preserving the non-urban break between townships in the Mildura Rural City municipality.

The green wedges fulfil a range of specific roles that include:

- Providing opportunities for agricultural uses, such as market gardening, viticulture and broad hectare farming.
- Preserving rural and scenic landscapes.
- Preserving conservation areas close to where people live.
- Preserving renewable and non-renewable resources and natural areas (such as water catchments).
- Providing and safeguarding sites for infrastructure that supports urban areas (such as airports and sewage plants).

- Allowing industries such as sand and stone extraction to operate close to major markets.
- Enabling the development of networks of open space.
- Providing opportunities for tourism and recreation.

The draft Implementation Plan is relevant to Direction 3 – ‘networks with the regional cities’ – which aims to control development in rural areas, to protect agriculture and avoid inappropriate rural residential development (Policy 3.2). It relates also to several other key directions – ‘a more prosperous city’ (Policy 4.1, on maintaining access to natural resources and well-located land) and ‘a greener city’ (protecting native habitat and biodiversity, Policy 7.7).

Actions designed to address the key issues outlined above and to achieve the directions of Melbourne 2030 are grouped as follows:

- Apply the UGB.
- Introduce new planning measures.
- Provide legislation that ensures protection of green wedges.
- Develop an individual action plan for each green wedge.
- Manage residential development in green wedges.
- Maintain access to land for special purposes.

### **3.4 Non-Urban Break – Irymple to Mildura 2004**

This report documents a strategic and desktop agricultural assessment of the land referred to as the ‘non-urban area’ located adjacent to Fifteenth Street between Benetook and Sandilong Avenues.

The purpose of this study was to review the major landscape characteristics of the local area including geology, climate, and soil type to assess agricultural capability.

The major findings of the review were that the subject land could support shallow rooted, lime tolerant agricultural crops such as grapes, olives, stonefruits and vegetables. The subject land, however, is not considered to be the prime agricultural land of the region. The findings of this report are limited by the short timeline of the project, which restricted the methodology to a desktop assessment with no field sampling.

This review provides two scenarios for future management and planning of the land between Irymple and Mildura. Scenario A provides the framework for future management and planning within the existing strategic planning policy direction whilst Scenario B provides the framework for the removal of non-urban area through significant modification to existing strategic planning policy.

Council have recently engaged consultants to undertake a detailed corridor option development and assessment in relation to this area.

### **3.5 Mildura Rural Residential Study Review 2003**

#### **Purpose**

In early 2001, Mildura Rural City Council commissioned the preparation of a study to comprehensively assess and review the provision of rural residential lots within the municipality. The purpose of this review was to determine if there is a need to rezone more land for low density / rural residential development and a key component of the study was a detailed supply and demand analysis.

## Key Findings

As a result of the analysis undertaken in this review it was estimated that the existing supply of rural residential opportunities in the municipality would be exhausted within approximately 5 years.

In order to meet the 10-year forecast demand, the review indicates that an additional 82 ha should be rezoned to the Low Density Residential (LDR) Zone in the short term.

The review also recognises that future LDR rezonings depend on Council's rural policy position. If Council should resolve to tighten its rural policy position effectively prohibiting the creation of small lots in the rural zone this review identified a further 74 ha of LDR rezonings that could be justified in the short term. Should Council resolve to liberalise its Rural Policy effectively enabling the excision of house blocks on rural properties 4 ha in size, no LDR rezonings can be justified in the short to medium term.

Refer to section 1.4.1 for a discussion for local planning policy for rural areas.

## Key Recommendations

Based on the need to identify an additional 82 ha of land this review recommends that the following represent the short term priority areas for LDR rezoning within the municipality:

- (i) 29.2 ha abutting Lake Hawthorn - Mildura Feed lots.
- (ii) 63.1 ha at Nichols Point.

Should the above LDR rezonings (93.2 ha in total) occur in the short term, rural living opportunities in the municipality will be available to the current and future population of the municipality

The review also recommends the following consequential rezonings to facilitate the planned and managed rural residential development:

- Rezoning of land from LDR to R1 - Calder Highway Redcliffs (Big Lizzie Motel).
- Rezoning of land from LDR to Environmental Rural - 97.8 ha of land at Woorlong Avenue.

**Important Implications**, for this study, include any modifications to Council's adopted Rural Policy position that discourages lot excisions on properties less than 10 hectares but allows creation of some vacant lots in the existing Rural Zone through boundary re-alignment as a trade off for farm consolidation will compromise the effectiveness of the outcome of the Rural Residential Study Review now adopted by Council and awaiting state government approval as part of Amendment C28.

## 3.6 Mildura Revised Final Report: Review of Mildura Retail Strategy, June 2004

### Purpose

The purposes of this review were to provide an up to date retail activity audit for the City Heart, Mildura Centre Plaza and the Fifteenth Street Precinct as well as determine the future roles and opportunities of each centre taking into account current development proposals. Furthermore, the review aims to assess the amount of additional floor space that will be required to accommodate the demand for retail activity to 2021.

### Key Findings

This strategy review indicates that the existing retail hierarchy needs to be maintained with each component functioning as a focus for future retail expansion. A total of 130 hectares of commercially zoned land is identified as being capable of retail activity and it is also recognised that there has been little effective floor space change since the preparation of the strategy in 2000. More specifically, the following key issues were identified by the Review:



- Revised population forecasts indicate a very significant increase in the estimates of future population compared to the 2000 Strategy.
- Tourism is expected to be a steadily growing contributor to the retail market.
- The retail share of personal expenditure forecasts has increased considerably since the 2000 Strategy. By 2021 it is anticipated that 35,280 to 58,070 m<sup>2</sup> of additional retail floor space could be sustained in Mildura.
- Due to the occupancy of a considerable amount of Business 4 land by non-retail uses, provision of an additional 15 hectares of largely unused land is desirable.
- Whilst a high priority is still being placed on strengthening specialty retailing in the City Heart, the practicality of ensuring sufficient land area to cater for demand means that consideration has to be given to increasing the area of the Business 1 Zone in the Centre Plaza vicinity.
- Implications for retail policy and statutory measures to cater for future land demand include an emphasis on providing adequate land capacity, supplying the necessary service infrastructure, encouraging effective redevelopment in the City Heart as well as satisfying car parking demands, and revisiting the Business 2 and 5 zones for smaller scale peripheral sales activities.
- Having reviewed the findings of the Panel Hearing for Amendment C18, it appears that if the rezoning application is to increase its chances of success, priority actions will need to include improving the performance and capability of the City Heart, providing a strategic context for the additional Business 1 zoned land, an integrated design concept for the current and potential intensive retail land and an expectation that Council would play a stronger leadership role.
- The provision of appropriate service infrastructure especially where previously undeveloped land is involved requires specific attention.

## Key Recommendations

The review recommends that:

- Management plans be prepared for the City Heart and the Fifteenth Street precinct to maintain and enhance their roles and to facilitate the attraction and accommodation of retail activities.
- Council coordinate the planning and provision of support infrastructure in response to retail development opportunities in the context of efficiently servicing other activity categories.
- The location of future retail development focus on the three existing major retail concentrations.
  - (i) City Heart: The City Heart be sustained as the primary activity centre, encompassing strong retail, commercial, financial, community service and recreation and entertainment components.
  - (ii) Mildura Centre Plaza Precinct: Mildura Centre Plaza continue to enhance its sub-regional role and that the adjoining Vidovich land be rezoned to Business 1.
  - (iii) Fifteenth Street Precinct: Fifteenth Street precinct continue to be promoted as a bulky goods location and that the Business 4 zone be extended by 15 to 20 hectares along the western side of Benetook Avenue.
- A business plan be prepared to add imperative to the implementation of strategies and actions.
- A co-ordinated approach be adopted to the marketing and promotion of retail activity in Mildura with particular reference to the City Heart and the Fifteenth Street precinct.
- Opportunities be provided for those involved in retail business operations and property ownership to improve their understanding of retail markets, business operations and investment priorities.
- Mildura Rural City Council ensure that financial support is provided to fuel retail development as recommended.

**Key Implications**, for this project include acknowledgement that the retail and commercial precincts have been identified and will now be reflected in the Mildura Planning Scheme through Amendment C29.

### **3.7 Review of the Mildura and Irymple Residential Land Strategies, November 2003**

#### **Purpose**

The purpose of this study was to review the existing residential strategies for the townships of Mildura and Irymple to determine any modifications required to provide for residential needs to year 2030. The driving force behind this review was the Mildura Rural City Council's findings in its 3 year review of its Local Planning Policy Framework. This review found that the residential staging sequence for Mildura and Irymple may no longer accurately reflect Mildura's short, medium and long term residential development needs.

#### **Tasks Undertaken**

The study involved a forecast of the supply and demand for residential subdivision and housing development in the region. These projections were then used to determine future land requirements and identify opportunities and constraints with respect to land use in the region. Short, medium and long term strategies were then developed to ensure a sufficient supply of land to satisfy the projected demand for residential land to 2030.

#### **Key Findings**

This study reveals that with a future population of between 65,800 (conservative) and 86,000 (ambitious) by 2030, the municipality will require the construction of 496 new dwellings per annum to cater for the ambitious projection. Most of the anticipated residential development is to be directed in Mildura South either side of Sixteenth Street. A substantial increase in residential population is therefore expected to occur in proximity to the Centre Plaza and Fifteenth Street. The ambitious expected population growth is supported by Council and lends support for a higher retail floor space growth rate than was anticipated by the 2000 Retail Strategy.

The most significant constraint with respect to residential land use identified in the study is the deficiency of reticulated infrastructure for drainage.

#### **Key Recommendations**

To address the drainage constraint the review encourages infill development of residential areas within township boundaries to facilitate utilisation of existing reticulated infrastructure. It is also recommended that two additional residential development fronts (north of Fifteenth Street between San Mateo and Etiwanda Avenues and all land zoned for Residential in Irymple) be created through the construction of reticulated infrastructure. Residential rezonings are to be subjected to a number of conditions including development contributions levy, ability to utilise existing stormwater infrastructure, no impact on salt loads and no contamination.

It is recommended that a Development Contribution Plan be prepared to facilitate the provision of essential infrastructure and social services and facilities. The review indicates that further salinity investigations are required to determine the Residential 1 Zoned land that is affected by salinity.

#### **Key Implications**

For this project include recognition of the revised 2030 residential boundary reflected in modifications to the Planning Scheme as part of Amendment C28.

### 3.8 VCAT Cases

An analysis of relevant and recent Victorian Civil and Administrative Tribunal (VCAT) cases highlights the following key points for consideration as part of this project.

#### Key Points

- Valuable horticultural land should be protected and remain available for production.
- Realignments are appropriate where a more efficient layout of vines and irrigation results.
- The need to limit the establishment of housing in locations where amenity may be negatively impacted on by farming and related activities or where the location of housing may inhibit rural activities.
- The Tribunal has upheld consistently that dwellings which are not incidental to the use of the land for crop raising, are unacceptable.
- Excision lots must be capable of retaining all sewerage and sullage within the boundaries.
- Balance lot/s must be of sufficient size to support a viable rural enterprise.
- There have been a very large number of small excisions which have historically resulted in a significant loss of productive land.
- It is critically important to have the right Local Planning Policy Framework in place and ensure it is consistently applied.
- It is important to guide the location of rural residential development to more appropriate, planned areas that minimises urban intrusion into rural areas.
- Land should only be zoned for rural living or rural residential development where it is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development

## 4.0 Strategic Planning Framework

Outlined below is a discussion of emerging opportunities/issues based on the rural area audit, trend analysis, a number of discussions with state government agencies, business owners, operators, servicing authorities, Council representatives and feedback from focus groups sessions and members of the steering committee.

This section provides the strategic basis and justification for Planning Scheme Amendment discussed in section 5 and located in Appendix D.

Figure 3, 4 and 5 identifies the older irrigated areas, new irrigated areas (private diverters) and dryland farming areas.

### 4.1 Older Irrigated Areas

#### 4.1.1 Mildura

Key implications including opportunities and constraints for the future development of the FMIT Mildura Irrigation District (area) can be summarised as follows:

- The historic grid layout of this area characterised by 4 hectare size allotments
- It is located predominantly on the fringe of existing urban and residential development.
- there has been pressure from the community for urban development.
- It is outside the 2030 Growth Boundary identified in the *Review of the Mildura & Irymple Residential Land Strategies, November 2003* undertaken by Maunsell Australia & O'Neill Pollock & Associates Pty Ltd
- The soil suitability is classified as Class 1 and 2
- A high level of land (lots) has been retired from irrigation use. It is most likely that the lots are being retired for residential and non-agricultural land use. Net retired land from 1997 – 2003 is 265 hectares.
- Underutilisation of assets is critical and current issues for the expansion of the urban main urban area around Mildura into the FMIT water supply district.
- The *Environmental and Water Savings Master Plan, 2005* (Master Plan) prepared by URS for FMIT (refer section 3.1.1 Agricultural Land Capability Assessment) provides certainty that the irrigation district will continue and there is every intention of understanding a comprehensive renewal of water supply and drainage infrastructure.
- FMIT seeks to facilitate the orderly retirement of infrastructure in conjunction with the implementation of the Master Plan.
- There has been visual impact overtime as a result of degraded retired land.
- The role of part time farmers continues to increase as the business community expands in Mildura.
- There are a number of small land holdings/allotments.
- The implication of water reform will stimulate continuing expansion of, irrigated horticulture in the region which will guarantee the ongoing enlargement of the consolidated urban area. Local expansions will continue at Nangiloc –Colignan and Lake Cullulleraine.
- There is an accelerated trend of growers leaving the industry.
- The upgrading of off farm infrastructure in the pumped districts will create opportunities to improve on farm water use efficiency, leading to increasing the viability of some growers (this may encourage some growers to stay on the land). May growers will need to invest in on farm infrastructure and adopt higher technology to improve water uses efficiency.
- There are land uses conflicts associated with the use of land for agricultural productions alongside residential uses.

- Ongoing pressure from the local community to resolve or put forward solutions for the future developed/management of the area given the constraints outlined above and desired to protect/manage the unique values of Mildura.

Following careful analysis and consideration of these complex and often conflicting issues, it is necessary to articulate the desired outcome and/or expectation for this area. It has become apparent that a significant portions of stakeholders are seeking improvements to the irrigation/horticulture area in relation to adoption of land management practices, which will provide opportunities for future development/redevelopment.

A common theme emerging from the investigation relates to landholder expectation to sell horticulture/agricultural properties for future residential use and detrimental impact of degraded retired land on the unique agricultural/horticultural values of the area when this is not achieved. Consequently, there is critical need to limit the occurrence of retired land and manage the expectation for future residential uses through clear policy direction.

The uniqueness of the FMIT irrigation district is that has been under continued pressure for urban development as it is adjacent to Mildura CBD and therefore is thought to be a logical extension to the town centre boundaries. However, the 2030 Growth Boundary has now been clearly defined in the *Review of the Mildura & Irymple Residential Land Strategies, November 2003* adopted by Council and incorporated as part of Amendment C28 to the Mildura Planning Scheme. Amendment C28 has been through an Independent Panel and Council has now received the Independent Panel Report. Incorporation of the 2030 Growth Boundary will now remove the risk of landholder expectations to sell horticultural/agricultural properties for urban uses.

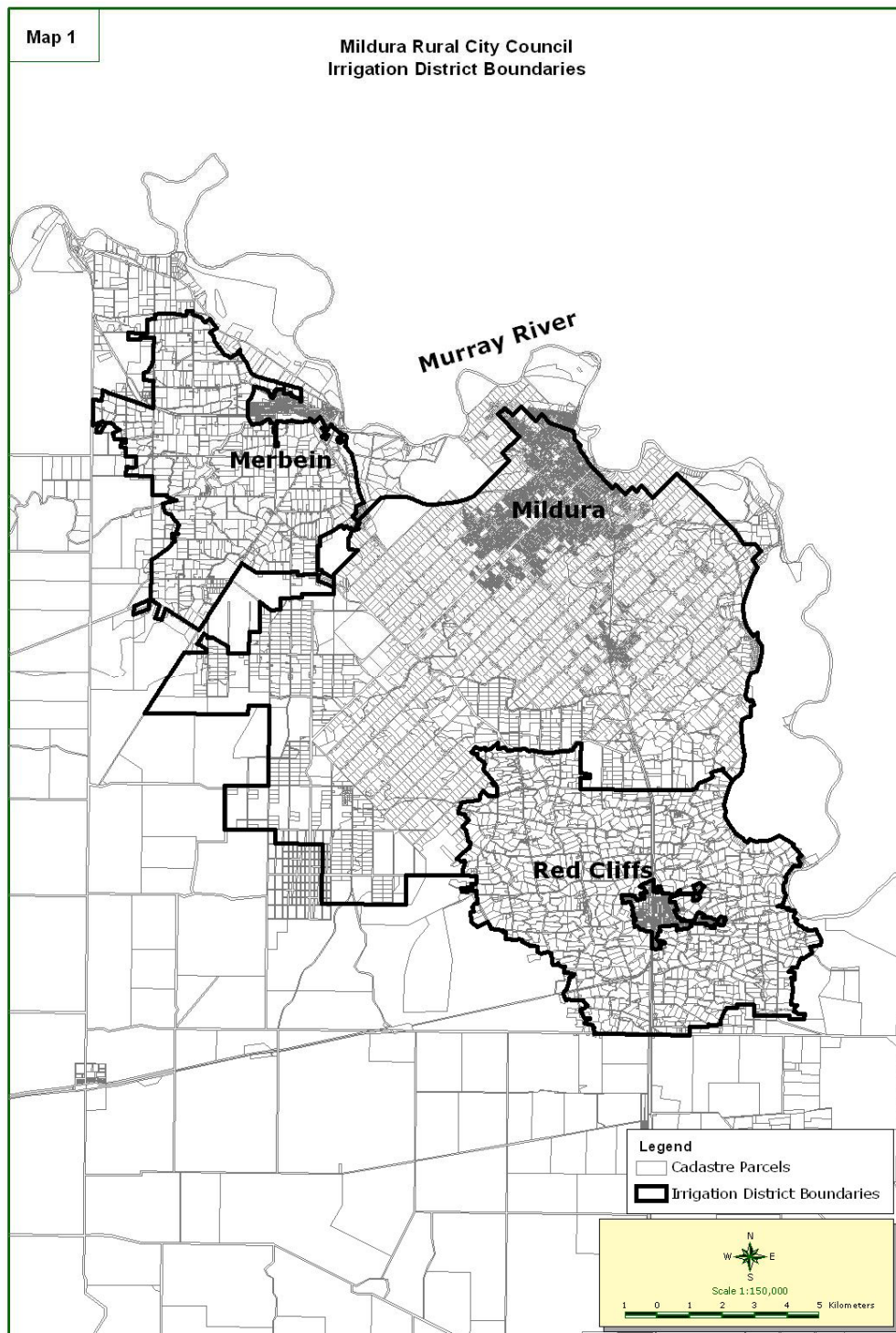
### **Key Principles - Vision - Expectation for Area**

Importantly, if the desired outcome and future expectation of this area relates to improved land management techniques to both assist and protect existing horticultural operations and provide the opportunity for future rehabilitated of degraded land to protect the unique qualities of this older irrigated district, Council needs to manage existing and future development into this area through consolidation.

Key principles for future development and management of the area include:

- Need to protect and enhance the unique agricultural/horticultural values of the area.
- Need to protect and retain existing horticultural operations from urban encroachment and rural lifestyle development.
- Recognise the role of part time farming and land use implications.
- Need to have regard to water infrastructure as expressed in the Master Plan.
- Need to provide for expansion of existing or introduction of new horticultural related activities.
- Encourage the consolidation of lots to create more productive and efficient landholdings and protect large landholding for future potential residential development.
- Need to have regard to the 2030 Growth Boundary.
- Discourage the introduction of non-agricultural land uses to the area.

Figure 3 Mildura Rural City Council Irrigation District Boundaries





Council will need to clearly articulate through the planning framework the need for adoption and commitment to sound land management practices, which will include limitations in relation to the range of permitted land uses and subdivision size.

## **Planning Framework**

The planning framework applies to all rural zoned land within the existing FMIT irrigation district.

## **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then the future directions for the FMIT irrigation district based on the key principles outlined above, which relates to primarily to the protection of existing and future horticultural operations. It is important to also acknowledge that there may be some future rationalisation of this land to provide potential residential development subject to land take-up and further investigations. This reflects the findings of *Agriculture and Land Capability Assessment* prepared by Sunraysia Environmental as outlined in section 4.2.1.

It is also important that Council's planning framework have consideration to the Master Plan for FMIT.

Note, whilst it has been acknowledged the increasing trend of accommodating the hobby farms for people who want to maintain a rural lifestyle with on a small allotment generally with convenient access to Mildura CBD, Council has indicated that they do not wish to formalise this arrangement with the application the Rural Living Zone as this may compromise the future long term opportunity for residential development.

The MSS will also need to both convey Council's expectation for landholders adoption of good land management practices and Council's own commitment to providing assistance either through Landcare Groups and/or other affiliated associations such as Sunraysia Economic Development Board and Sunraysia Rural Counselling Service. Although, land management and natural resource management has not really been addressed in the municipal planning schemes, the Municipal Association of Victoria (MAV) has recently undertaken a series of pilot projects, which are aimed at trying to introduce land and catchment management principles into the planning system.

## **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectations for the area and providing guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

## **Farming Zone**

The main feature of this zone is its recognition of agricultural as the dominant land use in rural Victoria. The purpose of the zone articulates the encouragement of agriculture as a sustainable land use. Most agricultural uses do not need a planning permit. Agricultural uses that require a permit will need to consider the environmental effects and potential land use conflicts with surrounding agricultural uses.

Discussions with key stakeholders including Council, community and state government representatives have provided direction in the development of key principles for management and development of an area and subsequent vision, which provides the strategic basis for new zones. Given the strategic direction and future expectation for this area with the exception of the area, which relates primarily to the protection of land for horticultural purposes, the application of the Farming zone is appropriate.

Consideration has also been given to both the Rural Activity and Green Wedge zones. The Rural Activity zone is designed to be applied to selected areas where agricultural activities and other land

uses can co-exist. A limited range of tourism, commercial and retail uses may be considered such as Convenience shop, Equestrian supplies, Hotel, Landscape gardening supplies, manufacturing sales, primary produce sales, restaurant and tavern. Clarification from DSE representatives highlighted that the use of this zone is site specific and more suitable for nodes of activity rather than a broad application such as the FMIT Irrigation District.

The Green wedge zone aims to recognise and protect land that is adjacent to urban areas for its agricultural, environmental, historic, landscape or recreational values, or mineral and stone resources. The Green Wedge zone would initially be applied to rural land in metropolitan Melbourne. However, it could also be applied to rural areas adjacent to regional cities and towns. The Green Wedge zone is less restrictive than the Rural Conservation Zone but more restrictive than other Rural zones (except in relation to agriculture).

The Green Wedge zone prohibits some non-rural uses that have been able to establish in the past, such as schools, churches, convenience restaurants, service stations, landscape supplies, motels and second dwellings. Most small lot excisions are also prohibited.

Given the intent of the Mildura area is related to the protection of existing and future horticultural/viticulture operations/industry, it is not considered that the Green wedge is appropriate.

## **Subdivision Size**

### **Background**

The *Regional Land Use Strategy, 1996* (Strategy) prepared for SunRISE 21, MRCC and Wentworth Shire Council highlighted the need to strike a balance between maintaining flexibility and protecting valuable agricultural land. For example, within the dry land area a minimum lot size of 100 hectares could be considered sufficient to discourage non-agricultural uses while maintaining flexibility in farm size and the ability to transfer lots.

The Strategy highlighted that the issue is more complicated in the horticultural areas due to the extensive amount of subdivision, which has occurred in these areas, and the market attractiveness of these areas. Within this area a minimum lot size of 10 hectares could be considered appropriate.

### **ACLA Assessment**

Further analysis undertaken as part of this consultancy has reiterated the complexity of determining viable lot size and emphasized that the estimate of a viable agricultural lot is dependent on a number of assumptions including but not limited to:

- Land Capability;
- Impact of Water Deregulation;
- Historic pattern of development;
- Proximity to urban development;
- Landholder expectations;
- Right to farm issues;
- Level of technology, rate level, amount of farm investment, level of debt;
- Management skills;
- Off farm income; and
- Market fluctuations and seasonal variations.

The ACLA assessment recommends that the current minimum lot size of 10 hectare for subdivision remain. The ACLA assessment provides a comprehensive analysis in relation to subdivision size and



highlight the potential relative implications of reducing subdivision size such as the creation of defacto rural living lots rather than small horticultural lots.

This may have potential implications for horticultural viability of the area, future of FMIT Infrastructure and importantly the land take up projections in Mildura Residential and Rural Residential Strategies which are now reflected in and adopted as part of Amendment C28.

It is important to re-iterate that the policy basis supporting the 10 hectare subdivision minimum is well established.

### **Buildings and Works**

For alterations and extensions to existing dwellings or buildings used for agriculture, Councils can specify a building area below which a permit is not required pursuant to clause 35.07-4 of the new Farming Zone. This will allow Council to control permit requirements for buildings and works that have no significant planning impact.

There is also scope to schedule in appropriate alternatives to the standard setbacks within which buildings require a permit.

Council officers have highlighted that they currently receive a significant number of planning permit applications for sheds and extensions to dwellings, which have a limited impact on planning in the rural zone. Therefore, the existing floor area requirements which trigger permits for building and works associated with Section 2 will be increased in the Schedule to the Farming Zone as follows:

- For alteration or extensions to an existing dwelling the specified area will be 100 square metres, indicating that no permit for building and works will be required provided the floor area is less 100 square metres.
- The rationale for the increase from 50 to 100 square metres is based on advice from Council officers have indicating that it is anticipated only those above 100 square metres will have potential planning impact.
- Alteration or extension for existing building uses for agricultural that specified area will be 150 square metres, indicating that no permit for buildings and works will be required provided the floor area is less than 150 square metres.

The justification for the 150 square metres is that the majority of sheds in Mildura provide up to four bays which is less than 150 square metres, as these shed have minimal impact in terms of planning it logical to exempt planning permit requirements for buildings and works. (to be confirmed by James Golsworthy).

#### **4.1.2 Merbein**

Key implications including opportunities and constraints the future development of the Merbein Lower Murray Water (LMW) Irrigation District can be summarised as follows:

- It has good quality soil for horticultural activities;
- Retirement of only small lots from irrigation use. It is most likely that the lots are being retired for residential and non-agricultural land use.
- The productive area change from 1997 to 2003 has been positive with an additional 370 hectares.
- The mean property size has increased from 9 to 10 hectares from 1997 to 2003.

- The implication of water reform will stimulate continuing expansion of, irrigated horticulture in the region. Local expansions will continue at Nangiloc–Colignan and Lake Cullulleraine. There is opportunity for expansion towards Merbein South.
- There are potential land uses conflicts associated with the use of land for agricultural productions alongside residential uses.
- Support for the retention and promotion of this area for horticultural related activities/operations.
- Stranding or under utilisation of infrastructure is not an issue at this stage.

Note, LMW has is preparing an irrigation Master Plan for Merbein and Red Cliffs pumped districts. A tender “*Development of Water Infrastructure Replacement Plans for Robinvale, Merbein and Red Cliffs Irrigations Districts*” has been awarded to URS. This infrastructure planning project strongly demonstrates the intention to upgrade infrastructure in Merbein and Red Cliffs. Consequently ti is anticipated that water efficiency could be improved on farm as a consequence of the off farm upgrades to infrastructure.

### **Key Principles - Vision -Expectation for Area**

Importantly, if the desired outcome and future expectation of this area relates to protection and promotion of this area as suitable for accommodating horticultural relates activities/industries, Council will need to manage existing and future development into this area and highlight opportunities for expansions towards Merbein South.

Key principles for the future development and management of the area include:

- Need to protect and enhance the unique agricultural/horticultural values of the area.
- Need to protect and retain existing horticultural operations from non- agricultural uses such as urban encroachment and rural lifestyle development.
- Need to provide for expansion of existing or introduction of new horticultural related activities.
- Discourage the introduction non-agricultural land uses to the area.
- Encourage the consolidation of lots to create more productive and efficient landholdings.
- Facilitate improved land management practices.
- Facilitate the expansion of the existing irrigation precincts towards Merbein South.
- Need to have regard to LMW infrastructure planning project “*Development of Water Infrastructure Replacement Plans for Robinvale, Merbein and Red Cliffs Irrigations District.*”

Council will need to clearly articulate through the planning framework the importance of protecting existing and expanding horticultural related activities/industries and need for adoption and commitment to sound land management practices which will include limitations in relation to the range of permitted land uses and subdivision sizes.

### **Planning Framework**

The planning framework applies to all rural zoned land within the existing LMW irrigation district and area outside the declared irrigation district referred to as Merbein South.

### **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then future directions which clearly state the future direction for the LMW irrigation district which reflects the key principles outlined above and is based the protection of existing and future horticultural operations whilst providing for future expansion towards Merbein south.

The MSS will need to emphasis that this land is intended to be used primarily for horticultural related purposes. The MSS may also need to convey Council’s expectation for landholders’ adoption of good

land management practices. The MSS will also highlight the importance of working closely with water authorities.

### **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectation for the area and provides guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

### **Farming Zone**

Discussions with key stakeholders including Council, community and state government representatives has provided direction in the development of key principles and vision for this area which provides the strategic basis for application of the Farming Zone.

Consideration has also been given to both the application of the Rural Activity and Green Wedge zones. However, given the role and direction of this area is for protection and expansion of existing and future horticultural related activities, these zones are not considered to be appropriate.

### **Subdivision Size**

As discussed earlier the findings of both the *Regional Land Use Strategy* and the further work undertaken as part of this consultancy have been used to inform minimum subdivision size for this area.

Given, the significant portion of properties in the same ownership greater than 15 hectares and the increasing trend described by LMW to increase the size of landholdings by land managers purchasing additional horticultural lots. LMW have indicated although these blocks are not necessarily adjacent or able to be consolidated but some economic efficiency can still be gained by utilising the same machinery for production, reduced management fees and labour.

It is recommended given the opportunities for existing and expanded horticultural activities, that the minimum subdivision size of 10 hectares apply. This could be considered sufficient to discourage non-agricultural uses while maintaining flexibility in farm size and ability to transfer lots.

### **Buildings and Works**

As per comments in section 4.1.1 Mildura subsection Building and Works.

### **Cabarita Residents Group**

The Cabarita Residents Group lodged a submission to Amendment C28 requesting for the area abutting Merbein Golf Course be rezoned from Rural to Low Density Residential.

The Panel Report acknowledged that many of the lots at Cabarita have a limited future for rural uses and their unique location, abutting the Merbein Golf Course (and with some buffer distance from fairways), makes them potential candidates for low-density residential development. The Panel was of the view that the future of this area should be considered in the *Rural Area Strategy*.

Investigations undertaken as part of the *Rural Areas Strategy* has confirmed that this area has limited future for rural uses due to fragmentation. In terms of land capability and agricultural viability this area has limited future as it has already been compromised by fragmentation and significant portions of the lots are in small landholdings.

The use of the Rural Living zone would more appropriately reflect the existing land use but is unlikely to facilitate any additional development, as the minimum subdivision size is four hectares and the majority of the lots are already less than four hectares. Council has indicated that they wish to retain land in the existing Rural Zone which will translate to the new Farming Zone until other low density residential areas have been taken up.

#### **4.1.3 Red Cliffs**

Key implications including opportunities and constraints for the future direction of the LMW Irrigation District (Red Cliffs) can be summarised as follows:

- It has good quality soil for horticultural activities;
- Retirement of only small lots from irrigation use. It is most likely that the lots are being retired for residential and non-agricultural land use.
- The productive area change from 1997 to 2003 has been positive with an additional 525 hectares.
- The mean property size has increased from 8 to 10 hectares from 1997 to 2003.
- The implication of water reform will stimulate continuing expansion of, irrigated horticulture in the region. Local expansions will continue at Nangiloc –Colignan and Lake Cullulleraine. There is opportunity for expansion towards Thurla/Benetook area.
- There is potential for land use conflicts associated with the use of land for agricultural productions alongside residential uses.
- Support for the retention and promotion of this area for horticultural related activities/operations.
- Stranding or under utilisation of infrastructure is not an issue at this stage.

#### **Key Principles - Vision - Expectation for Area**

Importantly, if the desired outcome and future expectation of this area relates to protection and promotion of this area as suitable for accommodating horticultural related activities/industries, Council will need to manage existing and future development into this area and importantly reduced rate of retired land and highlight opportunities for expansion towards Thurla/Benetook Area.

Key principles for the future development and management of the area include:

- Need to protect and enhance the unique agricultural/horticultural values of the area.
- Discourage the introduction non-agricultural land uses to the area.
- Encourage the consolidation of lots to create more productive and efficient landholdings.
- Need to protect and retain existing horticultural operations from urban encroachment and rural lifestyle development.
- Need to provide for expansion of existing or introduction of new horticultural related activities.
- Facilitate the expansion of the existing irrigation precincts towards Thurla/Benetook Area.
- Need to have regard to LMW infrastructure planning project *“Development of Water Infrastructure Replacement Plans for Robinvale, Merbein and Red Cliffs Irrigations District.”*

Council will need to clearly articulate through the planning framework the importance of protecting existing and expanding horticultural related activities/industries and need for adoption and commitment to sound land management practices which will include limitations in relation to the range of permitted land uses and subdivision size.

#### **Planning Framework**

The planning framework applies to all rural zoned land within the existing LMW irrigation district and area outside the declared irrigation district referred to as Thurla/Benetook area.

## **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then future directions for the LMW irrigation district which based on the key principles outlined above, which relates to the protection of existing and future horticultural operations whilst providing for future expansion towards Thurla/Benetook Area.

The MSS will also need to convey Council's expectation for landholders adoption of good land management practices.

The MSS will also highlight the importance of working closely with water authorities.

## **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectation for the area and provides guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

## **Farming Zone**

Discussions with key stakeholders including Council, community and state government representatives has provided direction in the development of key principles and vision for this area focusing primarily on the protection of land for horticultural/agriculture purposes which provides the strategic basis for application of the Farming Zone.

Consideration has also been given to both the application of the Rural Activity and Green Wedge zones. However, given the role and direction of this area is for protection and expansion of existing and future horticultural relates activities, these zones are not considered to be appropriate.

## **Subdivision Size**

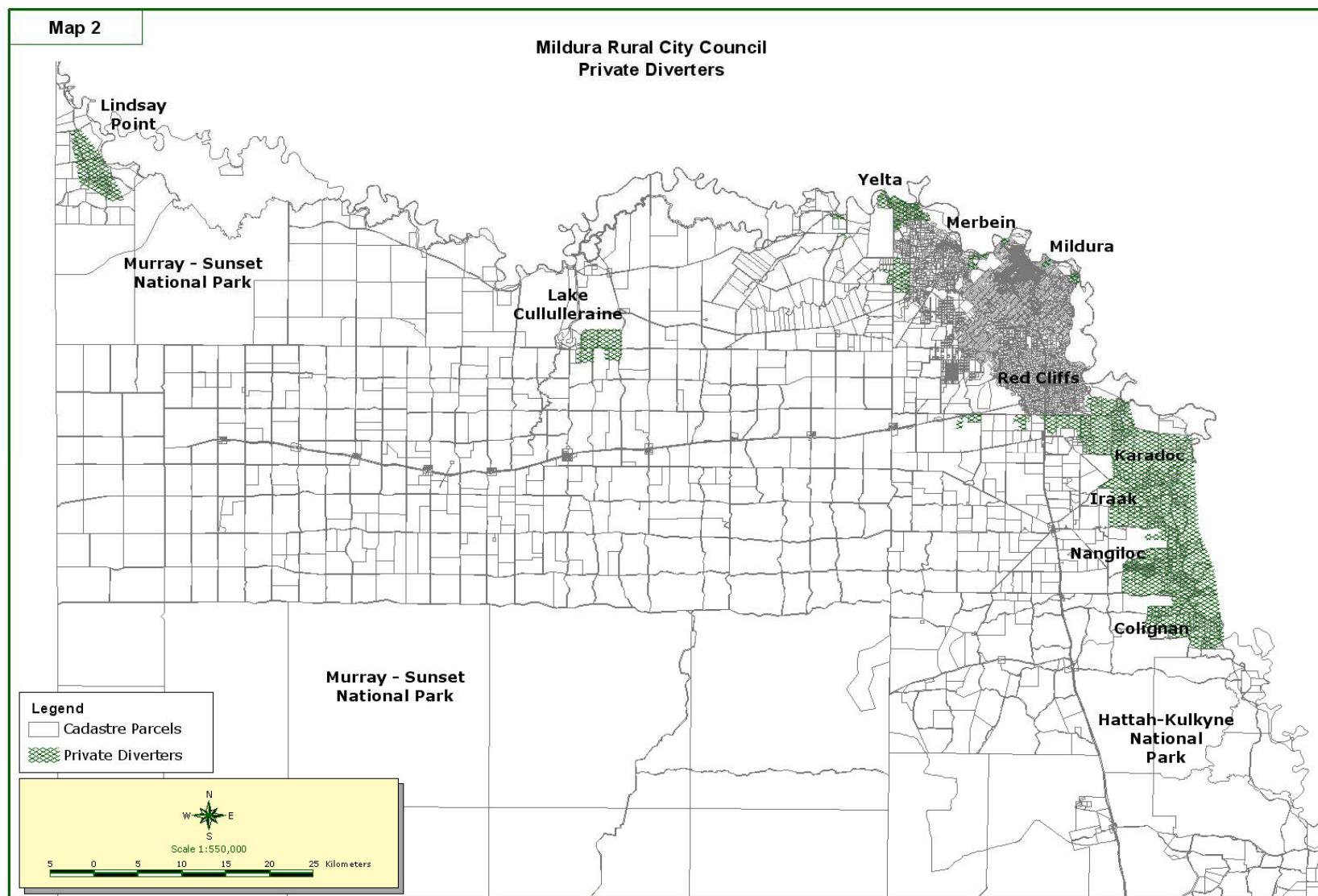
As discussed earlier the findings of both the *Regional Land Use Strategy* and the work undertaken as part of this consultancy have been used to inform minimum lot size for this area.

Given the strategic direction for this area is similar as for the Merbein irrigation district, although there are less number of properties in the same ownership greater then 15 hectares, it is recommended that a consistent approach should be adopted in relation to specification of subdivision sizes, therefore the minimum subdivision size of 10 hectare will apply.

## **Buildings and Works**

As per comments in section 4.1.1 Mildura subsection Buildings and Works.

Figure 4 Mildura Rural City Council Private Diverters





## **4.2 New Irrigation Ares (Private Diverters)**

### **4.2.1 Colignan, Nangiloc, Irrak and Karadoc**

The irrigated regions of Colignan, Nangiloc, Irrak and Karadoc are located along the Murray River in the north east of the municipality.

Key implications including opportunities and constraints for future production for further private irrigation development at Nangiloc-Colignan and infill to the Calder highway.

- It has good quality soils and land systems for horticultural activities;
- Retirement of only two small lots land (lots) from irrigation use;
- Access to existing irrigated water and drainage systems and future potential access to service greenfield areas;
- Relatively low salinity risk;
- Not bounded by public land;
- The productive area change from 1997 to 2003 has been very positive with an increase of an additional 2340 hectares.
- The mean property size has increased from 46 to 58 hectares for the 1997 to 2003 period.
- The implications of water reform will stimulate continuing expansion of, irrigated horticulture in the region. Local expansions will continue at Nangiloc –Colignan and Lake Cullulleraine.
- There is no demand to excise houses from large-scale properties. Given the large-scale operations housing excisions in these areas may result in dwelling being isolated from basic residential services.
- Support for the continued promotion and expansion of this area for large-scale horticultural/agricultural related activities/operations.
- Due to the continuing expansion of Southcorp winery complex and Nangiloc- Colignan irrigation area, there may be demand for a planned urban area at Nangiloc.
- Discourage small lot excisions of existing dwellings.

#### **Key Principles- Vision - Expectation for Area**

Importantly, if the desired outcome and future expectation of this area relates to protection, promotion and expansions of this area as suitable for accommodating large scale horticultural related activities/industries, Council will need to manage and direct existing and future development into this area and highlight opportunities for expansion towards Calder highway.

Key principles for future management and development of the area include:

- Facilitate the expansion of new large-scale horticultural operations, beyond the existing irrigated areas.
- Need to protect and retain existing large scale horticultural.
- Discourage the introduction of non-agricultural uses to the area, which may compromise the industry.
- Promote the area as an important strategic asset in catering for large-scale horticultural/agricultural activities, which make a significant contribution to the regional economy.
- Facilitate improved access to the area through the introduction of possible traffic management initiatives and treatments.
- Encourage all subdivision to have road frontage.
- Investigate demand for urban area at Nangiloc.
- Discourage small lot excisions of existing dwellings.

Council will need to clearly articulate through the planning framework the importance of protecting existing and expanding large scale horticultural/agricultural activities/industries.

## **Planning Framework**

### **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then future directions which is based on the key principles, outlined earlier and relates to the protection of existing and future large-scale horticultural/agricultural operations whilst providing for future expansion and infill towards the Calder Highway.

### **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectation for the area and provides guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

### **Farming Zone**

Discussions with key stakeholders including Council, community and state government representatives has supported the strategic direction and future expectation for this area which provides the strategic basis for the application of the Farming zone.

The Green Wedge and Rural Activity zones are not appropriate.

### **Subdivision Size**

As discussed earlier the findings of both the *Regional Land Use Strategy* and the work undertaken as part of this consultancy have been used to inform minimum lot size for this area.

Given the strategic direction for this area and the importance of these larger scale operations to the region's economy, which have already required development of significant new irrigation infrastructure and the increasing trend for larger scale operations and landholding. It is recommended to maximise the opportunity for both protection and expansion of this significant industry and contributor to the economy that minimum subdivisions size be specified at 100 hectares in the schedule to the Farming Zone. This can be reduced to a minimum subdivision area of 20 hectares where a Water Licence has been issued. This could be considered sufficient to discourage non-agricultural uses while maintaining flexibility in farm size and ability to transfer lots.

### **Buildings and Works**

As per comments in section 4.1.1 Mildura subsection Buildings and Works.

#### **4.2.2 Lake Cullulleraine**

The irrigated regions of Lake Cullulleraine are located to the east of the Lake.

Key implications and/or considerations for future production for further private irrigation development at Lake Cullulleraine include:

- It has good quality soils and land systems for horticultural/agricultural activities;
- Access to existing irrigated water and drainage systems and future potential access to service Greenfield areas;
- Relatively low salinity risk;
- Not bounded by public land;
- Large scale landholdings and property sizes;
- Net outcome of water reform will favour larger efficient properties;



- Continuing expansions of industries that can support horticulture and water supply.
- There is no demand to excise houses from large-scale properties. Given the large-scale operations housing excisions in these areas may result in dwelling being isolated from basic residential services.
- Support for the continued promotion and expansion of this area for large-scale horticultural/agricultural related activities/operations.

### **Key Principles - Vision - Expectation for Area**

Importantly, if the desired outcome and future expectation of this area relates to protection, promotion and expansions of this area as suitable for accommodating large scale horticultural relates activities/industries, Council will need to manage and direct existing and future development into this area and highlight opportunities for expansion.

Key principles for future management and development of the area include:

- Facilitate the expansion of new large-scale horticultural operations, beyond the existing irrigated areas.
- Need to protect and retain existing large scale horticultural.
- Discourage the introduction of non-agricultural uses to the area, which may compromise the industry.
- Promote the area as an important strategic asset in catering for large-scale horticultural/agricultural activities, which make a significant contribution to the regional economy.
- Facilitate improved access to the area through the introduction of possible traffic management initiatives and treatments.

Council will need to clearly articulate through the planning framework the importance of protecting existing and expanding large scale horticultural/agricultural activities/industries.

### **Planning Framework**

#### **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then the future directions for this area which relates to the protection of existing and future large-scale horticultural/agricultural operations.

The MSS will also need to both convey Council's expectation for landholders adoption of good land management practices and Council's own commitment to providing assistance either through Landcare Groups and/or other affiliated associations such as Sunraysia Economic Development Board and Sunraysia Rural Counselling Service.

### **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectation and provides guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

### **Farming Zoning**

Discussions with key stakeholders including Council, community and state government representatives has supported the strategic direction and future expectation for this area which provides the strategic basis for the application of the Farming zone.

The Green Wedge and Rural Activity zones are not appropriate.

### **Subdivision Size**

As discussed earlier the findings of both the *Regional Land Use Strategy* and the work undertaken as part of this consultancy have been used to inform minimum lot size for this area.

Given the strategic direction for this area and the importance of these larger scale operations to the region's economy, which have already required development of significant new irrigation infrastructure and the increasing trend for larger scale operations and landholding. It is recommended to maximise the opportunity for both protection and expansion of this significant industry and contributor to the economy that minimum subdivisions size be specified at 100 hectares in the schedule to the Farming Zone. This can be reduced to a minimum subdivision area of 20 hectares where a Water Licence has been issued. This could be considered sufficient to discourage non-agricultural uses while maintaining flexibility in farm size and ability to transfer lots.

### **Buildings and Works**

Refer comments as per section 4.1.1 Mildura subsection Buildings and Works.

## **4.3 Dryland Farming**

Dryland farming areas are located throughout the remainder of the municipality and are generally held in large lot sizes and predominantly used for cereal cropping and sheep. Key implications for this area include:

- Continuing trend towards larger farms and bigger machinery;
- Effect of spraying on neighbouring sensitive land uses such as residential; and.
- Need to discourage non agricultural uses from productive agricultural land

### **Vision/Expectation for the Area**

Importantly, if the desired outcome and future expectation of this area relates to protection and expansion of the dryland agricultural areas.

Key principles for future management and development of the area include:

- Need to protect and retain land for dry land agricultural areas.
- Discourage the introduction of non-agricultural uses to these valuable agricultural activities.
- Promote the area as an important strategic asset in catering for large-scale dry land agricultural activities, which make a significant contribution to the regional economy.
- Discourage intensive land uses in dryland areas due to salinity.

## **Planning Framework**

### **MSS**

The MSS will need to include the key influences or trends to set the scene for the vision and then future directions for this area relates to the protection of this area for dryland agricultural activities/enterprises.

The MSS will also need to both convey Council's expectation for landholders adoption of good land management practices and Council's own commitment to providing assistance either through Landcare Groups and/or other affiliated associations such as Sunraysia Economic Development Board and Sunraysia Rural Counselling Service.

### **Local Planning Policy**

There will be a need to introduce local planning policy (LPP) affecting all land within the new Farming Zone, which identifies the statement of intent or expectations for the area and provides guidance in exercising discretion on planning permit applications for use, development and subdivisions of land.

### **Farming Zoning**

There may be a need to introduce a local planning policy for all land within the new Farming Zone which highlights the importance of the horticultural and agricultural industries to municipality irrigated areas and provides guidance to key stakeholders (Council and community) in decision making.

Refer to previous discussion in relation to the FMIT irrigation district for local planning policy content.

### **Subdivision Size**

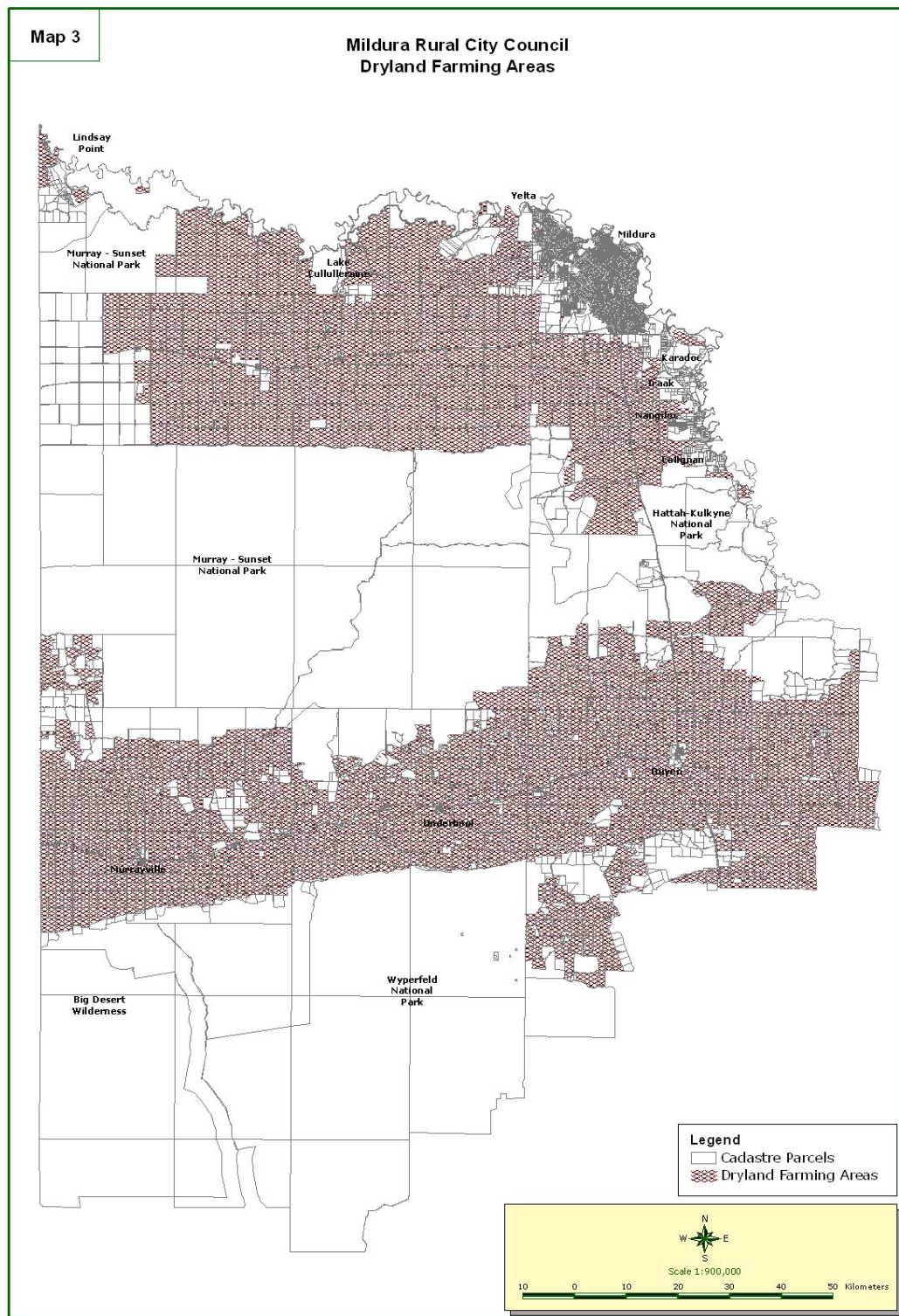
As discussed earlier the findings of both the *Regional Land Use Strategy* and the work undertaken as part of this consultancy have been used to inform minimum lot size for this area.

It is recommended that a lot size of 100 hectares could be sufficient to discourage non-agricultural uses while maintaining flexibility in farm size and the ability to transfer and consolidate lots. There is probably no justification to reduce the dryland minimum lot size from 100 hectares given that the trend in the dryland areas is to hold lots greater than 100 hectares.

### **Buildings and Works**

As per comments in section 4.1.1 Mildura subsection Buildings and Works.

Figure 5 Mildura Rural City Council Dryland Farming Areas



#### 4.4 Non-Urban Break Between Mildura and Irymple

Key implications including opportunities and constraints for this “Non-Urban Area” include:

- The major findings of the agricultural investigations indicate that the land could support shallow rooted, lime tolerant agriculture crops such as grapes, olives, stonefruits and vegetables;
- Proximity to major commercial and retail areas;
- Excellent highway exposure along Fifteenth Street;
- Increasing pressure from key stakeholders to allow further development of this land;
- Opportunity for major road/gateway into Mildura;
- Mixture of lots sizes ranging from 3.6 hectares (largest lot) to smaller lot sizes of approximately 1.4 hectares to 800 square metres;
- Variety of land uses, which are predominantly horticulture, interspersed with small pockets of residential land commercial developments (Caravan Park). Some lots immediately adjacent to Fifteenth Street have recently been cleared and are currently vacant. Some lots in the area have access to irrigation water supply.

#### Key Principles – Vision - Expectation for the Area

Importantly, if the desired outcome and future expectation of this area relates to undertaking further analysis to develop the Gateway and scope options for ongoing management. It is recommended that this land be translated into the Farming Zone and that steps be undertaken as endorsed by Council to engage consultants to undertake detailed corridor option development and assessment.

#### 4.5 Application of Rural Conservation Zone

Application and use of the Rural Conservation Zone has been discussed in detail with representatives from both DSE and Council. The Rural Conservation Zone is the main zone for areas with significant environmental considerations.

In relation to this study it is considered that the Rural Conservation zone is only appropriate for the following areas:

- Parcels of freehold land within a state and/or national park.
- King Billabong, which was rezoned as part of Amendment C28. As part of Amendment C28 it was intended to replace the LDRZ the applies to Kings Billabong area with Rural Conservation Zone (RCZ) and the Kings Billabong Policy will be replaced by Woolong Wetlands policy. The Panel agreed that this is an environmentally important area that needs to be protected by the Planning Scheme. The Panel agreed with the Planning Authority that the zone purposes and provisions in the RCZ (and not the LDRZ) better reflect the environmental characteristics of this particular settlement.

In addition, Council has recently adopted a revised Environment Significance Overlay for the Murray River Corridor, which provides sufficient protection and management of the environmental values associated with this important corridor as discussed in section 3.2.7 relating to flora and fauna section of the *Agricultural Land Capability Assessment*.

#### 4.6 Non Planning Scheme/Opportunities

There are a number of opportunities which have been identified as part of this Strategy for recommendations for management of the rural areas outside the planning scheme. These are summarised as follows:

- Council subscribe to the “*SunRISE Mapping*” produced by SunRISE 21.
- In a global market and rigorous trading environment it is essential that investment and planning decisions are based on accurate and timely information for all regional influences that underpin sustainable development.

In 1996, SunRISE 21 responded to this information need by designing and investing in a regional information system utilising Geographic Information Systems (GIS). The system is a financially a self sustaining operation providing information products and services to many organisations and businesses. These include horticultural growers and growers groups (regional and national) , associated industries, local governments, land and water management authorities, community groups, research institutions and state government agencies.

As identified in this strategy the third edition of SunRISE 21 Crop Report build on work undertaken since 1996 and provides the first quantitative insight into changes and trends in irrigated horticulture from 1997 to 2003.

It is imperative that MRCC as the planning authority for the municipality has access to the most update data to meet their commitment to the community in making informed planning decisions.

- Development of a Working Group with other key stakeholders such as SunRISE 21, FMIT, LMW, Sunraysia, Economic Development Board, Mallee CMA, Australian Dried Fruit Associations and Murray Valley Winegrowers.
- The objectives of this Working Group could be to both share and information and also more importantly discuss implementation of water reforms to released by State Government over the next few months. It is understood that these reforms will include a series of changes to existing legislation which will have significant implications for municipalities such as Mildura.
- If such a Working group is established it would be appropriate for MRCC to have representatives at the officer ands Councillor levels.
- Update Council to website to produce a guide for development of the rural areas in the municipality. This can be as simply as geographically highlighting the location of the three broad agricultural and horticultural categories with links to key principles.
- Council includes representatives at both the officer and Councillor level on the Regional Task Force to be established as part of the Deakin Irrigation and Sustainability Committee.



## 5.0 Planning Scheme Amendment

The amendment is required to implement the Mildura Rural Areas Strategy.

The following table summaries the potential planning framework for implementation of the Mildura *Rural Areas Strategy* and provides the basis for the Planning Scheme Amendment for the Mildura Planning Scheme.

**Table 6 Implementation Framework for Mildura Rural Areas Strategy**

<b>Planning Framework</b>	<b>Implementation of the Mildura Rural Areas strategy</b>	<b>Comment</b>
State Planning Policy Framework	No Change	Modifications have already been made to SPPF as part Amendment VC24.
Municipal Strategic Statement	<p>The following changes will also need to be made to the MSS:</p> <ul style="list-style-type: none"> <li>• <b>Clause 21.01-3 Municipal Profile</b> – this clause will need to be updated to reflect current characteristics and trends. It will be important to graphically show key horticultural and agricultural areas.</li> <li>• Clause – 21.02 – no changes required.</li> <li>• 21.03-1 The Vision for Mildura Rural City – need to include a specific vision for Agriculture and Horticulture and specific themes in support of Agriculture and Horticulture.</li> <li>• <b>Clause 21.04-4 Economic Development</b> – Development overall objective for Agriculture and Horticulture industries and site specific objectives and strategies for: <ul style="list-style-type: none"> <li>- Small Scale Horticulture Areas</li> <li>- Large Scale Horticultural Areas</li> <li>- Dryland Farming Areas</li> </ul> </li> <li>• <b>Clause 21.05</b> – highlight the importance to monitor changes to the water industry</li> <li>• <b>Clause 21.06</b> -</li> </ul>	The modifications have been made to Council's adopted MSS which incorporates all of the recommendations of the Panel Report in relation to Amendment C28.
Local Planning Policy	The existing policy <b>clause 22.06 Agricultural Land Policy</b> needs to be replaced.	<p>Prior to determining whether a Local Planning Policy (LPP) is required to implement this study, the following seven questions needs to be considered.</p> <p>Outlined below is a response to the seven questions which need to be considered.</p>



## **Proposed new Clause 22.06 - Rural Areas Policy within the Mildura Planning Scheme**

A Local Planning Policy (LPP) is one of the tools available for implementing the objectives and strategies contained within the Municipal Strategic Statement, (MSS). A VPP Practice Note titled "Writing a Local Planning Policy" was prepared by the Department of Infrastructure to guide the development of a LPP. Any new LPP should consider the requirements of this Practice Note.

As part of the Rural Areas Strategy, Maunsell has prepared a new LPP to support the implementation of the new rural zones and to give effect to the new agricultural and horticultural management framework to be contained within the MSS. Importantly, the LPP will assist Council exercise its discretion in its decision making.

The following summary provides an assessment of the proposed new Rural Areas LPP against the VPP Practice Note "tests". An LPP, which satisfies these tests is considered to be justified and an appropriate planning response.

### **1. Does the LPP respond to a demonstrated need?**

The proposed LPP applies to all land to be contained within the new Farming Zone (Clause 35.07). It effectively updates the existing LPP (Clause 22.05) in light of recent subdivision proposals, decisions from VCAT and the introduction of the new Farming Zone. Due to the complexity of rural based issues to be considered and weighted by Council when exercising discretion, the LPP details Council's specific objectives and requirements on a range of planning considerations where an application is triggered by the Farming Zone. The LPP will articulate how Council will consider a proposal and what will influence its decision-making.

### **2. Does the LPP implement an objective or strategy in the MSS?**

The MSS outlines the key strategic planning objectives, strategies and implementation mechanisms that collectively provide the rationale for local policies, land use and development provisions in the Mildura Planning Scheme. The MSS details a long term framework for management of the rural areas. The LPP will support a number of MSS objectives and strategies. In particular, it will support the development of sustainable agricultural and horticultural industries within the Mildura region.

### **3. Does the LPP relate to a specific discretion or group of discretions in the scheme?**

The LPP relates to Council's discretion in relation new non-agricultural uses, subdivisions including excisions and boundary re-alignments, lot consolidation including channel reserves and utility lots and the creation of carriageway easements for land contained within the Farming Zone. Area specific requirements have been developed to provide guidance about Council's specific requirements for areas with different attributes and characteristics.

In exercising its discretion on planning applications for the use, development and subdivision of land, Council will need to balance the LPP against considerations such as the historical land use, the prevailing subdivision characteristics of the area and the emerging trends occurring within the agricultural sector.

### **4. Does the LPP help the responsible authority make a decision?**

In contrast to the existing LPP contained at Clause 22.05-1 of the Mildura Planning Scheme, the proposed new LPP details area specific requirements. In particular, it differentiates between older and newer irrigation areas as well as the dryland farming areas. It recognises that each area has its own specific planning considerations and requirements. On this basis, the LPP (and the proposed MSS

changes) will provide a comprehensive statutory framework for Council to assess planning permit applications against. The LPP appropriately addresses existing gaps in the current decision making framework.

**5. Does the LPP help any other person to understand whether a proposal is likely to be supported or not?**

The LPP introduces specific criteria or performance measures for assessing applications for subdivision and consolidation. A series of general requirements are provided and these are complimented by area specific criteria or performance measures.

Statements explaining how a responsible authority will exercise its discretion are clear and transparent. For example:

*When considering a planning application for a new use within the Farming zone, Council strongly discourages commercial and industrial uses that are not related to or support the operation of an agricultural enterprise being conducted on the land.*

**6. Does the LPP add to the other planning tools in the scheme, especially the relevant zone or overlay?**

When incorporated in the Mildura Planning Scheme, the proposed LPP will be one of the decision making tools available to Council. Apart from the MSS, the LPP will compliment the purposes and decision guidelines of the Farming Zone and any applicable overlay/s. The LPP has been developed to only address specific issues (i.e. subdivision) that are not comprehensively covered by the Farming Zone.

**7. Does the LPP address the format, content and language guidance in this Practice Note?**

The form and content of the proposed LPP is logical and easy to understand. It has been developed for comprehension by both planners and non planning practitioners. No decision guidelines are included within the LPP as the objectives and policy requirements (specific criteria or performance measures) provide sufficient guidance and detail for Council to exercise its discretion.

The Mildura Planning Scheme Maps in Appendix E provide an overview of zoning changes.



Table 1

Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
<b>C28</b>				
15 Cufari (Connel Wagner)	<p><b>Request:</b> Rezone land from RUZ to Rural Living Zone (RLZ).</p> <p><b>PS Number:</b> SP17828</p> <p><b>Location:</b> Cnr Sandilong and Fifteenth St, Irymple.</p> <p><b>Size:</b> ?</p> <p><b>Current/Desired Land Use</b></p> <p>Currently used for horticulture however this use conflicts with the nearby residential areas. Applicant proposes that the land form part of a buffer of the Irymple non-urban break between residential and agricultural uses.</p>	<p>Rezoning to Rural Living would compromise the role and function of the non-urban break.</p> <p>The Non-Urban break between Fifteenth Street between Benetook Avenue and Sandilong Avenue will be subject to another study.</p>	<p>Submission is not supported – referred to panel for consideration. Land is not in accord with Council strategies.</p>	<p>Although the agricultural viability of landholdings in the non-urban break along Fifteenth Street between Benetook and Sandilong Avenues have been comprised overtime. Rezoning to Rural Living would compromise the role and function of the Non-Urban break.</p> <p>The Non-Urban break between Fifteenth Street between Benetook Avenue and Sandilong Avenue will be subject to another study.</p> <p>Council has now endorsed a program to progress further investigations in relation to the non urban break between along Fifteenth Street between Benetook and Sandilong Avenues with an urban design focus.</p>
17 Shaw	<p><b>Request:</b></p> <p>Rezone land from RUZ to LDRZ.</p> <p><b>PS Number:</b> Lot 1 and 12 of Pt C.A, Lot 1 TP 749567E Sec 48, Blk E</p> <p><b>Location:</b> Seventeenth St between Dyar Ave and Riverside Ave.</p> <p><b>Size:</b> ~20 acres</p>	<p>The Rural Areas Strategy reinforces the view of the Panel (Amendment C28) that the proximity of land to established low density residential development &amp; availability of services to land make it a potential candidate for low-density development.</p>	<p>Submission is not supported – referred to panel for consideration. Land is not in accord with Council strategies.</p>	<p>Submission location is adjacent to residential area abutting Lake Hawthorn. This area was considered as part of the LDR study but was dismissed. The Rural Areas Strategy supports the panel recommendation that this area only be considered for future LDR once existing land has been taken up.</p>

Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
	<b>Current/Desired Land Use</b> Land has no agricultural water right and therefore cannot be used for horticultural purposes.			This reflects Council direction to investigate suitability for future low density pending take up of other areas.
18 Bath (Danson)	<b>Request:</b> Rezone land from RUZ to LDRZ. <b>PS Number:</b> Lot 9, Section 36A, Block E, PS3367 <b>Location:</b> McEdward St, Cabarita. <b>Size:</b> 3.7ha <b>Current/Desired Land Use</b> Land is currently being used as horse paddocks at the lowest end of the site and irrigated to citrus on the elevated end of the site. Applicants wish to use land for residential development.	The Rural Areas Strategy reinforces the view of the Panel (Amendment C28) that the proximity of land to established low density residential development & availability of services to land make it a potential candidate for low-density development.	Submission is not supported – referred to panel for consideration. Land is not in accord with Council strategies.	Submission location is adjacent to residential area abutting Lake Hawthorn. This area was considered as part of the LDR study but was dismissed. The Rural Areas Strategy supports the panel recommendation for potential future low density.  It is important to note, that introducing a Rural Living Zone would not alter or provide for additional subdivision as it would more accurately reflect what is on ground.  Council has advised that they do not wish to introduce a zone that does not provide further development potential. The preferred direction is to investigate suitability for future low density pending take up of other areas.
20 Cleary Collinson	<b>Request:</b> Applicants request that Council reconsider the concentration of proposed LDRZ areas to create a greater choice of locations, particularly in lower valued locations	The Rural Areas Strategy reinforces the view of the Panel (Amendment C28) that Koorlong Maybe a candidate for future low density residential subdivision, depending on the take up of existing LDR zoned land at Lake Hawthorn and Nicols Point.	Submission not supported – referred to panel for consideration. Submission is not in accord with Council strategies.	The Rural Areas Strategy reinforces the view of the Panel (Amendment C28) that Koorlong Maybe a candidate for future low density residential subdivision, depending on the take up of existing LDR zoned land at Lake Hawthorn and

Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
	<p>where all services are available such as Koorlong.</p> <p><b>Location:</b> Two lots on the corner of Twenty Second Street and San Mateo Avenue, 1 lot on the corner of 21<sup>st</sup> Street and Benetook Avenue.</p> <p><b>Current/Desired Land Use</b></p> <p>Develop land for low density residential use.</p>			<p>Nicols Point.</p> <p>This reflects Council direction to not implement a new rural zone such as the Rural Living zone that will provide for additional subdivision potential but to investigate suitability for future low density pending take up of other areas.</p>
21 Matthewson	<p><b>Request:</b> Rezone land from RUZ to LDRZ.</p> <p><b>PS Number:</b> Allotment 103a</p> <p><b>Location:</b> Dow Avenue, Birdwoodton, next to Merbein Golf Links.</p> <p><b>Size:</b> 1.32 ha</p> <p><b>Current/Desired Land Use</b></p> <p>Subject land and surrounding land is rural living. Applicant wishes to use land for residential development.</p>	The Rural Areas Strategy confirms that this area has low agricultural potential and that the future land use at Cabarita is suitable for potential future LDR development.	Submission not supported – referred to panel for consideration. Land is already rural living and new areas were required as part of the LDR strategy.	<p>The Rural Areas Strategy confirms that this area has low agricultural potential and that the future land use at Cabarita is suitable for potential future LDR development.</p> <p>This reflects Council direction to investigate suitability for future low density pending take up of other area and to not implement a New Rural Zone such as the Rural Living Zone as part of this study. Importantly, although it might more accurately reflect what is on the ground it does not provide for future development potential.</p>
37 Owners (Bright)	<p><b>Request:</b> Rezone land from RUZ to LDRZ.</p> <p><b>PS Number:</b> Lot 1 PS 139842</p> <p><b>Location:</b> Dow Ave / McEdward St, Cabarita.</p>	Comments as above	Submission not supported – referred to panel for consideration. Submission does not accord with	Comments as above.

Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
	<p><b>Size:</b> Range in size from 6ha to 3.24ha.</p> <p><b>Current/Desired Land Use</b></p> <p>Group application consisting of 18 lots. Applicants wish to use land for LDR development.</p>		Council's adopted strategies. Land has longer term potential depending on take up.	
45 Danson	<p><b>Request:</b> Planning Scheme objection to Agricultural Land Policy Clause 22.06.</p> <p><b>Reasons for Objection:</b></p> <ul style="list-style-type: none"> <li>Specific objection to the re-naming and re-numbering of Clause 22.05 "Protection of Agricultural and Horticultural Land" to Clause 22.06 "Agricultural Land Policy".</li> <li>Does not reflect Council policy adopted in November 2003 and appears to be retaining the status quo.</li> </ul>	Clause 22.06 will be reviewed as part of Rural Areas Strategy.	Submission noted and referred to panel.	Clause 22.06 will be reviewed as part of Rural Areas Strategy.
55 Dennis (Freeman)	<p><b>Request:</b> Rezone land from RUZ to LDRZ.</p> <p><b>PS Number:</b> Lot 1 PS 139842</p> <p><b>Location:</b> Crn of Karadoc Ave and Fifth St at Nichol's Point.</p> <p><b>Size:</b> 10ha.</p> <p><b>Current/Desired Land Use</b></p>	The Rural Areas Strategy identifies that although this area has limitations in terms of agricultural capability it is preferable for it to be retained in Rural Zone to protect large landholdings for future low-density residential development.	Submission not supported – referred to panel for consideration. Submission does not accord with Council's adopted strategies.	The view expressed in the Rural Areas Strategy in relation to retaining land in Rural zoning for future low density residential development pending take up of existing areas it is supported by Council.



Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
	Applicant intends to develop land for residential use.			
56 Cabarita Heights & Foreman (Freeman)	<p><b>Request:</b> Rezone land from RUZ to LDRZ.</p> <p><b>PS Number:</b> Lot 2 LP12444, Lot 2 LP113046, Lot 2 PS509526Y</p> <p><b>Location:</b> McEdward St, Merbein.</p> <p><b>Size:</b> 25ha.</p> <p><b>Current/Desired Land Use</b> LDR development.</p>	The Rural Areas Strategy reinforces the view of the Panel (Amendment C28) that the proximity of land to established low density residential development & availability of services to land make it a potential candidate for low-density development.	Submission not supported – referred to panel for consideration. Submission does not accord with Council's adopted strategies.	<p>Submission location is adjacent to residential area abutting Lake Hawthorn. This area was considered as part of the LDR study but was dismissed. The Rural Areas Strategy supports the panel recommendation for potential future low density pending take up of existing areas.</p> <p>Council has advised that they do not wish to introduce a New Rural Zone such as the Rural Living which although more accurately reflect what is on the ground does not provide for subdivisions potential given the existing subdivision pattern.</p> <p>The most appropriate zone to ensure protection for potential future low density development is the farming zone as this limits inappropriate subdivision which may compromise future residential subdivision potential.</p>
57 Freeman	<p><b>Request:</b> Planning Scheme objection to Agricultural Land Policy Clause 22.06.</p> <p><b>Reasons for Objection:</b></p>	Clause 22.06 will be reviewed as part of the Rural Areas Strategy	Submission not supported – referred to panel for consideration. Submission does	<p>As part of the Rural Areas Strategy, the Rural Areas Policy has been slightly modified.</p> <p>The revised Rural Areas Policy will</p>

Submission	Description	Implications for Rural Areas Strategy	Status / Council's Response	Comments
	<ul style="list-style-type: none"> <li>Clause 22.06 consists of the Clause 22.05 that was adopted by Council in November 2003.</li> <li>Applicant objects to the current content of Clause 22.06 because it contends it is a repeat of the existing Clause 22.05-1.</li> </ul>		not accord with Council's adopted strategies.	be incorporated into the Mildura Planning scheme through a new planning scheme amendment.
78 Demasi	<p><b>Request:</b> Rezone land from RUZ to residential (not specified).</p> <p><b>Location:</b> Crn Seventeenth St &amp; McEdward St.</p> <p><b>Size:</b> 12 acres.</p> <p><b>Current/Desired Land Use</b></p> <p>Land is used for citrus and applicant wishes to subdivide land and requires a rezoning for this to occur.</p>	Refer comments submissions 56.	Submission not supported – referred to panel for consideration.	Refer comments submission 56.



**Table 2**

<b>Purpose</b>		<b>Rural Conservation Zone</b>	<b>Green Wedge Zone</b>	<b>Rural Activity Zone</b>	<b>Farming Zone</b>	<b>Rural Living Zone</b>
<b>Zone purpose</b>		To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat, or cultural values.	To protect land that is adjacent to urban areas for its agricultural, environmental, historic, landscape or recreational values, or mineral and stone resources, and to accommodate uses that are essential to urban development but cannot locate in urban areas.	To provide for the use of land for agriculture, to provide for other uses and development which are compatible with agriculture and the environmental and landscape characteristics, to ensure that use and development does not adversely affect surrounding land uses and the biodiversity of the area.	To provide for the sustainable use of land for agricultural purposes, encourage appropriate land management, agricultural investment, value-adding and new rural enterprise, encourage retention of productive agricultural land and ensure dwellings do not adversely affect use of land for agriculture.	To provide for residential use in a rural environment. To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses. To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
<b>Local objectives</b>		LPPF and a schedule to the zone.	LPPF	LPPF and a schedule to the zone.	LPPF and a schedule to the zone.	LPPF and a schedule to the zone.
<b>Land Use Controls</b>		<b>Rural Conservation Zone</b>	<b>Green Wedge Zone</b>	<b>Rural Activity Zone</b>	<b>Farming Zone</b>	<b>Rural Living zone</b>
<b>Land Use Group</b>	<b>Land Use</b>					
Accommodation	Bed & Breakfast	Section 1 – must not accommodate more than six persons and at least one car space per two persons to be	Section 1 – must not accommodate more than six persons and at least one car space per two persons to be	Section 1 – must not accommodate more than six persons and at least one car space per two persons to be	Section 1 – must not accommodate more than six persons and at least one car space per two persons to be	Section 1 – must not accommodate more than six persons and at least one car space per two persons to be provided.

Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
		provided.	provided.	provided.	provided.	
	Camping and Caravan Park	Section 3	Section 2	Section 2	Section 3	Section 2
	Dependant persons unit	Section 2	Section 2	Section 1 – one per lot, must meet Clause 35.08-2	Section 1 – one per lot	Section 1- must be the only dependent person's unit on the lot.
	Dwelling	Section 2 – one per lot	Section 2 – one per lot	Section 1 – one per lot, must meet Clause 35.08-2, lot must be > area specified in schedule	Section 1 – one per lot of area specified in schedule or 40ha	Section 1- the lot must be at least the area specified in the schedule to this zone. If no area specified the lot must be at least 8 hectares.
	Host Farm	Section 2	Section 2	Section 2	Section 2	Section 2
	Residential Hotel	Section 2 – must be used in association with agriculture and must not accommodate more than 20 person.	Section 2 – must be used in association with agriculture and must not accommodate more than 20 person.	Section 2	Section 2	Section 2
	Other Uses	Section 3	Section 3	Section 2	Section 3	Section 2
Agriculture	Animal Keeping	Section 1 – no more than two animals	Section 1 – no more than five animals	Section 1 – no more than five animals	Section 1 – no more than five animals	Section 1- no more than two animals
	Animal Boarding	Section 3	Section 2	Section 2	Section 2	Section 2
	Apiculture	Section 1 – if code of practice met	Section 1 – if code of practice met	Section 1 – if code of practice met	Section 1 – if code of practice met	Section 1- must meet the requirements of the Apiary Code of Practice May 1997.
	Crop Raising	Section 2	Section 1	Section 1	Section 1	Section 2
	Extensive Animal Husbandry	Section 2	Section 1	Section 1	Section 1	Section 2
	Intensive Animal Husbandry	Section 3	Section 3	Section 2	Section 2	Section 3

Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
	Rice Growing	Section 2	Section 2	Section 2	Section 2	Section 2
	Timber Production	Section 2 – if Clause 52.18 met	Section 2 – if Clause 52.18 met	Section 1 – if Clause 52.18 met	Section 1 – if Clause 52.18 met	Section 2- must meet the requirements of Clause 52.18
	Other Uses	Section 2	Section 2	Section 2	Section 3	Section 2
Child Care Centre	Child Care Centre	Section 3	Section 3	Section 3	Section 3	Section 2
Education	Education Centre	Section 3	Section 2 – must be used in association with agriculture and must not accommodate more than 100 persons.	Section 2	Section 3	Section 2
Industry	Abattoir	Section 3	Section 3	Section 3	Section 3	Section 3
	Car Wash	Section 3	Section 3	Section 3	Section 3	Section 2
	Refuse Disposal	Section 3	Section 2	Section 3	Section 3	Section 2
	Refuse Transfer Station	Section 3	Section 2	Section 3	Section 3	Section 2
	Research & Development Centre	Section 3	Section 2 – must be in association with agriculture on the lot	Section 3	Section 3	Section 2
	Rural Industry	Section 2	Section 2	Section 2	Section 2	Section 2
	Sawmill	Section 3	Section 3	Section 3	Section 3	Section 3
	Other Uses	Section 3	Section 3	Section 3	Section 3	Section 3
Leisure and Recreation	Indoor Recreation Facility	Section 3	Section 3	Section 2	Section 2	Section 2
	Informal Outdoor Recreation	Section 1	Section 1	Section 1	Section 1	Section 1
	Major Sports and Recreation Centre	Section 3	Section 2	Section 2	Section 2	Section 2
	Minor Sports and	Section 3	Section 2	Section 2	Section 2	Section 2

Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
	Recreation Centre					
	Motor-racing Track	Section 3	Section 3	Section 2	Section 3	Section 3
	Other Uses	Section 3	Section 2	Section 2	Section 3	Section 2
Place of Assembly	Carnival	Section 1 – must meet code of practice	Section 1 – must meet code of practice	Section 1 – must meet code of practice	Section 1 – must meet code of practice	Section 1- must meet the requirements of a Good Neighbour Code of Practice for a circus or carnival October 1997.
	Exhibition Centre	Section 2 – must meet code of practice	Section 2 – must meet code of practice	Section 2 – must meet code of practice	Section 2 – must meet code of practice	Section 2
	Function Centre	Section 3	Section 2 – must be used in association with agriculture and must not accommodate more than 100 persons.	Section 2	Section 3	Section 2
	Hall	Section 3	Section 2	Section 2	Section 3	Section 2
	Restricted Place of Assembly	Section 3	Section 2 – must not be used for more than 14 days	Section 2	Section 3	Section 2
	Other Uses	Section 3	Section 3	Section 2	Section 3	Section 2
Pleasure Boat Facility	Pleasure Boat Facility	Section 2	Section 2	Section 2	Section 3	Section 2
Retail Premises	Community Market	Section 2	Section 2	Section 2	Section 3	Section 2
	Equestrian Supplies	Section 3	Section 3	Section 2	Section 3	Section 2
	Food and Drink Premises	Section 3	Section 3	Section 2	Section 3	Section 3
	Manufacturing Sales	Section 3	Section 3	Section 2	Section 2	Section 3
	Market	Section 3	Section 2	Section 2	Section 3	Section 3
	Plant Nursery	Section 3	Section 2	Section 2	Section 3	Section 2
	Postal Agency	Section 3	Section 2	Section 2	Section 3	Section 2



Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
	Primary Produce Sales	Section 2	Section 2	Section 2	Section 2	Section 2
	Restaurant	Section 2 – must be used in association with agriculture and the number of patrons must not exceed 100	Section 2 – must be used in association with agriculture and the number of patrons must not exceed 100. If used in conjunction with function centre the combined number of patrons on the premises at any time must not exceed 100	Section 2	Section 2	Section 2- the site must not have direct access o a rural freeway
	Shop	Section 3	Section 3	Section 2	Section 3	Section 3
	Tavern	Section 3	Section 3	Section 2	Section 3	Section 2- the site must not have direct access o a rural freeway.
	Other Uses	Section 3	Section 3	Section 2	Section 3	Section 3
Transport Terminal	Transport Terminal	Section 3	Section 2	Section 3	Section 3	Section 3
Utility Installation	Minor Utility Installation	Section 1	Section 1	Section 1	Section 1	Section 1
	Telecommunications Facility	Section 1 – must meet Clause 52.19	Section 1 – must meet Clause 52.19	Section 1 – must meet Clause 52.19	Section 1 – must meet Clause 52.19	Section 1
	Other Uses	Section 3	Section 2	Section 2	Section 3	Section 2
Warehouse	Liquid Fuel Depot	Section 3	Section 2	Section 3	Section 3	Section 3
	Solid Fuel Depot	Section 3	Section 2	Section 3	Section 3	Section 3
	Milk Depot	Section 3	Section 2	Section 3	Section 3	Section 3
	Freezing and Cool Storage	Section 2 – must be unprocessed agricultural produce or	Section 2 – must be unprocessed agricultural produce or	Section 2 – must be unprocessed agricultural produce or	Section 2	Section 3

Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
		products used in agriculture	products used in agriculture	products used in agriculture		
	Rural Store	Section 2	Section 2	Section 2 – must be used in conjunction with a dwelling	Section 2	Section 2-must be in building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
	Vehicle Store	Section 2 – must be used in conjunction with a dwelling	Section 2 – must be used in conjunction with a dwelling	Section 2 – must be used in conjunction with a dwelling	Section 2	Section 2-must be in building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Un-nested uses	Art & Craft Centre	Section 2	Section 2	Section 2	Section 3	Section 2
	Car Park	Section 2 – must be used in conjunction with a section 1 or 2 use	Section 2 – must be used in conjunction with a section 1 or 2 use	Section 2	Section 3	Section 2- must be used in conjunction with another use in Section 1 or 2
	Cemetery	Section 3	Section 2	Section 2	Section 2	Section 2
	Cinema	Section 3	Section 2	Section 2	Section 3	Section 2
	Cinema Based Entertainment Facility	Section 3	Section 3	Section 3	Section 3	Section 3
	Crematorium	Section 3	Section 2	Section 2	Section 2	Section 2
	Display Home	Section 3	Section 3	Section 2	Section 3	Section 2
	Freeway Service Centre	Section 3	Section 2	Section 2	Section 2	Section 2- must meet the requirements of Clause 52.30.

Purpose		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
	Funeral Parlour	Section 3	Section 3	Section 2	Section 3	Section 2
	Home Occupation	Section 1	Section 1	Section 1	Section 1	Section 1
	Hospital	Section 3	Section 3	Section 2	Section 3	Section 2
	Natural Systems	Section 1	Section 1	Section 1	Section 1	Section 1
	Research Centre	Section 3	Section 2 – must be in association with agriculture on the lot	Section 2	Section 3	Section 2
	Saleyard	Section 3	Section 2	Section 2	Section 2	Section 3
	Service Stations	Section 3	Section 3	Section 2	Section 3	Section 2- The site must either: -adjoin a business zone or industrial zone. -adjoin, or have access to, a road in a Road Zone. The site must not exceed either: -3000 square metres. -3600 square metres if it adjoins on two boundaries a road in a road zone. The site must not have direct access to a rural freeway.
	Veterinary Centre	Section 3	Section 2	Section 2	Section 3	Section 2
	Winery	Section 2	Section 2	Section 2	Section 2	Section 2
Subdivision Controls		Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone

Purpose	Rural Conservation Zone	Green Wedge Zone	Rural Activity Zone	Farming Zone	Rural Living Zone
Minimum Lot Size	40ha	Min lot size specified in schedule or, if no min, 40ha	Min lot size specified in schedule	Min lot size specified in schedule or, if no min is specified, 40ha	Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 8 hectares.
Small Lot Excision	No	Yes, for utility installation	Yes, provided one of the four scenarios applies	Yes, provided one of the three scenarios applies	Yes, provided the subdivision is a re-subdivision of existing lots and the number of lots is not increased. A Section 173 agreement must be entered into with the owner to ensure this occurs.
Re-Subdivision	No	No	Yes, provided number of lots does not increase and one lot is at least the size specified in the schedule.	Yes, provided number of lots does not increase.	Yes, provided the subdivision is a re-subdivision of existing lots and the number of lots is not increased. A Section 173 agreement must be entered into with the owner to ensure this occurs.



## **Council's Strategic Resource Allocation Plan 2004**

The requirement for Council's to have a Strategic Resource Allocation Plan (SRAP) is enshrined under section 126 of the Local Government Democratic Reform Bill (2003). The SRAP is a detailed progression from Council's 10 Year Financial Model and it seeks to establish a financial framework over a 5 year period, combining and integrating financial strategies to achieve a planned outcome. It provides an assessment of the resources required to accomplish the objectives and strategies included in Council's 3 Year Strategic Plan. The purpose of the SRAP is not to decide which individual projects the Council will spend its funds on, but rather it is about developing various strategies that in effect will determine the amount of funds that Council will have at its discretion to apply.

By analysing surplus from operations, net surplus, net cash flow from operations, projected capital expenditure, closing cash balance, unrestricted cash reserves, total borrowings and projected surplus available for new capital works and services a particular scenario was selected for the following outcomes:

- An operational surplus achieved every year.
- Positive and healthy closing cash balances.
- Unrestricted cash reserves showing strong positive growth.

The scenario ensures the economic feasibility of the Council Plan and as a part of this is it also ensures the feasibility of a rural zones review and strategy.

## **Rural Zones Review**

### **Rural Zones Review Reference Group Discussions and Options Paper, January 2003**

This Options Paper of the Reference Group for the Rural Zones Review appointed by the Minister for Planning to analyse specific issues and provides advice about improvements to the rural zones in the Victoria Planning Provisions. The Reference Group examined at four key issues including zone purposes, development control (subdivision and buildings and works), specific uses and intergovernmental coordination.

### **Project 1: Zone Purposes**

The Reference Group concluded that the existing rural zones need to be changed to include clearer zone purposes and tighter use and development controls. A three zone model was suggested comprising a Rural Industry Zone, an Environmental Rural Zone and a Rural Mixed Use Zone was recommended. The Rural Industry Zone replaces the Rural Zone and elevates the primacy of farming. The Environmental Rural Zone replaces the same current zone with improved use and development controls. The Rural Mixed Zone caters for areas where rural activities and rural lifestyle uses can co-exist. Greater scope to locally vary the zone provisions to respond to the different characteristics of rural land across the State was also recommended.

This Options Paper also specifies that Council's must apply the new rural zones based on a comprehensive strategic review of their rural areas including:

- A rural areas audit;
- Land capability and productivity analysis;
- Identification of those lands that should be earmarked for farming as a business;
- Identification of those lands that should be earmarked for environmental protection; and
- Identification of those lands that should be earmarked for mixed use and rural living purposes.

## **Project 2: Development Controls**

The primary issue addressed in this project was subdivision. While subdivision on its own was recognised as being acceptable, a significant problem identified was the presumption of a nexus between subdivision and housing. The current rural zones rely mostly on the default setting of 40 hectares in the Rural Zone and 8 hectares in the Rural Living Zone designated in the Victorian Planning Provisions. The report recommends that subdivision be allowed based on agricultural outcomes and not arithmetic.

The Reference Group believes there should only be very limited potential for excisions in the Rural Industry Zone and the Rural Mixed Use Zone and each application should be assessed according to the Rural Strategy, achievement of farm consolidation and compliance with Melbourne 2030. Excisions should be prohibited in an Environmental Rural Zone.

## **Project 3: Specific Uses**

The critical issue with dwellings is to separate them from subdivision. The Reference Group recommends that 'dwelling' become a Section 2 use in all three zones with the control being tight for the Rural Industry Zone and the Environmental Rural Zone and less stringent for the Rural Mixed Use Zone. Furthermore the Reference Group does not see the need for planning permits for dwelling extensions unless there is a specific issue that requires a permit.

Industrial and commercial uses (excluding those ancillary to agricultural use) should be prohibited in all three zones.

## **Project 4: Intergovernmental Co-ordination**

The Reference Group recommends the following:

- That the existing decision guidelines be simplified and better tailored to match the specific purposes of the zones.
- Develop a DSE web-based 'portal' as the electronic home of all relevant material.
- Regionally based DSE Environmental Planning Officers to coordinate the exchange of information and provide education and training to stakeholders.
- Devise standardised forms for all rural areas that require the applicant and the Council to address particular matters.
- Make Land Capability the primary decision making reference

## **Proposed New Zones for Rural Victoria Final Consultation Draft, November 2003**

This report outlines three new rural zones, which are predominantly based on those proposed in the Rural Zones Review Reference Group Discussion and Options Paper. These zones are outlined in more detail in Table 3.



Table Proposed New Zones Description

Zone	Purpose	Subdivision Size
<b>Rural Conservation Zone</b>	<ul style="list-style-type: none"> <li>Protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.</li> <li>Protect and enhance natural resources and the biodiversity of the area.</li> <li>Encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity.</li> <li>Provide for agricultural use consistent with the conservation of environmental and landscape values of the area.</li> <li>Conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>Permit is required to subdivide land.</li> <li>Each lot must be at least <b>40 ha</b> unless further specified in the schedule to this zone.</li> <li>Smaller lots may be created (with permit) if; 1) it involves the re-subdivision of existing lots and the number of lots and dwellings is not increased, OR 2) it is by a public authority or service provider for the purpose of a utility installation.</li> </ul>
<b>Rural Activity Zone</b>	<ul style="list-style-type: none"> <li>Provide for the use of land for agriculture.</li> <li>Provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.</li> <li>Ensure that use and development does not adversely affect surrounding land uses.</li> <li>Protect and enhance natural resources and the biodiversity of the area.</li> <li>Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</li> </ul>	<ul style="list-style-type: none"> <li>Permit is required to subdivide land.</li> <li>Each lot must be at least the area specified for the land in a schedule to this zone, otherwise <b>no area</b> is specified.</li> <li>Smaller lots may be created (with permit) if; 1) it is to create a lot for an existing dwelling, 2) involves the re-subdivision of existing lots and the number of lots and dwellings is not increased, 3) The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone, OR 4) it is by a public authority or service provider for the purpose of a utility installation.</li> </ul>
<b>Farming Zone</b>	<ul style="list-style-type: none"> <li>Provide for the use of land for agriculture.</li> <li>Encourage retention of productive agricultural land.</li> <li>Ensure that non-agricultural uses, particularly dwellings, do not adversely affect surrounding land uses.</li> <li>Encourage use and development of land based on</li> </ul>	<ul style="list-style-type: none"> <li>Permit is required to subdivide land.</li> <li>Each lot must be at least <b>40 ha</b> unless further specified in the schedule to this zone.</li> <li>Smaller lots may be created (with permit) if; 1) it is to create a lot for an existing dwelling, 2) it involves</li> </ul>

Zone	Purpose	Subdivision Size
	<p>comprehensive and sustainable land management practices and infrastructure provision.</p> <ul style="list-style-type: none"> <li>• Protect and enhance natural resources and the biodiversity of the area.</li> </ul>	<p>the re-subdivision of existing lots and the number of lots and dwellings is not increased, OR 3) it is by a public authority or service provider for the purpose of a utility installation.</p>
<b>Rural Living Zone</b>	<ul style="list-style-type: none"> <li>• Provide for residential use in a rural environment.</li> <li>• Provide for agricultural land uses, which do not adversely affect the amenity of surrounding land uses.</li> <li>• Protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.</li> <li>• Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</li> </ul>	<ul style="list-style-type: none"> <li>• Permit is required to subdivide land.</li> <li>• Each lot must be at least <b>8 ha</b> unless further specified in the schedule to this zone.</li> <li>• Smaller lots may be created (with permit) if; 1) it involves the re-subdivision of existing lots and the number of lots and dwellings is not increased, 2) The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone, OR 3) it is by a public authority or service provider for the purpose of a utility installation.</li> </ul>



# **MILDURA RURAL AREAS STRATEGY**

## **VCAT SUBDIVISION CASES**

### **SUMMARY**

#### **Estate of EMD Cummins v Muldura RC [2000] VCAT 2550 (31 December 2000)**

Planning permission was sought in this case for the re-subdivision of four lots on irrigated land at 33 Cocklin Avenue, Red Cliffs just beyond the urban boundary of the township of Red Cliffs. VCAT upheld Council's decision to refuse the application.

The property comprised a total area of 7.4319ha. Although occupied by a dwelling, the land was used principally for horticultural (vineyard) purposes. The proposal sought the creation of the following lots:

- \* Lot 1 - 0.4040ha
- \* Lot 2 - 3.559ha
- \* Lot 3 - 0.4131ha
- \* Lot 4 - 3.055ha.

Normally a 10ha minimum lot size applies in the irrigated, horticultural area. An application can be made to create smaller lots in a number of specified circumstances. The one relevant here is:

*"The subdivision is the resubdivision of existing lots. The number of lots must not be increased and all lots must be at least 0.4ha."*

The Tribunal Member observed that the re-subdivision of the land is actually a means by which the owners of the land are seeking to improve the financial returns from the sale of one or more of the titles to the land. Furthermore, the use of the good quality land for horticulture is not precluded at the present time.

The review was conducted not long after the introduction of the new format Mildura Planning Scheme. It was concluded that a policy directly dealing with such proposals may be of assistance in ensuring that the future Mildura Planning Scheme intents for the protection of rural land are not undermined by housing development.

#### **Collins v Mildura CC [2002] VCAT 805 (30 May 2002)**

This case involved a proposal to reconfigure and realign three lots at River Avenue, Merbein South. The decision of the Responsible Authority was overturned in this case. VCAT noted that the land has the capacity to retain all sewerage and sullage within the boundaries.

It was held that Clause 35.01-6 of the Mildura Planning Scheme was satisfied by maintaining and increasing farm production capacities.

VCAT considered the proposed subdivision had merit on the basis that the proposed subdivision would not create a new allotment for housing, but rather will create two more efficiently sized lots which are consistent with the minimum standards in Clause 35 of the Mildura Planning Scheme. According to the Tribunal Member, the subdivision will allow for more manageable use of the larger agricultural lot by removal of Lot 1 LP 212680, which is located in a central portion of the whole site.

It was also stated that the proposal will allow for a more efficient layout of vines and irrigation of the subject site.

The Tribunal Member acknowledged the Responsible Authority's policies particularly those which are aimed at discouraging further subdivision of rural land for housing and existing land is not incidental to the use of the land for crop raising. The Member concluded that this is not a case which would necessitate the loss of agricultural land, but rather the reconfiguration of the land so that agricultural activities are improved.

#### **Freeman & Freeman v Mildura Rural CC [2002] VCAT 1558 (9 December 2002)**

The decision of the Responsible Authority was affirmed (refusal) in this case. This was an application for a two lot subdivision of the land at Calder Highway (Cocklin Street) Red Cliffs.

Council's policy on rural subdivision arises from the recognition of the economic and social value of the productive use of horticultural land. Historically, there have been a very large number of small excisions which have resulted in a significant loss of productive land. Another effect is the intrusion of residents into horticultural areas who have no particular connection with the horticultural use of the land, this has and continues to lead to conflict between land users particularly as modern farming practices become more intensive. This conflict can itself become an obstacle to the productive use of the remaining horticultural land.

The excised small lot creates a residential use which has no particular relationship to the productive use of surrounding horticultural land.

The historic extent of small lot excisions within the region is evident on the maps. This only reinforced in the Tribunal Member's mind the critical importance of the Local Planning Policy Framework, and its consistent application. The proposed subdivision sought the creation of a small lot for an existing dwelling which is not incidental to the use of the land for crop raising, such a subdivision is strongly discouraged by the policy provision. On balance the Tribunal Member decided that there is no basis to warrant the overturning of this policy position.

VCAT noted that the owner can control who occupies the dwelling, once subdivided and sold this control will no longer exist and this could be detrimental to the more intensively productive horticultural use of the land.

#### **Freeman & Freeman Surveyors v Mildura SC [2002] VCAT 959 (29 August 2002)**

The Applicant proposed to subdivide the land at Karadoc Avenue, Irymple into two lots. Lot 1 containing the existing dwelling and shed, and comprising an area of 5475 square metres. Lot 2 was to comprise 1.65 hectares.

The Responsible Authority's decision was affirmed and no permit issued.

The proposal comprised the subdivision of the land into two lots. Lot 1 contained the existing dwelling and shed. Lot 1 was allocated an area of 5475 square metres. The remaining Lot 2 was to comprise 1.65 hectares.

Under the Rural Zone provisions, only one additional lot which does not contain a dwelling may be created in the subdivision and each lot must be at least 0.4 hectare. Relevant sections of the Mildura Planning Scheme considered were

- \* Clause 16.03 – Rural Living and Rural Residential Development
- \* Clause 17.05 Agricultural Base
- \* Clause 21.04-2 Rural Living Opportunities
- \* Clause 21.04-9 Municipal Strategic Statement
- \* Clause 22.05-1 Protection of Agriculture and Horticultural Land Policy
- \* Clause 65 Decision Guidelines

The Tribunal assessed Council's objective as been to protect agricultural land and guide the location of rural residential development to more appropriate, planned areas that minimises urban intrusion into rural areas.

The Tribunal Member noted that in cases where the size of the farming parcel is to be reduced to that which is well below the minimum prescribed in the zone, it is incumbent on the applicant to demonstrate that once the existing dwelling is excised, that the balance of the farm is of sufficient size to support a viable enterprise.

It was observed that there would be a likelihood that a dwelling would be constructed on Lot 2 which will also reduce the amount of land available to be put to agricultural use.

The applicant proposed the creation of a new lot, where productive horticultural land will be used primarily for residential development. The Applicant claimed the size of the proposed lot reduces the potential for the new landholding to be use used for any viable agricultural or horticultural use, and establishes a residential use as the dominant function of the land. VCAT disagreed.

### **Piscioneri v Mildura Rural CC [2004] VCAT 26 (15 January 2004)**

This application involved a two lot subdivision at Lot 2 Block 41 Quandong Avenue, Merbein. The application was refused consistent with Council's recommendation.

VCAT supported Council's conclusion which stated:

*Approval of this subdivision would further facilitate fragmentation of productive agricultural land. There was no supporting evidence submitted to indicate that the proposed subdivision would enhance the productive rural activity of the property in any way whatsoever. In fact, Council believes that as a result of this resubdivision, there would be a likelihood of long term lesser productive use due to the potential impacts of the location of the existing dwelling.*

The Tribunal Member also noted that the district is crossed by many redundant channel reserves, bisecting properties and creating numerous potential opportunities for like development. If allowed, the type of development proposed would potentially irreversibly change the nature of the rural zoned horticultural areas to the detriment of the industry and the district.

Subdivision of land (within a gazetted irrigation district or where a Water Licence has been issued and applied to land for horticultural) in order to provide a lot for an existing or additional dwelling which is not incidental to the use of the land for crop raising, is strongly discouraged.

It was concluded that the Applicant had failed to demonstrate that the subdivision would promote effective land management practices or advance any of the other purposes of the Rural Zone.





**21-01 MUNICIPAL PROFILE****21.01-1 Settlement and Housing****Regional Context**

Situated in northern Victoria and sharing borders with New South Wales and South Australia, Mildura Rural City is the largest municipality in Victoria covering an area of some 22,330 sq kms (Refer to Map 1 – State Context). Mildura plays an important regional servicing role for interstate communities, particularly for those within the Shire of Wentworth in New South Wales, such as Wentworth, Dareton, Gol Gol and Buronga.

**Townships**

The main urban centre of the municipality is Mildura, surrounded by the satellite townships of Irymple, Red Cliffs, and Merbein. Ouyen is the major settlement in the south of the municipality and there are a number of other smaller settlements throughout the rural areas (Refer to Map 2 – Key Land Use Issues and Map 3 – Sub Regional Context Plan).

**Population**

The total resident population in 2003 was approximately 51,300. The municipality experienced strong and sustained population growth for the period 1991 – 2003 (average annual population growth of 1.26%). For the period 1996 – 2003 the average annual rate of growth increased to 1.73% (about 800 persons per year). This rate of growth was higher than that achieved for Victoria as a whole (0.91%) and also substantially higher than that achieved throughout Regional Victoria (0.45%).

In recent years there has been a proportional increase in both the number of persons that are 60+ years and those that are less than 4 years of age. This trend (which reflects national demographic changes) is projected to continue with resultant impacts on a range of community based services and facilities

Detailed population projection analysis undertaken for the municipality in 2003 (refer *Review of Mildura & Irymple Land Strategies*) indicate that by the year 2030 the municipality's population is likely to grow to between 74,300 to 86,000 people (an increase of 23,000 – 34,700 people). Council believes that it is more prudent to rely on the higher population growth scenario for its land demand projections to ensure that past problems arising from conservative population projections do not reoccur. These problems have included significant shortages in the availability of residential and commercial land, resulting in significant market distortions.

**Residential Land Supply**

To accommodate the 2030 growth projections it is estimated that an additional 500 dwellings per annum will be built throughout the municipality. It is anticipated that approximately 85% of these new dwellings will be constructed in the existing and expanded urban areas of Mildura, Mildura South and Irymple. While the townships of Irymple, Merbein, Red Cliffs and Ouyen appear to have the necessary pool of zoned land to accommodate their medium to long term future growth projections, an additional 395 ha of land in and around Mildura and Mildura South will be required to be rezoned and developed for residential purposes to accommodate these forecasts.

**Residential Land Staging**

To encourage the orderly and timely release of land Council believes it is necessary that at least one, if not two, additional development fronts be made available in the short term. This will require the provision of adequate stormwater infrastructure at Irymple, Mildura and Mildura South. Until such infrastructure works are completed, development opportunities within these key growth areas of the municipality will be constrained. This is to be contrasted with Council's previous policy of allowing drainage basins on a site-by-site basis.

Due to the cost of such infrastructure provision (which is borne up-front by Council) it is critical that the future development and rezoning of residential land occurs in a staged and co-ordinated manner. It is also imperative that Council recoup its up-front capital outlay in a timely manner so that it can continue to fund the roll out of such infrastructure

Another key settlement characteristic is the demand for variety in housing opportunities and styles throughout the municipality.

### **Development Constraints**

Council seeks to ensure that all forms of residential, commercial and industrial development are located and managed to minimise the impacts of potentially conflicting land uses. While some of the municipality's smaller centres are experiencing population decline and resultant loss of community services and amenities, the municipality is generally well served with leisure, health and educational services. Schools and recreation facilities provide a major focus point for the majority of the municipality's communities.

It is also important that new development does not compromise the integrity, function or appearance of historical sites and key natural and built features that provide the municipality with its sense of identity and unique character. Council is also committed to ensure that future urban development does not contribute to, nor is affected by, the negative impacts associated with salinity and rising water tables.

## **21.01-2 Environment**

### **The Natural Environment**

The environmental characteristics of the municipality vary considerably in climate, soil type, ground and surface water, riparian areas, and flora and fauna. Total rainfall is insufficient to sustain horticultural, stock and domestic demand fully and there is high demand on river and stored water to sustain horticulture and domestic needs, particularly in the summer months.

The Murray River is a key economic and social driver of the Rural City. Extensive development along the river has brought with it a series of problems including: increased salinity and nutrient levels; reduced water availability downstream; out breaks of blue green algae; pollution of the river; changes to flood regimes; the threat of flood waters overtopping levees, and the loss of habitats and flora and fauna species.

International, National, State, Regional and Local initiatives have been established in the past to address these issues. Council recognises the importance of managing the Murray River and is committed to working with other authorities, agencies and organisations to develop and implement appropriate policy and management controls. There are significant amounts of riparian land within the municipality which have environmental, ecological and economic importance. Past development however has damaged or altered these areas. For environmental reasons, it is now widely recognised that native vegetation removal, stock grazing and urban development should be discouraged in riparian areas.

One of the major environmental issues facing the municipality and the surrounding region is the displacement of highly saline regional groundwater to the Murray River by infiltration from the surface. Recharge to the regional groundwater and local perched water tables occurs throughout the cleared dryland area and the irrigated zone. The high salinity and nutrient levels within the Murray River are exacerbated by saline water discharges, drainage from irrigated and urban areas. Accordingly, the key solution in arresting rising salinity and nutrient levels in the river is to control the water table and the drainage of saline and nutrient rich water from the irrigation and urban areas. The Mallee CMA is continuing to develop strategies and plans in response to this and other environmental protection and enhancement issues.

The land to the north and south of the Murray-Sunset National Park requires appropriate management because of the high erosion hazard of disturbed sandy loam and reddish-yellow sands. These soils are subject to wind erosion when ground cover is removed.

Most of the large areas of remaining native vegetation are on public land. Due to the extent of agricultural clearing and development over the past 150 years, much of the municipality's and surrounding region's remnant vegetation is in severe decline or threatened with further degradation. The conservation of the remaining Mallee flora and fauna is, therefore, a high priority. A multitude of scattered remnant vegetation pockets exist on freehold land, roadsides and numerous smaller conservation reserves. Roadsides, Bushland, Flora and Fauna and other reserves contain a significant proportion of remnant vegetation, particularly understorey and ground flora. Roadside vegetation often forms linear corridors that act as important biolinks between more substantial areas of vegetation between the river and inland environs. It is therefore a priority to maintain and restore connectivity to the fragmented landscape to provide for the long term survival of many species.

### **Public Land**

The municipality hosts approximately 40% of the total area of the Victorian Parks system. The major parks include the Hattah-Kulkyne, Murray-Sunset and Wyperfield National Parks, Big Desert Wilderness Park and the Murray-Kulkyne Park. All of these parks are subject of an overall management plan and contain highly significant landscape, flora, fauna and cultural values. They represent the least disturbed Mallee ecosystems in Australia. The qualities of the parks include:

- § a large diversity of biota;
- § a diverse range of ecosystems and landscapes unique in Victoria;
- § large areas of essentially undisturbed vegetation including 1,000 species of native plants;
- § over 300 species of birds;
- § a greater diversity of reptiles than any where else in Victoria;
- § over 3,800 sites on the Aboriginal Affairs Victoria Register and many significant European historic sites;
- § opportunities for recreational activities including solitude and self reliant recreation and motorised recreation; and
- § seven wilderness zones.

In addition to the Mallee Parks there are considerable areas within the municipality of riverine and dryland State Forests. Abutting the riverine State Forests is the Murray River Reserve, which includes a 60 metre wide permanent public purposes reserve running along the southern bank of the river.

In addition to these major parks and forests, there are hundreds of smaller conservation and other publicly owned reserves scattered across the Mallee that are vitally important in conserving biodiversity, the largest of these being the Annuello and Bronzewing Flora and Fauna Reserves. It is also recognised that public land cannot, on its own, achieve full conservation of biodiversity in the Mallee; freehold remnants are a vital adjunct.

### **Heritage**

The municipality and the region has in excess of 3,800 aboriginal sites of historical and cultural significance dating well back to before the first European pioneers arrived in the region at Wentworth in the 1840's. The arrival of the Chaffey brothers and the development of irrigation infrastructure provided the impetus for growth in Mildura and the broader region. Many of the original buildings and irrigation infrastructure of the main settlement period of the 1880's still exist today and continue to have practical application and historical interest.

Three specific precincts of *special heritage significance* have been identified by previous investigations in addition to over 100 individual buildings, sites, natural features or other precincts. The importance of preserving the municipality's heritage is recognised by the Council and residents.

### 21.01-3 Economic Development

The municipality's economy is largely reliant on the horticultural and agricultural activity that characterise the region. While the agricultural and horticultural sector is by far the largest element of the economy, the tourism, retail/commercial and industrial sectors are also significant in the municipality.

#### Agriculture and Horticulture

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. By area, about 98 per cent of agricultural land is dryland farming and a little more than 2 per cent is irrigated. Dryland farming provides economic diversity and important regional income. In 2001 17.8 per cent of the workforce was employed in primary production. Agriculture, Forests and Fisheries is the major employment industry in the municipality providing 49.1% of the workforce with employment compared with 11.2% for Regional Victoria

There are ~~two~~three broad agricultural areas in the Municipality. They are:

~~□ Horticultural Areas – in the northern irrigated areas consisting mainly of dried vine fruit, wine grapes, table grapes, citrus and vegetable production.~~

§ Larger Scale Horticulture New Irrigated Area (Private Diverters) – large-scale horticulture production to the northeast and central north of the municipality usually associated with wine grape production but also other crops such as olives. These large-scale enterprises have required development of significant new irrigation infrastructure and play an increasingly important role in the region's economy.

§ Smaller Scale Horticulture Older Irrigated Areas (Small Scale Horticultural) – production in and around the older pump irrigated areas of Mildura, Irymple and Red Cliffs. These areas include larger scale land holdings, but many are smaller holdings that are either farmed on a part-time basis or require off-farm income to support the landowner. These areas have to varying degrees, been subject to small lot subdivisions and excisions to create rural living opportunities.

~~□ Dryland Agricultural Farming Areas~~ - located to the south and north of the Murray Sunset National Park, consisting mainly of mixed cereal, sheep, some grain and pasture legumes, wool and beef production and generally held in large lot sizes. There are approximately 500 farms in the municipality with an average size of about 2,500 hectares. The number of farms is continuing to decline as farms strive to improve economies of scale by purchasing more land. Grain accounts for about 85 per cent of income for the 500 farmers in the municipality. The areas noted for production of wheat (60 per cent) as well as malting barley (30 per cent) and other minor crops (10 per cent) including canola, lupins field peas and tritcale.

§

~~ges.~~

The value of production from agricultural areas in the municipality from 2003-2004 was approximately \$551 million comprising \$210 million from grain production and \$327 million from irrigated horticulture and \$14 million from livestock.

The irrigation sector continues to expand both in area, production and value adding. Key advantages for attracting high value horticulture and food processing include ample cleared land in large parcels, access to water in Murray River through water market, free draining sand soils, highly developed local industries to support horticulture and water management.

Key trends include an increase in specialist wine with wine grapes now accounting for well above half the total grape crop.

Agriculture and horticulture will use less labour in the future however services to industries and value adding will provide employment growth.

The total value of production from agricultural areas in the municipality in 2000–2001 was approximately \$525 million. There is potential for a significant expansion of the horticultural industry in the municipality and surrounding region. In recent years the wine industry has experienced significant boosts from the export market, resulting in a swing toward production of wine grapes. This increase has come from both an increase in wine grape plantings and also a redirection of multi-purpose grapes from drying to wine production.

### **Tourism**

Mildura is a key attraction in the Mallee tourism sub-region, and is described as ‘a riverside oasis in the outback’. Located on the Murray River, Mildura has built upon the natural assets of Murray-Darling river system, which is one of the world’s largest river systems. Indigenous tourism, special events, arts-related industries and wineries are among the city’s key tourism assets.

The Mildura CBD (formerly known as Mildura City Heart) is a draw-card for visitors to the Mallee sub-region. The CBD offers extensive facilities and services for all types of visitors, ranging from accommodation to shopping and restaurants, cafés and bars, as well as easy access to attractions such as golfing, houseboats and galleries; and it is also the main focus for business and civic functions. The major tourist attractions and assets of the Region include significant national and state parks; Murray and neighbouring Darling Rivers; rich Aboriginal and cultural heritage; climate; high quality recreation features; extensive accommodation opportunities; wineries and the horticultural industry in general; and major events and festivals.

### **Industry**

While most towns in the municipality contain some industrial activity it is generally of a local service nature. The two major concentrations of industrial activity are located at the Mildura industrial estate and the Irymple industrial area.

Much of the land within the Mildura industrial estate has been developed, although a number of small sites still exist. Approximately 14 hectares of vacant industrial land exists at Irymple with further expansion opportunities existing to the west along Koorlong Avenue.

The Mildura Industrial Land Use Strategy (2003) identified a need to reserve land for large site industrial activity requiring buffers to residential areas, access to services and to transport routes, and free from potential contamination from chemical sprays. A large site to the south west of Irymple (“Block H”) has been identified for industrial use while industrial activity within the Mildura Airport precinct and at Thurla is also identified.

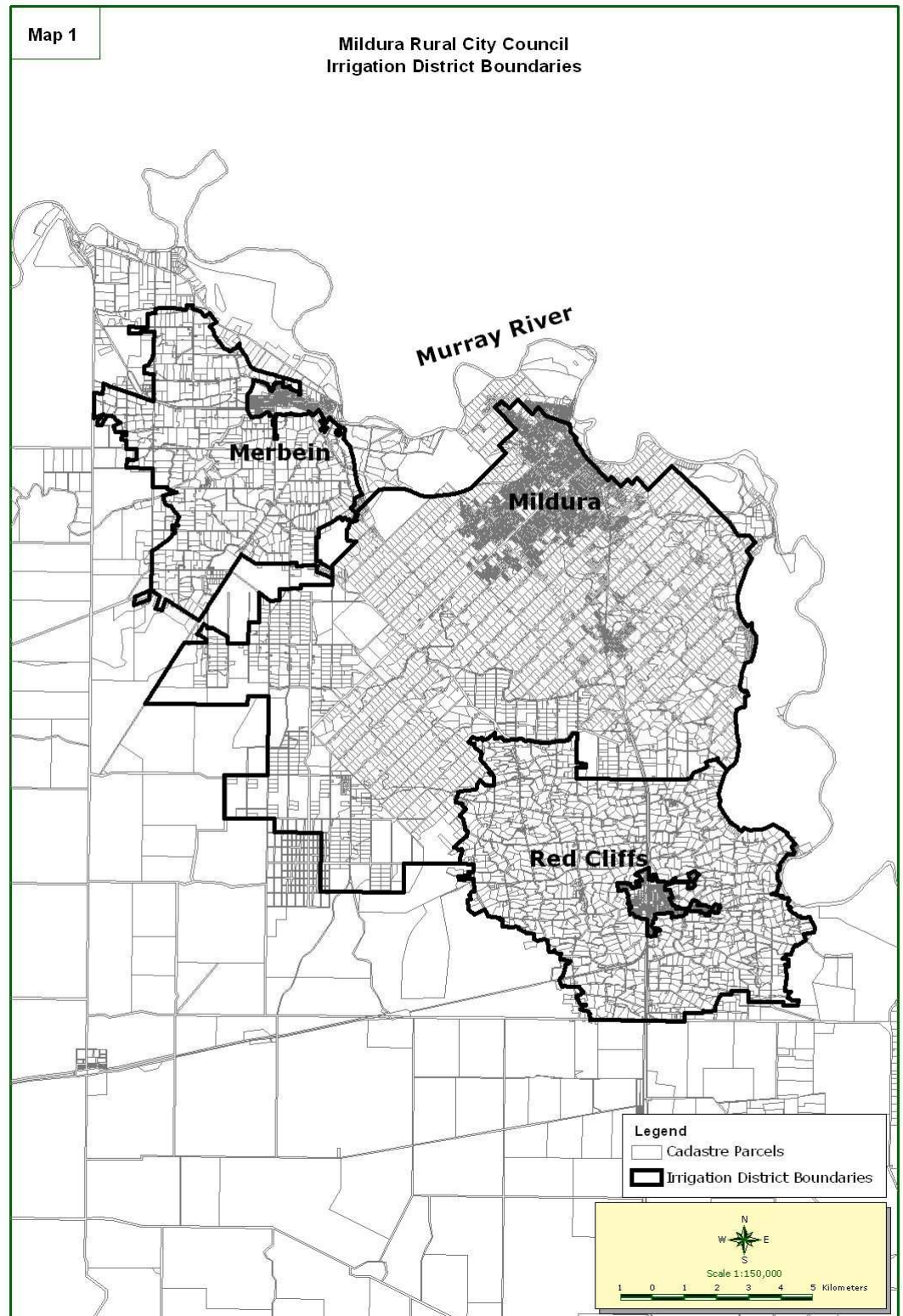
### **Retail**

Residents of the Mildura Region are served by a retail hierarchy, which consists of the following elements:

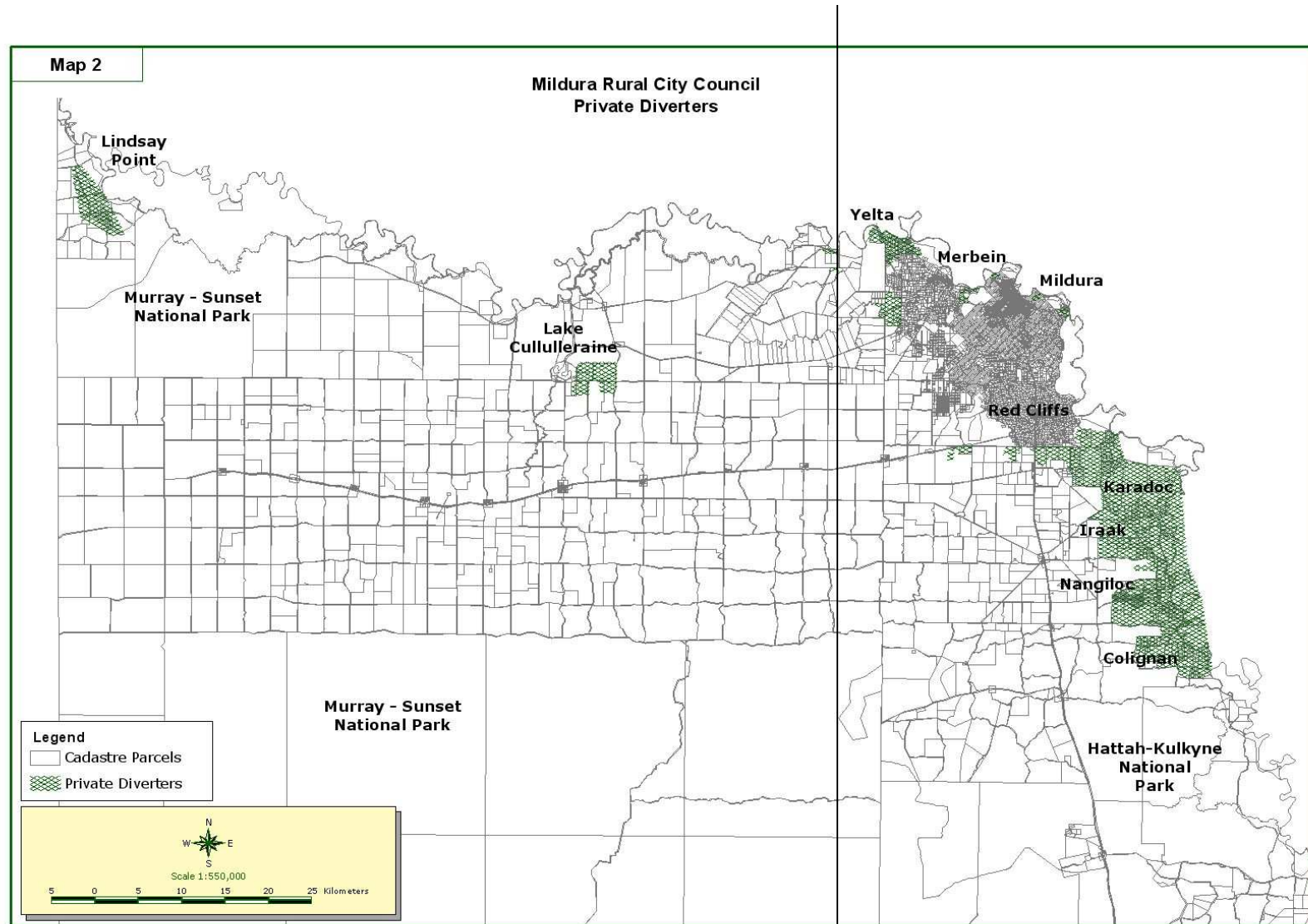
**Mildura CBD (City Heart):** comprises an estimated 62,000 m<sup>2</sup> in retail floorspace, with around 230 shops; is the regional shopping centre serving the Region, and the principal location for a wide variety of retail and non-retail facilities and services

**Mildura Centre Plaza:** located on the corner of Fifteenth Street and Deakin Avenue this retail precinct operates as a sub-regional centre in the hierarchy; has total provision of approximately 16,000 m<sup>2</sup> in retail floorspace, with around 40 tenants; provides a convenient location for a range of weekly grocery shopping functions and comparison shopping.

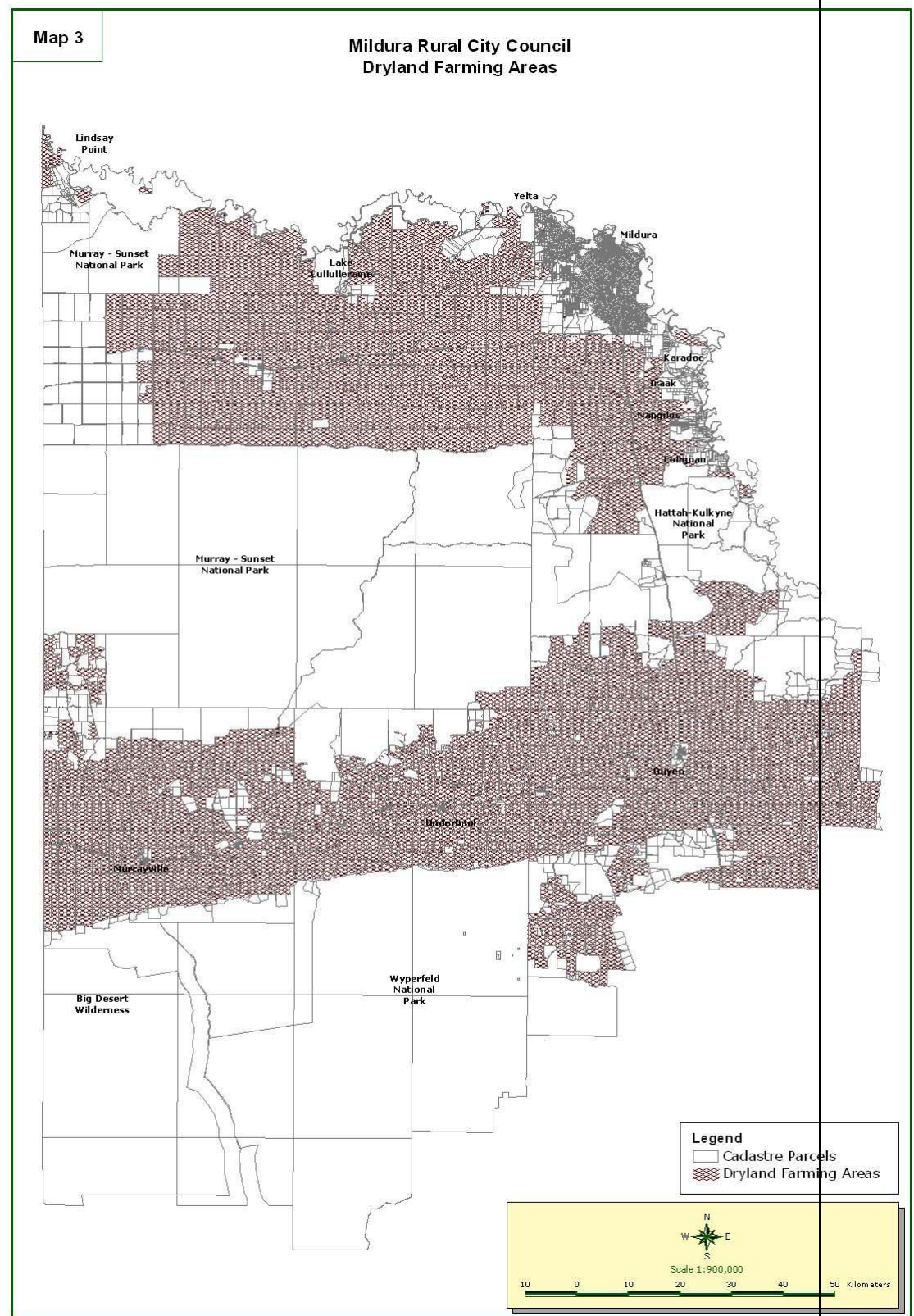
**Fifteenth Street precinct:** supports the regional status of Mildura's shopping offer by providing an array of bulky goods outlets and other restricted retail stores to serve the wider











Mildura Region; comprises around 20 locations categorised as retail outlets, with floorspace of approximately 25,000 m<sup>2</sup>; also has a range of trade-related outlets and accommodation establishments.

**Small town centres:** these include Irymple, Merbein, Red Cliffs, Ouyen, Wentworth and other centres further afield; the centres have important functions in serving the needs of the immediate township population (and sometimes with a component of passing trade for those located on major highways); generally they comprise small-scale grocery facilities and a range of convenience retailing; often they have wider functions in providing a selection of professional and business services (banks, post office, etc)

**Neighbourhood/local centres:** urban Mildura has a range of small neighbourhood centres which provide retail services to a walk-in catchment in the surrounding suburbs; these centres range in size from just 3 or 4 shops, to around a dozen shops with floorspace provision of up to 1,500 m<sup>2</sup> or so

**Local shops:** numerous single local shops are provided to support the convenience retail needs of local residents (generally comprising a pedestrian catchment); these include shopping facilities located at petrol filling stations.

The **Mildura Retail Strategy** was completed in September 2000 and revealed that there is likely to be potential for an additional 35,100 m<sup>2</sup> of retail floorspace to serve Mildura Trade Area (MTA) residents and visitors to the region over the next 15 years. The retail strategy estimates that in the order of 80-90% of the potential growth in retail floorspace in the region (or some 18,800 m<sup>2</sup>) comprises potential for retail development in Mildura. The estimates for the different retail types are as follows:

- § **Food** - 85% of the potential growth in retail floorspace in the MTA (or 4,900 m<sup>2</sup>) will comprise opportunities for retail development in Mildura - this figure is largely determined by the high drawing power of large supermarkets located in Mildura
- § **Non-food** - 90% of the potential for retail floorspace growth in the MTA (or 12,100 m<sup>2</sup>) will locate in Mildura - this reflects the higher drawing power of Mildura for non-food items
- § **Retail services**, - 80% of the potential for retail floorspace growth in the MTA (or 1,800 m<sup>2</sup>) will locate in Mildura - this reflects the essentially local-based nature of many retail services such as hairdressers, video shops, etc

The retail strategy predicts that: -

- § Approximately 50% of the potential growth in retail floorspace to 2015 (or 6,800 m<sup>2</sup>) will locate in Mildura, with the rest distributed elsewhere in the region.
- § An additional 25,600 m<sup>2</sup> of retail floorspace to serve both residents and visitors over the period 2000-2015, consisting of 6,300 m<sup>2</sup> in food-related floorspace, 16,900 m<sup>2</sup> in non-food floorspace, and 2,400 m<sup>2</sup> in retail services.

#### Retail floorspace potential located in Mildura, 2000-2015

	Food	Nonfood	Services	Total
<b><u>Floorspace potential generated by MTA residents:</u></b>				
Retail floorspace potential MTA	5,800 m <sup>2</sup>	13,400 m <sup>2</sup>	2,300 m <sup>2</sup>	21,500 m <sup>2</sup>
% share located in Mildura	85%	90%	80%	87%
<i>Floorspace potential in Mildura</i>	<i>4,900 m<sup>2</sup></i>	<i>12,100 m<sup>2</sup></i>	<i>1,800 m<sup>2</sup></i>	<i>18,800 m<sup>2</sup></i>
<b><u>Floorspace potential generated by increased visitation:</u></b>				
Retail floorspace potential MTA	2,800 m <sup>2</sup>	9,600 m <sup>2</sup>	1,200 m <sup>2</sup>	13,600 m <sup>2</sup>

% share located in Mildura	50%	50%	50%	50%
Floorspace potential in Mildura	1,400 m <sup>2</sup>	4,800 m <sup>2</sup>	600 m <sup>2</sup>	6,800 m <sup>2</sup>
<b>Total retail floorspace potential:</b>				
Total floorspace potential in the MTA	8,600 m <sup>2</sup>	23,000 m <sup>2</sup>	3,500 m <sup>2</sup>	35,100 m <sup>2</sup>
<b>Total floorspace potential in Mildura</b>	<b>6,300 m<sup>2</sup></b>	<b>16,900 m<sup>2</sup></b>	<b>2,400 m<sup>2</sup></b>	<b>25,600 m<sup>2</sup></b>

### **Mildura City Heart**

Mildura City Heart has the primary role in the retail hierarchy as the main focus for a range of specialty retail and entertainment-related activity, which serves the regional catchment; it also has a special role in servicing the needs of tourists to the Mildura region.

As the regional population expands (driven by population growth in urban Mildura) and as tourism visitation grows, there will be a need to consolidate the regional position of City Heart by attracting additional regional-level and entertainment-related shopping to the Mildura City Heart.

The types of facilities, which are attracted, to a central City Heart location would preferably also be those which encourage pedestrian movement through the centre. These types of shops would help to support the role of existing facilities.

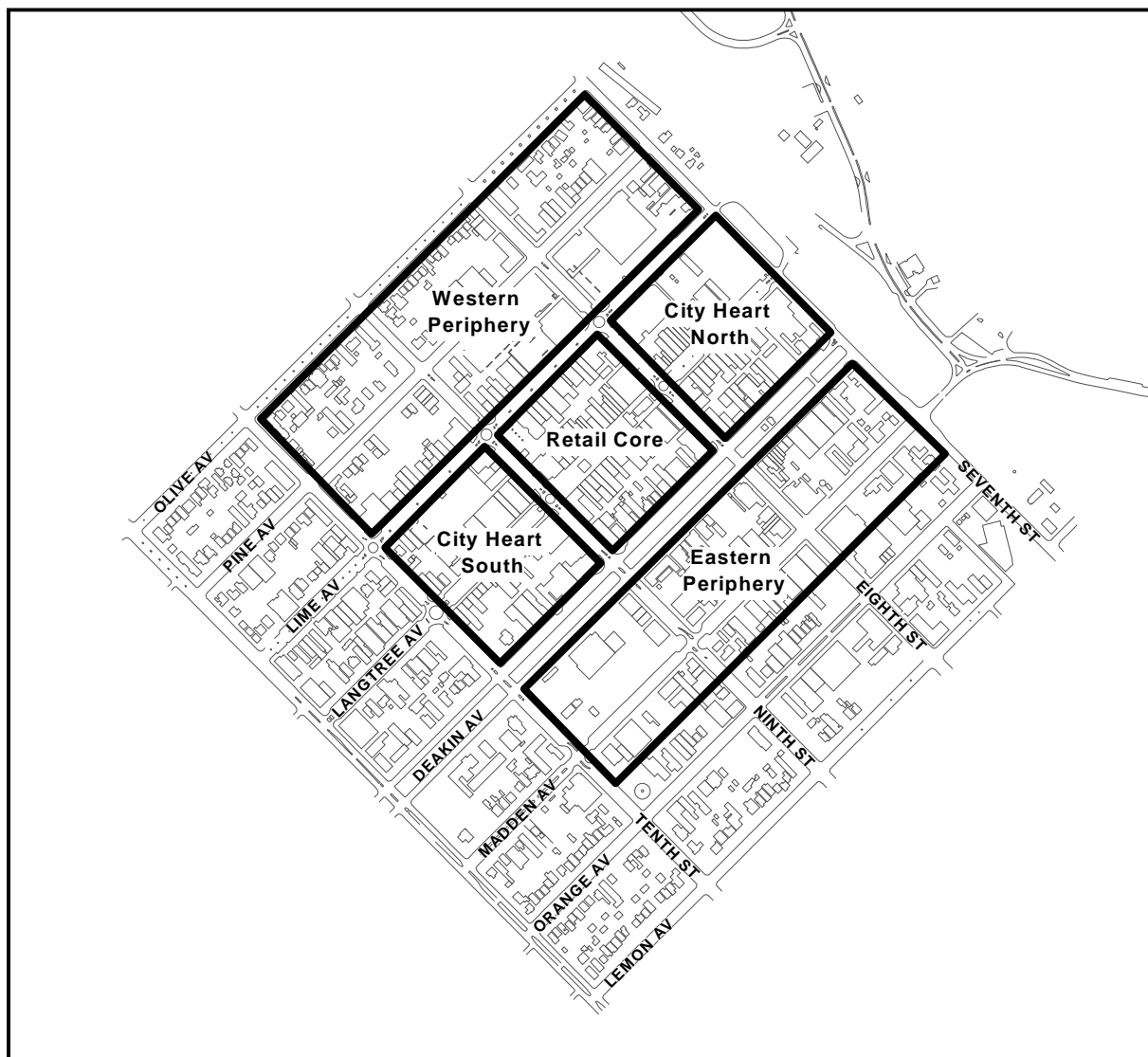
Large-format destination outlets, which do not require co-location with other activities and do not promote browsing, will tend to look for a site out of the City Heart, such as at Fifteenth Street, where large sites with good highway exposure can be identified.

There are a number of potential development areas in the City Heart and surrounds, including:

- § **City Heart North** - Dining and entertainment precinct. This precinct is strategically located close to the proposed Riverside development area. Potential uses include further retail development to support the tourism role of City Heart such as cafés and restaurants, entertainment uses, gifts and specialty retail. Vacant sites are located within this precinct (cnr Langtree Avenue and Seventh Street), which would have the ability to accommodate a floorspace of approximately 2,500 m<sup>2</sup> of retail development.
- § **City Heart South** - Office precinct for the Mildura City Heart. Commercial office development will be encouraged on the east side of Deakin Avenue; in the office precinct near Deakin Avenue/Eleventh Street; and on the west side of Deakin Avenue where they require high levels of pedestrian traffic (such as banks)
- § **Retail Core:** There may be opportunities for redevelopment of some premises in the retail core, including at Langtree Mall and surrounding streets. Redevelopment may simply comprise providing a greater range of specialty retail outlets or consolidation of tenancies for major redevelopment. As identified in the Urban Design Framework, there may be an opportunity to create arcades, which promote pedestrian movement throughout the City Heart. Careful consideration needs to be given to proposed uses in such developments, to ensure that the arcades remain active shopping locations.
- § **Western periphery:** a number of small sites and under-used car parking areas provide potential for small-scale development on the western periphery of the City Heart, along Pine Avenue and to a lesser extent Lime Avenue. In some cases there may be potential for consolidation of these empty sites and redevelopment associated with existing buildings. Potential development in this location would be made more viable due to exposure to customers at the major supermarkets and discount department store. Development in this location should not shift the retail focus away from the existing retail core at Langtree Mall and Eighth and Ninth Streets.
- § **Eastern periphery:-** Mixed Use precinct - the area to the east of Deakin Avenue presents a number of opportunities for redevelopment. Development in these locations may include entertainment facilities (for example associated with an upgraded Mildura

Hotel), or mixed-use development in association with office or residential premises. The precinct also offers potential for lower-order, transitional retail uses, which cannot locate in the central area of City Heart due to higher property prices. This precinct does not attract pedestrian movement to the same degree as the area west of Deakin Avenue, and is not a preferred option for core retail facilities.

### Mildura City Heart precincts



### Mildura Centre Plaza

The retail strategy assessment of retail demand to 2015 also indicates that population growth in the vicinity of the Centre Plaza will lead to demand for expansion of the shopping facilities in order to serve the needs of these residents, and to provide for visitors to the Mildura Trade Area who wish to shop at this location. This strategy supports retail development at Centre Plaza where

- § It promotes the existing role of the centre as a sub-regional location for convenience shopping a limited amount of specialty shopping,
- § Retail expansion is supported by demand for retail facilities in its catchment.

- § Retail development at this location should not involve a shift in the function or role that Centre Plaza serves in the wider retail hierarchy. Such a shift may occur where
- § Significant levels of entertainment-related activity are provided to serve the tourism market, or
- § The Centre Plaza attracts a range of key retail specialty tenants, which would otherwise assist in supporting the on-going development of City Heart.
- § This role in providing regional-level facilities to tourists and residents should be encouraged at City Heart as the primary centre serving the wider region.

### ***Fifteenth Street***

The Fifteenth Street precinct offers the greatest potential to accommodate new retail development, particularly those types of facilities, which do not require co-location with traditional retail outlets. Aggregation of these facilities at Fifteenth Street has been an important factor in establishing a regional profile for restricted retailing at Mildura.

The strategy indicates that: -

- § The total demand for non-food retail development in Mildura is approximately 17,000 m<sup>2</sup>,
- § In floorspace terms, around 75% of this potential may be expressed in restricted retail development on Fifteenth Street, noting that in sales terms it is likely that this form of retail development would be likely to account for no more than 50% of total non-food sales.
- § The future demand for additional restricted retail floorspace on Fifteenth Street is in the order of 12,000 m<sup>2</sup>.

## **21.01-4 Infrastructure**

The municipality and surrounding region are served with a range of transport infrastructure including:

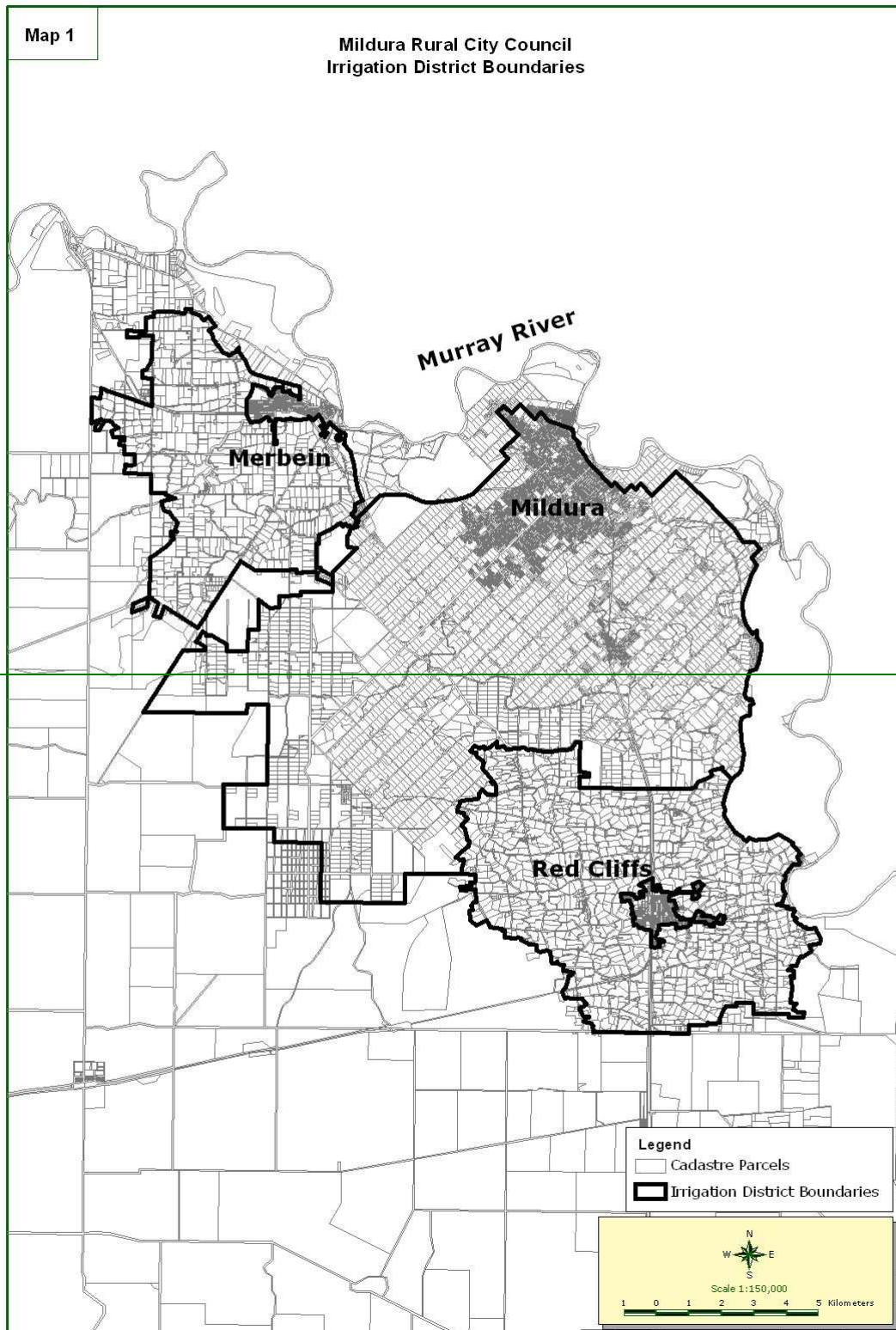
- § *State Highways* (Calder, Sunraysia, Mallee, Murray Valley, Sturt and Silver City)
- § *Railways* (Yelta, Murrayville and Kulwin)
- § *Airports* (Mildura, Wentworth, Ouyen, Pooncarie, and numerous airstrips on grazing properties)
- § *Public Transport* (coach services from Mildura to Melbourne, Broken Hill and Wentworth, numerous bus routes radiating from Mildura town centre and servicing the township and immediate vicinity, numerous school bus services, local taxi service, and airline services to Adelaide, Melbourne and Sydney).

Recent studies have indicated a need to address issues such as car parking provision and location; traffic flow for domestic and commercial traffic; bicycle links; extension, re-definition and upgrade of several major transport arteries; establishment of a bypass of Mildura; relocation of railway infrastructure such as the Freight Gate; development of freight intermodal terminals, business development opportunities associated with Mildura Airport and the establishment of a transport corridor. The majority of these issues have significant implications for the future land use and development pattern of the municipality.

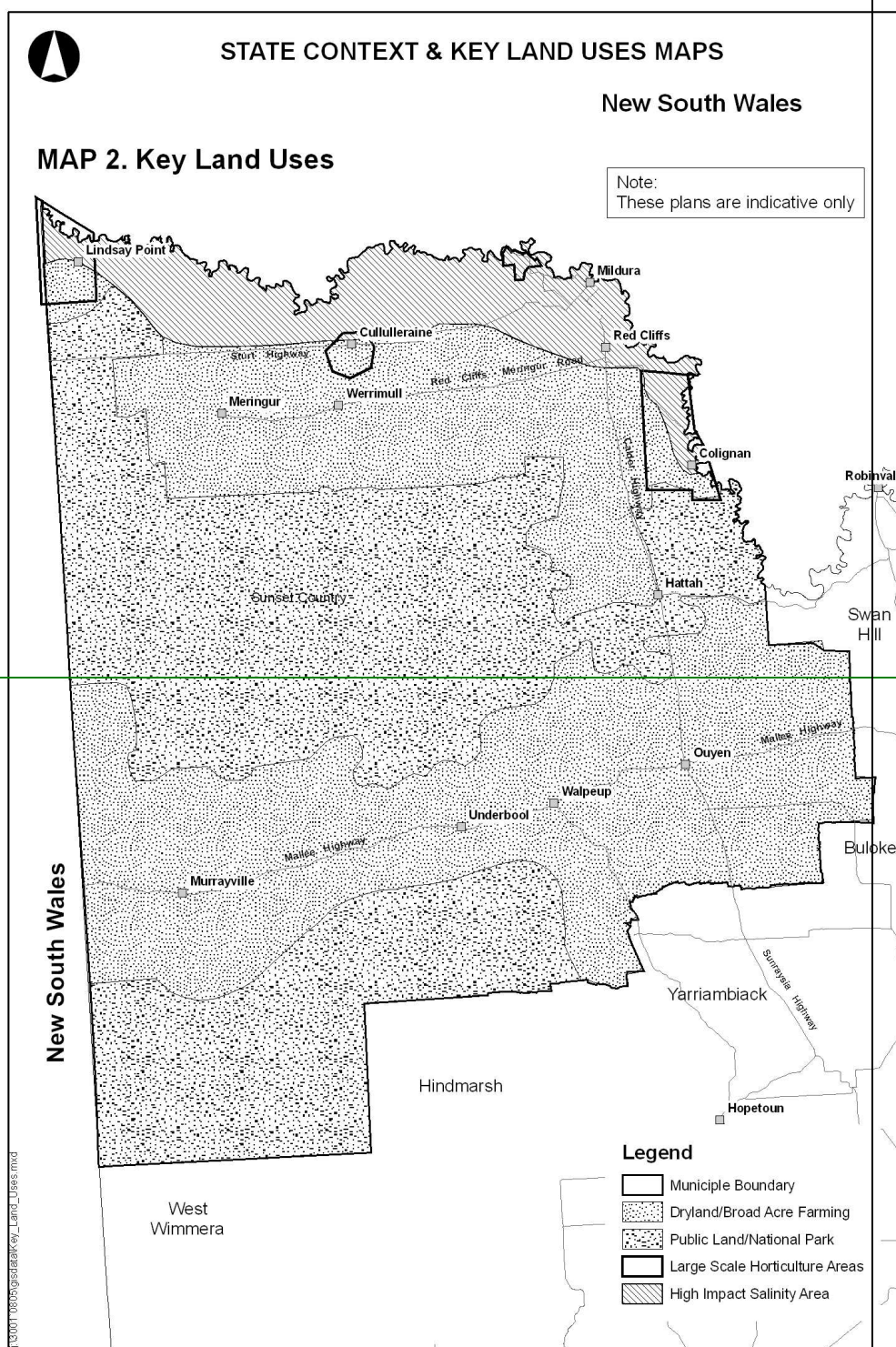
The authorities that control and operate water and sewerage services in the municipality are currently capable of, and committed to, effectively servicing local demand. In order to do this they require to be notified of relevant development applications. Due to urban expansion and improved irrigation practices, some of the agencies are not utilising their

annual water allocations. This has resulted in current investigations for the potential to develop new irrigation areas to increase their customer base.

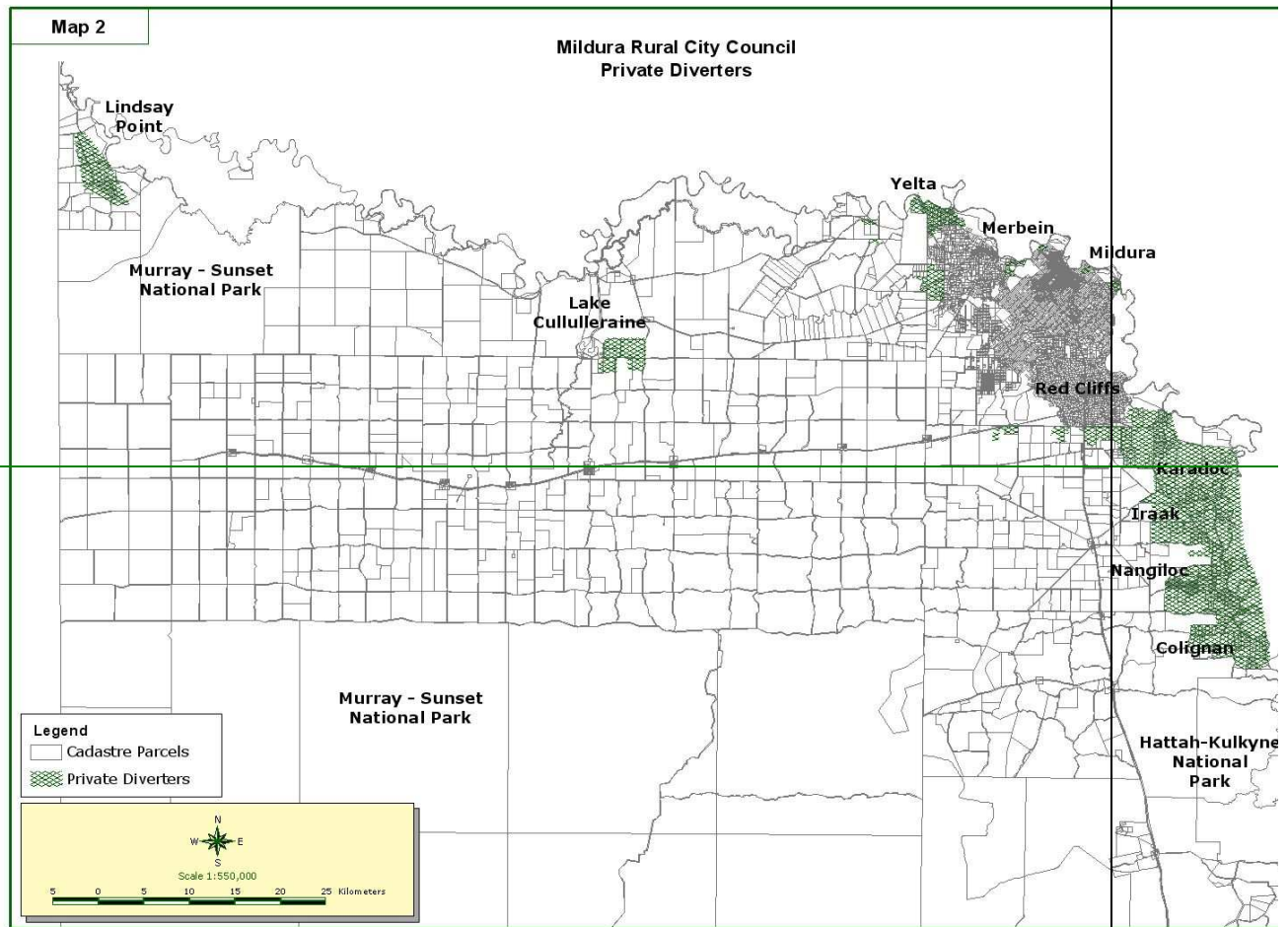
Power and communication agencies have indicated that they can generally serve new development in the municipality, while piped natural gas has recently been made available.

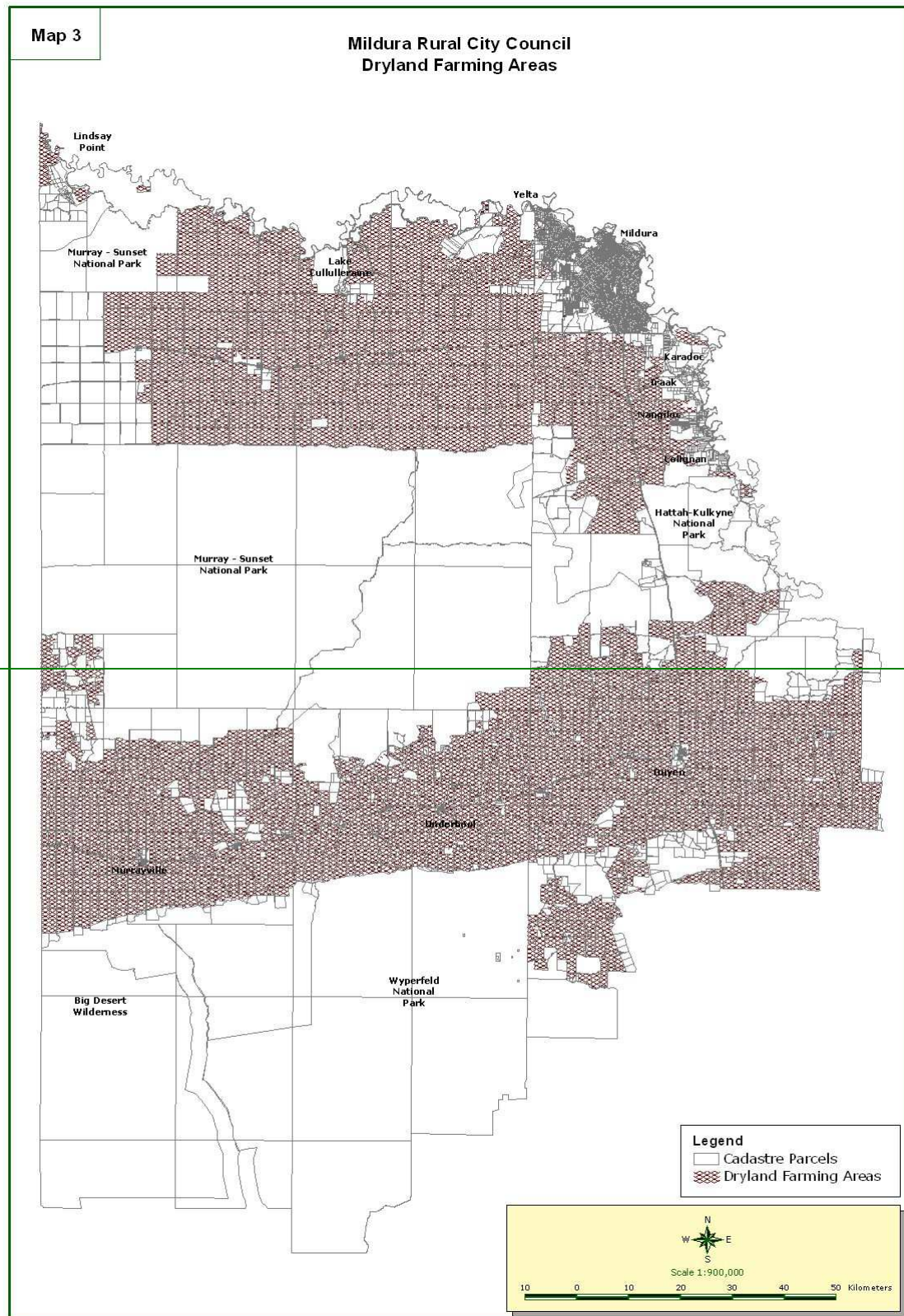


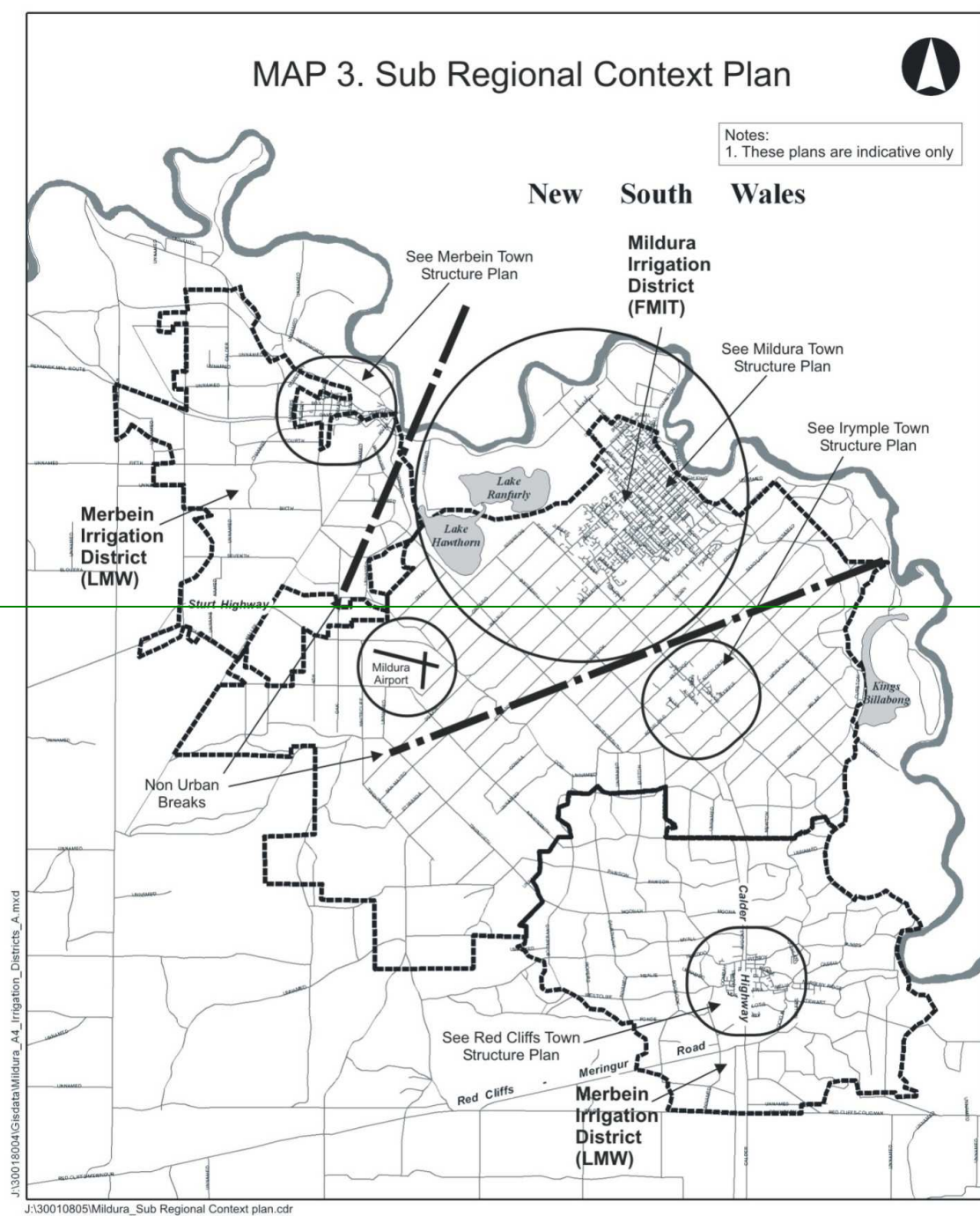












## 21.02 KEY INFLUENCES

### 21.02-1 Land Use Themes

The following themes cover the key land use planning considerations for the municipality and as such are reflected throughout the Local Planning Policy Framework:

- § Settlement and Housing;
- § Environment;
- § Economic Development; ~~and~~
- § Infrastructure.

The following identification of the key influences on each of these themes forms the basis for the subsequent objectives, strategies and implementation in Clause 21.04.

### 21.02-2 Key Influences on the Land Use Themes

The key influences on **SETTLEMENT and HOUSING** within Mildura Rural City include:

- § Mildura is one of the fastest growing regional centres in Victoria.
- § There is an existing hierarchy of urban centres in the municipality.
- § Mildura is the dominant centre that serves a regional catchment extending into New South Wales and South Australia.
- § The municipality has experienced very high growth rates over the last 12 years and this trend is forecast to continue.
- § The failure to adequately anticipate and provide for population growth can lead to serious distortions in the residential and other land markets.
- § 85% of population growth is expected to occur as urban growth in Mildura, Mildura South and Irymple.
- § The rate of residential housing construction within the Mildura, Mildura South and Irymple is being constrained by the lack of appropriate stormwater infrastructure.
- § Stormwater infrastructure is expensive and requires long times to fund and construct.
- § Council needs to recover its expenditure on infrastructure such as drainage works in a timely manner so that it can continue to fund such works
- § The staging and location of urban land release should be co-ordinated with Council's infrastructure program.
- § The staging and location of urban land release should recognise the need to protect the integrity and functioning of rural and horticultural activity in interface areas.
- § Urban salinity and rising groundwater levels are a threat to urban development.
- § The municipality's heritage and environmental values can be easily and irreparably damaged by inappropriate development.

The key influences on the **ENVIRONMENT** within Mildura Rural City include:

- § The Murray River, which forms Mildura Rural City's northern and eastern municipal boundary, represents a key environmental, economic and social asset.



- § Total rainfall is insufficient to sustain horticultural, stock and domestic demand fully and there is high demand on river and stored water to sustain horticulture and domestic needs, particularly in the summer months.
- § Extensive development along the river has brought with it a series of problems including: increased salinity and nutrient levels; reduced water availability downstream; out breaks of blue green algae; pollution of the river; changes to flood regimes; the threat of flood waters overtopping levees, and the loss of habitats and flora and fauna species.
- § The municipality and the region are experiencing increased salinity, rising water tables and nutrient levels.
- § There is an absence of any defined natural surface drainage system within the municipality.
- § The municipality contains habitats sensitive to disturbance and unique flora and fauna communities.
- § There are large areas of riparian land consisting of red gum forests and black box woodlands that have been damaged by tree removal, intensive recreational visitor and vehicle use, and stock grazing activity.
- § There are significant levels and concentrations of pest plants and animals in the municipality.
- § Local irrigated horticulture and supporting industries are highly efficient and are expanding.
- § The dired vine fruits industry has contracted over the last decade, while wine grape production has expanded dramtically.
- § There has been a steady expansion in areas of irrigation at Nangilloc, lake Cullulleraine and Lindsey Point.
- § The trend for fewer larger farms and bigger machinery in the Dryland Farming Areas is likely to continue.
- § There are extensive areas of Mallee dune fields within the municipality.
- § Significant areas of the municipality are affected by wind erosion.
- § Extensive areas of light highly erodable soils exist throughout the municipality and surrounding region.
- § Public parks, reserves and forests play an important role in protecting significant landscape, flora, fauna, cultural and scientific values.
- § Many significant aboriginal and non-aboriginal cultural and historic sites can be found on public land within the municipality.
- § There is a need to manage issues associated with the interface between public and private land.

The key influences on **ECONOMIC DEVELOPMENT** within Mildura Rural City include:

- § The key economic drivers of the municipality include horticultural and agricultural production, tourism, government services, and retail and commercial activities.
- § Significant economic potential exists through the extraction of limestone aggregate, gypsum, and salt and from future mineral sands mining.
- § Apiculture is an important industry in the region, undertaken over large areas of public land throughout the municipality.

- § Both dryland and irrigated horticultural industries have recognised that “clean and green” production is vital to prosper in their export driven industries.
- § The commercial and retail centres throughout the municipality have many historical buildings and features that are valued by the community and contribute to the character of the centres.
- § The region’s future economic growth will depend largely on the expansion of horticultural and agricultural industries.
- § Mildura City Heart, the municipality’s main commercial precinct, serves a wide regional catchment that extends into New South Wales and South Australia.
- § Commercial and retail development within the City Heart is dispersed.
- § Major future commercial and retail development in Mildura City Heart is encouraged and can be accommodated on vacant sites and through redevelopment and consolidation of existing buildings and parking sites.
- § Commercial and retail activities along 15<sup>th</sup> Street complement and compete with the City Heart.
- § 15<sup>th</sup> Street now hosts the region’s major concentration of bulky goods retailing activity.
- § There are local commercial centres in each of the Municipality’s major townships. In some instances these centres have experienced shop closures in recent years.
- § The commercial and retail centres throughout the municipality have many historical buildings and features that are valued by the community and contribute to the character of the centres.

The key influences on **INFRASTRUCTURE** within Mildura Rural City include:

- § The municipality is well served by state, regional and local road networks.
- § Extensive rail infrastructure, that is primarily utilised to move grain to ports, exists throughout the municipality but is currently under-utilised.
- § Mildura Airport is an important regional hub for airline operations.
- § Six water authorities provide services within the municipality, including urban water and sewerage services, irrigation services and stock and domestic supply to rural areas.
- § Extensive irrigation infrastructure is located within the horticultural districts of the municipality.
- § Extensive piped and channelled stock and domestic water supply systems are located throughout the municipality in areas such as Hattah, Nowingi, Carwarp, and the Millewa.
- § Substantial grain handling and storage infrastructure exists throughout the municipality.
- § Power and communications infrastructure within the municipality is capable of serving foreseeable demand.
- § Mildura is serviced by piped natural gas.
- § The relocation of the Freight Gate from Mildura CBD.
- § The development of a commercial/industrial park at Mildura Airport.



## 21-03 VISION AND STRATEGIC LAND USE FRAMEWORK

### 21.03-1 The Vision for Mildura Rural City

Mildura Rural City Council has developed a Council Plan for the period 2003 – 2006.

The Plan provides a Vision that includes the following key elements.

- § **Our Vision** for the **PEOPLE** of our communities is that we will be the most liveable, people friendly municipality in Australia.
- § **Our Vision** for the **DEVELOPMENT** of the Municipality is that all of our communities will have plans, infrastructure and utilities to proactively attract and support ongoing future development. Planning will be integrated to support the development of an inclusive community.
- § **Our Vision** for the **IDENTITY** of the municipality is one that builds on the unique and diverse attributes of our locality and people to become the regional tri-state hub, ensuring the ongoing growth and development of our region.
- § **Our Vision** for the **ENVIRONMENT** of our municipality is for a healthy and sustainable natural environmental system.
- § **Our Vision** for **TRANSPORT** systems in our municipality is that there will be an increase in transport capacity in and out of the region.
- § **Our Vision for AGRICULTURE and HORTICULTURE ~~Agricultural and horticulture~~ in our municipality is for continued economic growth of this nationally and inter-nationally ~~signifeant~~ significant Industry.**

Key themes in support of the **DEVELOPMENT** vision include:

- § A Master Plan for the municipality which includes development and infrastructure needs for future generations;
- § Local Town Plans for all of our individual communities;
- § Access to best practice Communications systems and development in all communities to improve links with each other and the world.
- § Clear retail, industrial and residential precincts for the municipality; and
- § Integration between the Mildura City and its river precinct with recognition of the Port of Mildura as a tourism icon.

Key themes in support of the **ENVIRONMENT** vision include

- § Positive working relationships between farming community and local environmental groups to achieve a balance between environmental and industry sustainability;
- § Improved farm quality through enhancement of our land and water practices;
- § Proactive plans in place to mitigate the impacts of dryland salinity;
- § Waste management systems that will have embraced best practice technology for waste treatments to ensure the health of our community;



- § Best industry practice in renewable energy resources;
- § Well managed National Parks; and
- § Minimised air and noise pollution.

Key themes in support of the **TRANSPORT** vision include:

- § Rail upgrade and standardisation;
- § Extension of rail link with the Transcontinental;
- § Creation of a multi-modal transport hub centred on the Mildura Airport as the pre-eminent regional airport;
- § Appropriate heavy vehicle road by-pass/ring road around Mildura;
- § Improved public transport systems across all areas of the municipality;
- § Ensuring that this municipality is a centre of expertise in transport systems.
- § In achieving this vision Council will plan and advocate for excellence of transport systems including appropriate road funding and transport links.

Key themes in support of the **AGRICULTURE** and **HORTICULTURE** vision include:

- § Positive working relationships with key organisations and groups to adopt best practice land management for agricultural and horticultural industry.
- § Best Practice “clean and green” production for the horticultural and agricultural industry
- § Clear understanding of the role and function of different agricultural and horticultural areas.
- § Appreciation of the complexity of the issues and challenges facing all stakeholders involved in the horticultural and agricultural industry.

The following land use planning vision aims to complement Council’s broad vision for the Rural City and paint a picture of how the municipality will look and function in 2030. The statements provide underlying targets to guide the development of the Municipality in accordance with the four identified key land use themes.

**In the year 2030:**

#### **Settlement and Housing**

- § Mildura Rural City will have a population of approximately 86,000 people.
- § The major concentration of population in the region will be at Mildura, Mildura South and Irymple. Other significant concentrations of population will be in the townships of Merbein, Red Cliffs, and Ouyen and to a lesser degree at Murrayville and Underbool.
- § The municipality’s townships will be clearly defined.
- § The townships will be maximising the use of infrastructure and services in a staged and orderly manner avoiding out of sequence development and avoiding development in environmentally sensitive or prime agricultural areas.
- § Major road entrances to each of these townships will be well designed and landscaped and will reflect the character and charm of these communities.

- § Residents will be living in a variety of housing styles and environments. They will range from attractive and consolidated medium density clusters in the major townships, to rural living in low density allotments in clearly defined rural settings that are in harmony with the environment and that are not inhibiting the productivity of agricultural and horticulture activities.
- § Deakin Avenue will be Mildura's main boulevard providing residents and visitors a grand entrance to and exit from the City. All development and use along its route will be sensitive and enhance its visual amenity.
- § Residents throughout the entire municipality will have access to affordable essential services and facilities and be well served by a diverse range of community infrastructure.

### **Environment**

- § The natural resources of the municipality and surrounding region will be protected and maintained to provide a diversity of species and development that is ecologically sustainable.
- § Land and water systems will be well managed, meeting the community's needs and expectations.
- § Salinity and nutrient levels in the municipality's water system will be at their lowest concentration in 40 years.
- § Remnant vegetation and habitat on both private and public land will be preserved and enhanced.
- § Environmental pest plants, particularly boxthorn, boneseed, cactus, bridal creeper, and horehound will be controlled.
- § Pest animals, particularly rabbits, foxes, feral pigs and feral goats will be controlled.
- § Public land in the municipality and surrounding region will be recognised, protected, and promoted for its significant environmental, cultural and economic value.
- § The history and culture of the municipality will be well preserved and clearly evident, contributing to the charm and attractiveness of the Rural City.

### **Economic Development**

- § Extensive value adding and processing of the region's agricultural and horticultural produce will be occurring in well sited industrial estates which will be served by power and piped Natural Gas.
- § Tourism visitations will be at their highest level and visitors will be enjoying a wide range of leisure activities, both passive and active, throughout the entire municipality.
- § Agricultural and horticultural production will be the foundation of the municipality's strong and prosperous economy and will be uninhibited by urban encroachment.
- § Agricultural pest plants, particularly silver-leaf nightshade, hardheads, camelthorn, and "spiked weeds", will be controlled.
- § The region's industrial needs will be well served for the established and well designed industrial precincts at Mildura, Red Cliffs, Irymple, Merbein, Block "H", Thurla and Mildura Airport.

- § Mildura City Heart will be the primary commercial and retailing centre in the region providing a wide range of shopping and leisure alternatives to residents in a wide catchment, to tourists and other visitors.
- § Mildura Centre Plaza on 15<sup>th</sup> Street will have an important role as a sub-regional shopping centre which complements the function of Mildura City Heart and which serves the convenience needs of the residents of Mildura South and provides a limited range of specialty retailing.
- § Fifteenth Street east of Mildura Centre Plaza will function as the major regional concentration of bulky goods and other forms of peripheral sales retailing.
- § Convenience centres, including town centres, neighbourhood centres and local shops, will serve an important function in providing limited retail facilities to Mildura residents.

### **Infrastructure**

- § Mildura Airport will be one of the country's main regional passenger and freight centres.
- § Land, water and physical infrastructure in agricultural and horticultural areas will be utilised for their most productive agricultural or horticultural use and being managed in a sustainable manner.
- § Residents and visitors will be utilising a comprehensive mix of safe and efficient transport services to travel within and to the municipality.
- § Benetook Avenue will have established its role as the major heavy vehicle bypass route around the township of Mildura.

## 21.04 STRATEGIC DIRECTIONS

### 21.04-1 Introduction

The following sets of objectives, strategies and implementation mechanisms seek to address the **Key Influences** described in Clause 21.02 and achieve the **Vision and Strategic Framework** described in Clause 21.03. The background material in relation to each of the themes is provided in the **Municipal Profile** included in Clause 21.01.

They are grouped under the four key land use themes, being:

- § Settlement and Housing;
- § Environment;
- § Economic Development; and
- § Infrastructure.

The themes are addressed under the following headings:

- Objective:* the general aims or ambitions for the future.
- Strategies:* the ways in which the current situation will be moved towards its desired future to meet the objectives.
- Implementation:* the means by which the strategies will be implemented.

**21.04-2 Settlement****Objective 1**

To facilitate orderly development.

**Strategies**

- § Reinforce the development of **Mildura** as the key service centre of the Region providing a wide range of community and commercial services along with residential, industrial, commercial and community development opportunities.
- § Facilitate the urban expansion of **Mildura, Mildura South** and **Irymple** as the prime residential growth areas of the municipality and wider region.
- § Reinforce **Merbein** as a service centre for the local community.
- § Reinforce **Red Cliffs** as a service centre for the surrounding horticultural industry.
- § Reinforce **Ouyen** as a service centre providing important support services for the communities in the southern areas of the municipality.
- § Support the continued growth and role of the other smaller towns and settlements through the provision of adequate residential land, convenience shopping and community services for their surrounding areas and as gateways to public land such as National Parks.
- § Prepare Development Plans that identify subdivision layout, staging and provision of services as a precursor to subdivision of land zoned for residential purposes.
- § Ensure that proposals for residential development have access to stormwater infrastructure in accordance with Council's infrastructure program as indicated on the Town Structure Plans.
- § Support well designed infill residential development and urban consolidation within the existing residential areas of Mildura and Irymple.
- § Ensure that there is at least a 10 year supply of vacant zoned residential land able to readily access required infrastructure.
- § Ensure that the residential growth areas of Mildura, Mildura South and Irymple are contiguous with existing residential estates and in locations that reflect logical and cost effective infrastructure servicing options.
- § Implement residential development and rezonings in accordance with the Town Structure Plans contained in this Clause.
- § Implement the strategic directions of the Town Structure Plans contained in this Clause.

**Objective 2:**

To provide, maintain and make efficient use of infrastructure and community facilities.

**Strategies:**

- § Provide drainage and other relevant infrastructure on at least two or ideally three development fronts within the Mildura, Mildura South and Irymple urban areas.
- § Support proposals for residential development that can be serviced by Council's infrastructure program as indicated on the Town Structure Plans in preference to on-site infrastructure provision.
- § Recover Council's upfront construction costs for the development of physical and community infrastructure on a staged basis through the application of Development Contribution Plans.
- § Focus development around existing community infrastructure and services.
- § Encourage the application of water sensitive design principles in subdivision and development.

**Objective 3:**

To provide a diversity of housing styles and living opportunities.

**Strategies:**

- § Encourage future residential development at a range of lots sizes and densities (including medium density development) in appropriate locations, particularly in close proximity to town activity centres..
- § Encourage a diversity of housing styles and densities reflecting changing market demands and recent trends such as the development of units and smaller housing lots.
- § Accommodate the demand for rural residential and low density residential development in planned estates.

**Objective 4:**

Minimise the potential for future land use conflicts.

**Strategies:**

- § Limit the location of sensitive land uses in the vicinity of industries or other activities with significant off site effects such as noise, traffic and residual air emissions.
- § Discourage housing in locations where amenity may be negatively impacted by farming and related activities, or where the location of housing may inhibit rural activities.
- § Discourage the siting of sensitive land uses such as residential development along either side of Benetook Avenue (from 11<sup>th</sup> Street to 17<sup>th</sup> Street) and along 17<sup>th</sup> Street (from Benetook to Deakin Avenue) in anticipation of a future heavy vehicle by-pass designation.
- § Ensure that development is in accordance with the Mildura Airport Master Plan, particularly in relation to noise and height restrictions.

**Objective 5:**

To protect the integrity, function and appearance of existing natural and built features.

**Strategies:**

- § Minimise the impacts of salinity and potential increase the salt loads in the Murray River associated with residential development.
- § Maintain Deakin Avenue as a grand boulevard and gateway to Mildura.
- § Improve access to the Murray River foreshore from Mildura City Heart.

**IMPLEMENTATION**

These strategies will be implemented by

**Using zones, overlays, local policy and the exercise of discretion**

- § Applying appropriate zones and overlays
- § Applying Environmental Significance Overlay (ESO1) along the Murray River Floodplain Corridor.
- § Applying Environmental Significance Overlay (ESO4) around nominated industrial sites to separate incompatible land uses.
- § Applying Development Plan Overlay 1 (DPO1) to undeveloped land zoned Residential 1.
- § Applying Development Plan Overlay 2 (DPO2) to undeveloped land zoned Low Density Residential.
- § Applying the Salinity Management Overlay (SMO) to undeveloped land zoned Residential 1 and Low Density Residential.
- § Applying the Development Contributions Plans Overlay to future residential areas in Mildura and Mildura South and to the Low Density Residential zone at Lake Hawthorn adjacent to the rail line.
- § Applying the Woorlong Wetlands Policy at Clause 22.02.
- § Applying the Deakin Avenue Function and Appearance Policy at Clause 22.03.
- § Applying the Budget Accommodation Policy at Clause 22.04.
- § Implementing the 2030 Town Structure Plans for Mildura, Mildura South and Irymple
- § Requiring the preparation of Outline Development Plans that identify the need for and location of community facilities in growth areas.

**Undertaking further strategic work:**

- § Determine the suitability of utilising land which has been subject to long term agricultural spraying for residential development. (Key responsibility – Council)
- § Prepare Development Contributions Plans as required. (Key responsibility – Council)

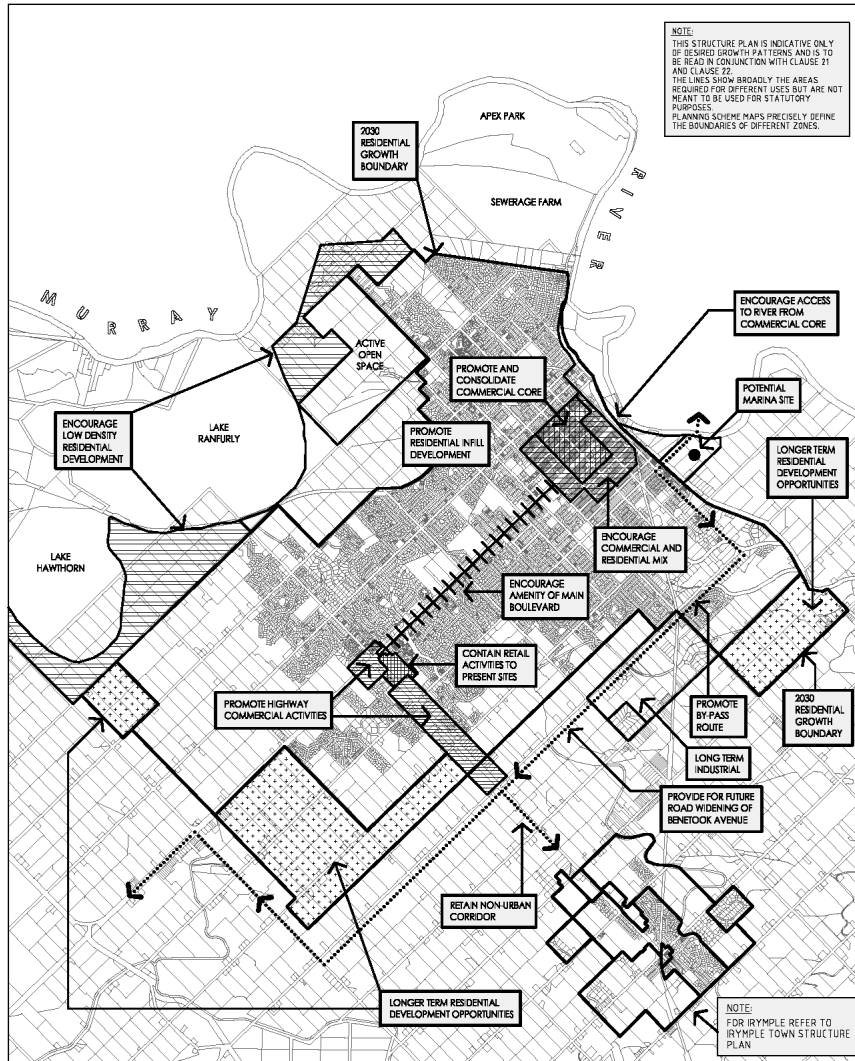
- § Prepare Urban Design Frameworks for Irymple, Merbein, Red Cliffs, and Ouyen. (Key responsibility – Council and DSE)

**Undertaking other actions**

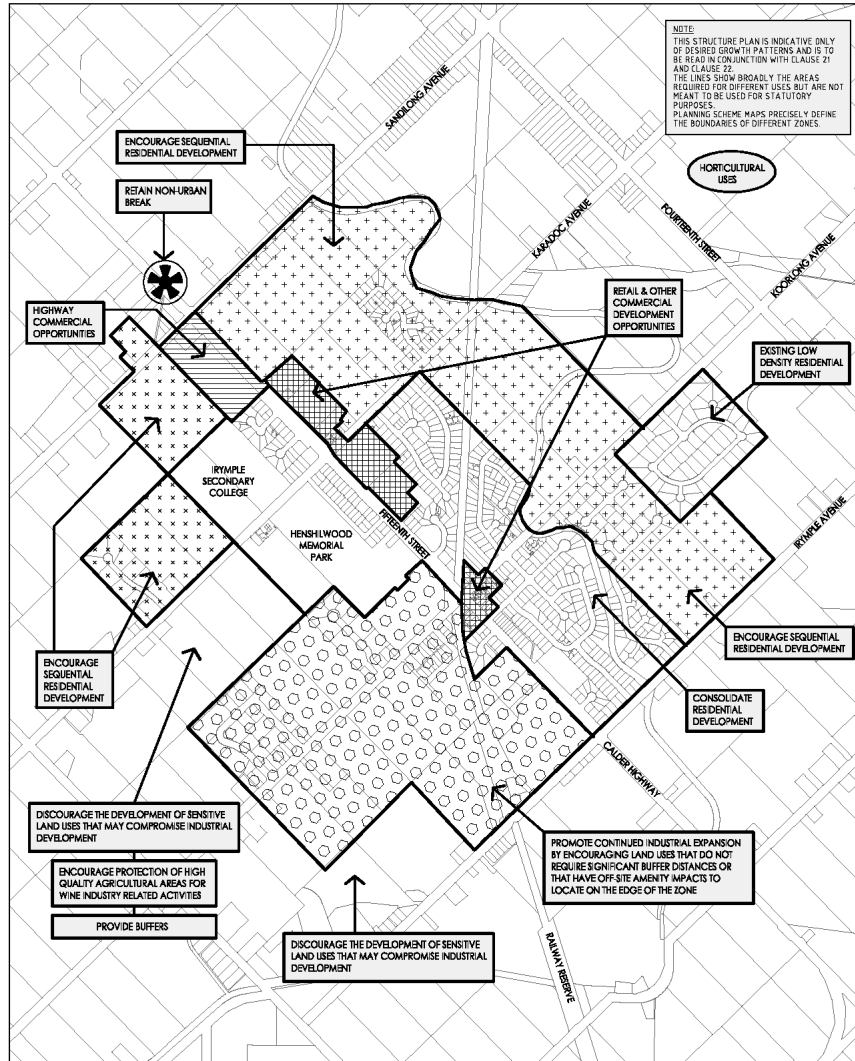
- § Ensure that Council’s capital works budget allocations are sufficient to enable the continued development of core infrastructure projects that are required prior to residential development taking place (such as construction / development and ongoing maintenance of main stormwater drains and basins)
- § Undertake social planning and community consultation in determining the provision of services and facilities.



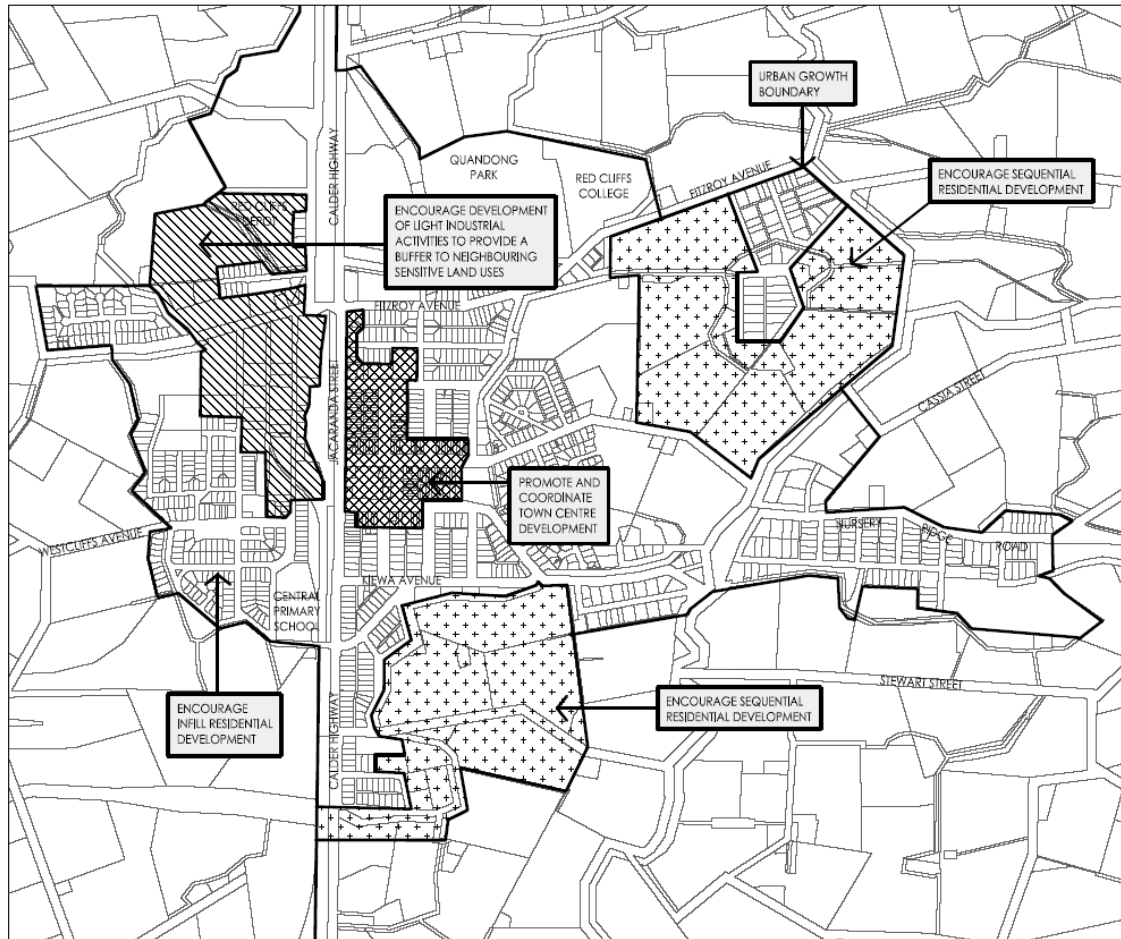
## MILDURA TOWN STRUCTURE PLAN



## IRYMPLE TOWN STRUCTURE PLAN

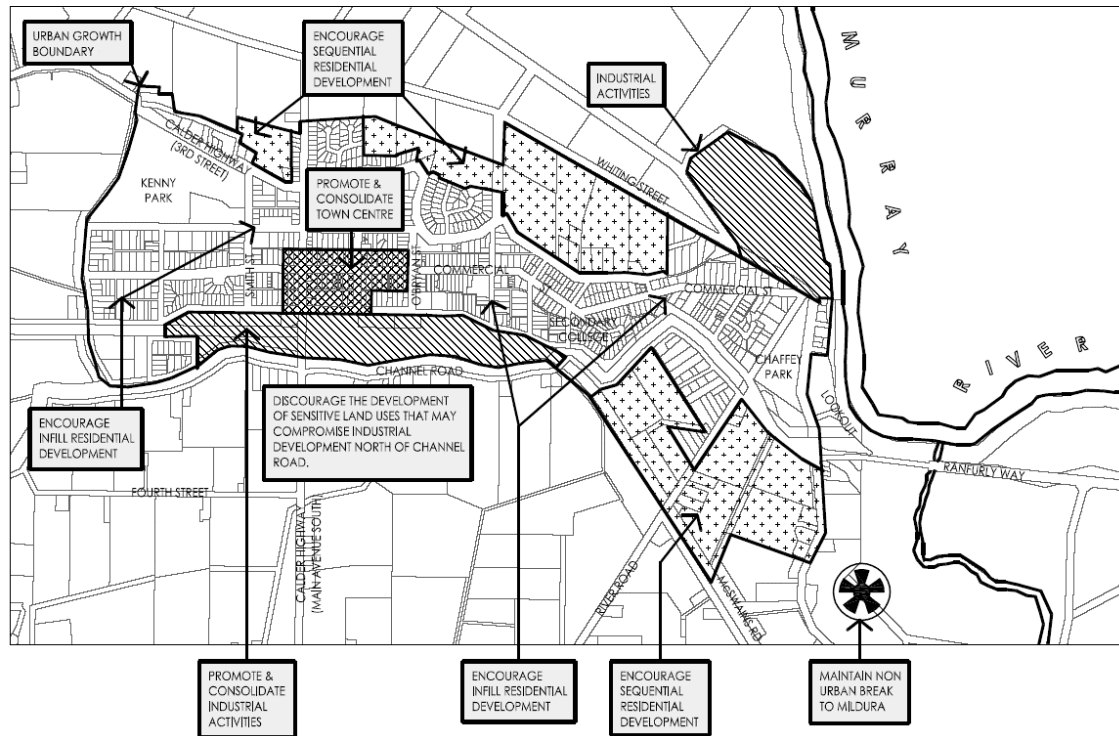


## RED CLIFFS TOWN STRUCTURE PLAN



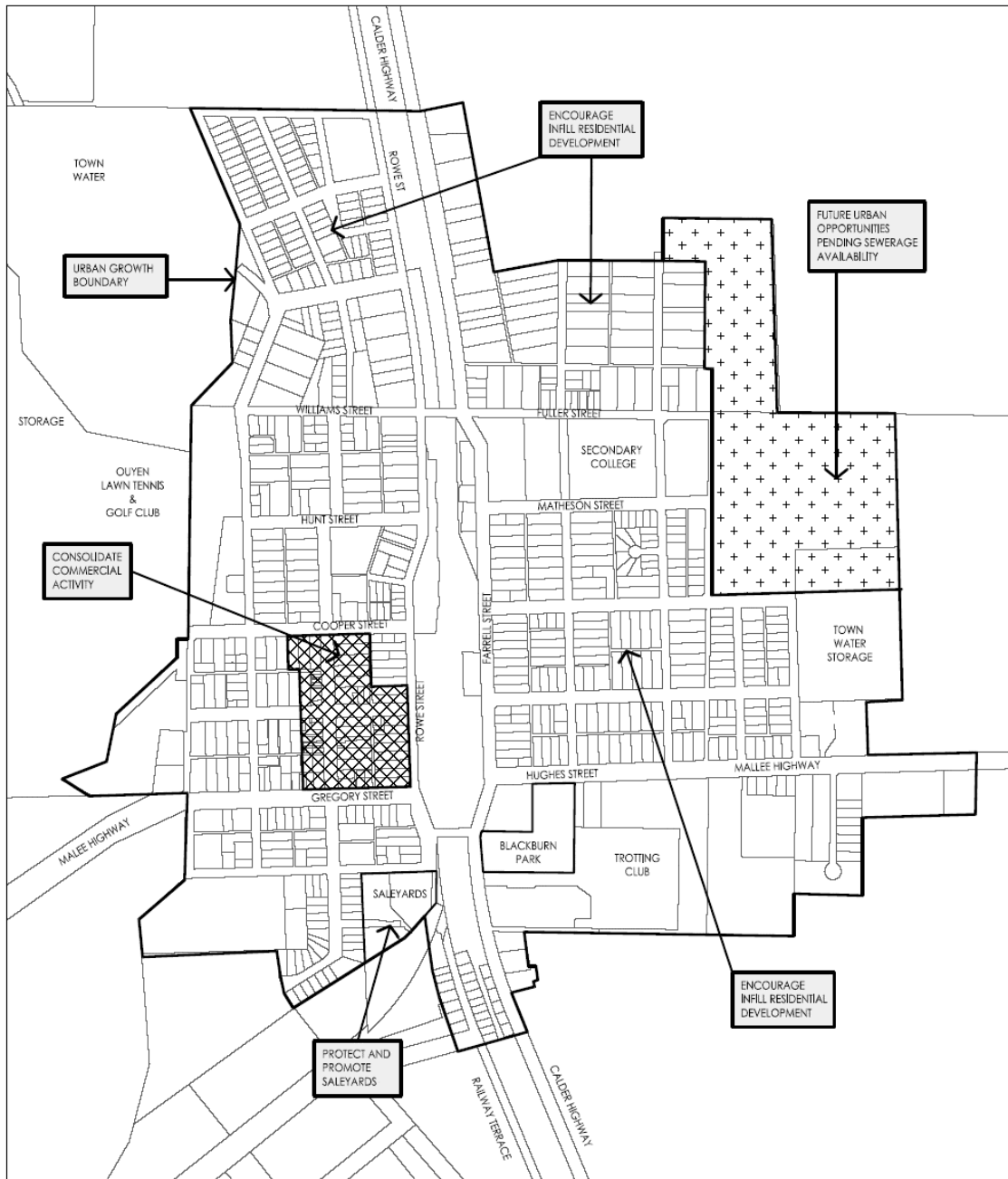
**NOTE:**  
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PLANNING SCHEME MAPS PRECISELY DEFINE THE BOUNDARIES OF DIFFERENT ZONES.

# MERBEIN TOWN STRUCTURE PLAN



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PLANNING SCHEME MAPS PRECISELY DEFINE THE BOUNDARIES OF DIFFERENT ZONES.

## OUYEN TOWN STRUCTURE PLAN



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PLANNING SCHEME MAPS PRECISELY DEFINE THE BOUNDARIES OF DIFFERENT ZONES.

### 21.04-3 Environment

#### OBJECTIVES

##### Objective 1

To manage salinity, watertables, nutrient levels and erodable areas.

##### *Strategies*

- § Discourage any further irrigation development in areas identified by the Catchment Management Authority as having a high impact on river salinity.
- § Reduce ground water accessions, prevent development within high risk salinity areas and stabilise salinised areas.
- § Minimise the drainage of saline and nutrient rich water from irrigated and urban areas.
- § Discourage the discharge of irrigation run-off directly into the Murray River and its tributaries, except where recommended under the relevant Salinity Management Plan.
- § Discourage the development of drainage evaporation ponds in wetlands and floodplain areas except where recommended under the relevant Salinity Management Plan.
- § Discourage development on salinity discharge areas.

##### Objective 2

To protect flora and fauna.

##### *Strategies*

- § Encourage the retention and regeneration of native flora.
- § Discourage native vegetation removal, stock grazing and urban development in or adjoining riparian areas.
- § Reinforce existing wildlife corridors along road and railway reserves with supplementary revegetation in adjacent private lands.
- § Protect and reinforce significant environmental nodes or biolinks on private land.
- § Maintain and improve the condition of waterways and wetlands in support of flora and fauna habitats.
- § Encourage the location of services on private cleared land in both dryland and irrigated areas, rather than on vegetated roadsides.

##### Objective 3

To reduce the impacts of flooding.

**Strategies**

- § Discourage further development, particularly residential development within areas on the floodplain.
- § Restrict further development in on land liable to flooding.

**Objective 4**

To improve river and wetland health.

**Strategies**

- § Support the development and adoption of common river management controls along the Murray River.
- § Encourage drainage works and schemes that redirect rainfall run-off, minimise irrigation drainage and assist in the reduction of salinisation of land.
- § Limit nutrient level increases in ground water and surface water systems.
- § Treat stormwater prior to outfall.

**Objective 5**

To protect the environmental, landscape, cultural and archaeological value of public land.

**Strategies**

- § Encourage the development of management plans for significant parks, forests and reserves.
- § Support appropriate opportunities for nature conservation, recreation and tourism.
- § Support tourism, in particular eco-tourism, as part of municipal and regional tourism initiatives in accordance with public land management plans.
- § Support the establishment of bio links between areas of significant public land.

**Objective 6**

To improve the interface between public and private lands.

**Strategies**

- § Discourage urban or other intensive forms of use or development adjacent to public land that could have a negative impact on that land.

**Objective 7**

To protect flora and fauna communities, endangered species, landscape values, cultural values and natural hydrological regimes.



**Strategies**

- § Encourage fire breaks on cleared private land adjacent to public land, where appropriate.
- § Support common management techniques along public land boundaries for the protection of native vegetation and the control of fire, pest plants and animals and erosion.
- § Encourage the placement and maintenance of services to occur, via the rationalisation of existing services and the incorporation of appropriate siting and design.

**Objective 8**

To conserve and enhance heritage places and items of natural, archaeological, architectural, cultural and historical significance.

**Strategies**

- § Protect important elements of the Chaffey heritage.
- § Protect individual sites and precincts of significance.

**IMPLEMENTATION**

These strategies will be implemented by:

**Using zones, overlays, local policy and the exercise of discretion**

- § Applying appropriate zones and overlays
- § Applying the Rural Conservation Zone to the Woorlong wetlands.
- § Applying Environmental Significance Overlay (ESO1) along the Murray River Floodplain Corridor.
- § Applying the Environmental Audit Overlay (EAO) to land on the corner of Woorlong and Woomera Avenues Cliffside.
- § Applying the Salinity Management Overlay (SMO) to undeveloped land zoned Residential 1 and Low Density Residential.
- § Applying the Woorlong Wetlands Policy at Clause 22.02.
- § Applying the Public Land Interface Policy at Clause 22.05.
- § Applying the Service Agency Notification Policy at Clause 22.08.
- § Applying the Heritage Precincts Policy at Clause 22.09.
- § Notifying the Department of Sustainability and Environment, pursuant to Section 52 of the Planning and Environment Act 1987, of any applications for the use and development of land, or for the subdivision of land within 100 metres of the Public Conservation and Resource Zone.
- § Consider the Mallee Regional Catchment Strategy 2003-2008 and other relevant environmental or natural resource management strategies and plans.
- § Assess land clearing proposals for their erosion impacts.

**Undertaking further strategic work.**

- § Prepare guidelines arising from the *Management Plan for the Improvement of Urban Stormwater Quality* (SKM) (Key responsibility – Council)
- § Complete urban salinity strategies for the major towns in the municipality (Key responsibility – Mallee Catchment Management Authority and MRCC).
- § Prepare an appropriate planning scheme amendment to assist in the protection of Regent Parrot habitat. (Key responsibility – MCMA, DSE and MRCC).
- § Prepare an appropriate planning scheme amendment to implement the outcomes of the Flood Data Transfer Project. (Key responsibility – Mallee Catchment Management Authority and DSE).
- § Complete accurate mapping of all remnant vegetation in the municipality to enable its inclusion in the Vegetation Protection Overlay (Key responsibility - Department of Sustainability and Environment and Mallee Catchment Management Authority).
- § Complete the mapping of saline discharge and high salinity impact zones for inclusion in the Salinity Management Overlay (Key responsibility - Department of Sustainability and Environment, Mallee Catchment Management Authority, Lower Murray Water Authority and the Grampians Wimmera Mallee Water Authority).
- § Prepare an amendment to the planning scheme to introduce an Environmental Significance Overlay to assist in its protection of the Duddo Limestone Aquifer. (Key responsibility – Mallee CMA, Council, DSE and the Grampians Wimmera Mallee Water Authority).
- § Develop a Mallee Regional River Health Strategy (Key responsibility - Mallee Catchment Management Authority).
- § Prepare a Surrounds Strategy for areas at the interface of public and private lands in order to maintain the integrity of boundary areas for parks and reserves (Key responsibility – Department of Sustainability and Environment).
- § Compile a complete regional register of sites of historic, aboriginal and cultural significance (Key responsibility – Council).
- § Complete the heritage assessment of the municipality through the commissioning of a heritage study for the former Shire of Walpeup (Key responsibility – Council).

**Undertaking other actions**

- § Assist and support the Mallee CMA in implementing the Mallee Regional Catchment Strategy.
- § Implement the Salinity Management Plans that have been prepared for land within the municipality.
- § Discourage any increase in water entitlements within the high impact river salinity areas.
- § Support the development of park boundary plans that achieve a common approach to fire prevention, vegetation protection and pest plant and animal control on both private and public land adjacent to park boundaries.

|

**21.04-4 Economic Development****Objective 1**

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

**Strategies**

- Provide and support for the potential expansion of horticulture industry in the municipality.
- Minimise unplanned urban intrusion including rural lifestyle development into agricultural and horticultural areas.
- Support horticultural and agricultural diversification and value adding.
- Encourage consolidation of lots to create more productive and efficient landholdings through local planning policy.
- Discourage the excision of smaller lots in the horticultural and agricultural areas.
- Discourage the introduction of non-agricultural land uses on land zoned Farming.
- Minimise potential for land use conflicts.
- Encourage effective utilisation of water resources.
- Protect rural and agricultural infrastructure such as roads, drainage and water.
- Support the agricultural and horticultural production and transport that are environmentally responsible and “clean and green”.
- Ensure that future subdivision of agricultural land is based on sustainable farming methods and sustainable-environmental grounds.
- Develop site specific strategies for the small scale horticulture, large scale horticulture and dryland farming areas.

**Implementation**

Using Zones, overlays, local policy and exercise of direction:

- Implementation of the Rural Areas Strategy 2005.

**Objective 2 ~~Small Scale Horticulture~~ Older Irrigated Areas**

To support the continued development of sustainable agricultural and horticultural industries and protect unique agricultural/horticultural values of the older irrigated areas of Mildura, Red Cliffs and Merbein.

**Strategies**

- Support the retention of the 2030 Growth Boundary.
- Encourage clustering of small lots either through excisions and/or re-subdivisions only where it achieves farm consolidation.
- Applying a minimum subdivision lot size to reflect unique characteristics of area and provide a guide for a viable unit of production.
- Encourage the expansion of existing Lower Murray Water Merbein irrigation district towards Merbein South.
- Encourage the expansion of the existing Lower Murray Water Red Cliffs irrigation district towards Thurla/Benetook Area.

- Retain the potential opportunity for long term future rationalisation of land in First Mildura Irrigation Trust irrigation district by encouraging farm consolidation to support larger landholdings.
- Support the retention of productive agricultural/horticultural land.

### Implementation

- Have regard to the *Environmental and Water Saving Master Plan* prepared by URS for First Mildura Irrigation Trust irrigation district.
- Support the Lower Murray Water infrastructure planning project “Development of Water Infrastructure Replacement Plans” for Robinvale, Merbein and Red Cliff irrigation districts.

## Objective 3 Large Scale Horticultural New Irrigated Areas

To support and promote the continued expansion of the large scale horticulture industries/activities in the new irrigated areas.

### Strategies

- Encourage the future expansion of large scale horticultural industry in Colignan, Kardoc and Nangiloc area towards Calder Highway.
- Encourage the expansion of large scale horticultural industry at Cullulleraine to the east of Lake Cullulleraine and south of Sturt Highway.
- Support and encourage the co-location of irrigation infrastructure at Lake Cullulleraine.
- Encourage the expansion of large scale horticultural industry at Yelta and Lindsay Point.
- Facilitate improved access to these large scale horticultural areas through the introduction of possible traffic management initiatives.
- Applying a minimum subdivision lot size to both reflect the unique characteristics and provide a guide for a viable unit of production for the area.
- Investigate need for an urban area to support and service expansion of Nangiloc – Colignan irrigation area.

### Implementation

- Support and encourage the co-location of irrigation infrastructure at Lake Cullulleraine.
- Facilitate improved access to these large scale horticultural areas through the introduction of possible traffic management initiatives.
- Investigate need for an urban area to support and service expansion of Nangiloc – Colignan irrigation area.

## Objective 4 Dryland Farming Areas

To support and promote dryland farming activities in the Mallee country generally south and west of Mildura

### Strategies

- Applying a minimum subdivision lot size to both reflect the unique characteristics and provide a guide for a viable unit of production for the area.
- Encourage Farm consolidation.
- Protect areas for intensive land use where salinity is an issue.

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

### **Strategies**

- ~~□ Minimise unplanned urban intrusion into horticultural areas.~~
- ~~□ Support the development of new horticultural areas as identified in the Land Capability and Irrigation Infrastructure Assessment (1996).~~
- ~~□ Support horticultural and agricultural diversification and value adding.~~
- ~~□ Apply minimum subdivision lot sizes in rural areas to facilitate farm consolidation and reflect a viable unit of production.~~
- ~~□ Discourage non-agricultural use and development on land zoned Rural.~~
- ~~□ Discourage the excision of smaller lots in horticultural areas.~~
- ~~□ Protect rural and agricultural infrastructure such as roads, drainage and water supply~~
- ~~□ Support agricultural and horticultural production and transport that are environmentally responsible and “clean and green”.~~
- ~~□ Protect high quality land and water resources.~~
- ~~□ Ensure that future subdivision of agricultural land is based on sustainable farming methods and sustainable environmental grounds.~~

### **Objective 25**

To increase visitor numbers and length of stay in the Municipality.

### **Strategies**

- § Support the development of new tourism enterprises throughout the Municipality in appropriate locations.
- § Support tourism enterprises such as “bed and breakfast” accommodation in appropriate rural locations.

### **Objective 36**

Facilitate the development of Mildura City Heart as the primary retail, commercial and cultural centre for the region.

### **Strategies**

- § To maintain the existing hierarchy of shopping centres so that there is certainty for stakeholders including Council, developers, and traders.

- § To retain the highest possible share of retail expenditure of residents and visitors through the introduction of appropriate new types of retailing that are demanded and which are currently not being met in Mildura.
- § To put in place a zoning strategy which recognises the existing land use opportunities and which caters for expected forms of future development.
- § Core retailing activities (such as major food retailing, specialty retailing, national brands, etc) will be encouraged to locate in the vicinity of the Langtree Mall (the Retail Core precinct).
- § Entertainment, cafés, restaurants and tourist development will be encouraged in the City Heart North precinct, with potential future linkages with the Riverside development
- § Office development will be encouraged on the east side of Deakin Avenue, in the office precinct located on Deakin Avenue/11th Street, and on the west side of Deakin Avenue.
- § Secondary (or lower order) retail activities will be encouraged on the periphery of the centre (western or eastern periphery)
- § Car sales yards will be encouraged to relocate away from the City Heart, to locations such as the Fifteenth Street precinct.
- § Consolidation of vacant sites will be encouraged in appropriate locations for major retail redevelopment.
- § Encourage the supply of additional off-street car parking to improve the supply of car parking in the City Heart. Opportunities have been identified for the development of decked car parking in association with redevelopment on the Kmart site.
- § Improve the amenity of City Heart; through the provision and maintenance of street furniture, the provision of shading for pedestrians, particularly in the Langtree Mall, and improved urban design treatment of the Mall.
- § Concentrate core retailing and commercial activities in the vicinity of Langtree Mall.
- § Encourage major commercial and entertainment developments which require pedestrian flows to locate to the west of Deakin Avenue, with more service-oriented secondary retail activities located to the east of Deakin Avenue.
- § Encourage the systematic implementation of the Mildura City Heart Redevelopment Strategy (October 1996).
- § Encourage a mix of uses to locate in a precinct defined by Madden & Magnolia Avenues and Seventh and Tenth Streets.

### **Objective 47**

Provide a sub-regional retail centre at Mildura Centre Plaza on Fifteenth Street, which also serves the convenience, needs of residents in Mildura South, and which provides limited retail specialties.

### **Strategies**

- § Encourage Mildura Centre Plaza to develop as a sub-regional centre, which provides convenience retailing for the centre's primary catchment (mainly Mildura South), and a limited range of specialty retail stores.

- § Discourage any expansion of the Mildura Centre Plaza which would change the relative roles of this centre and the City Heart.
- § Discourage any further retail development along Fifteenth Street other than restricted retail premises (i.e. restricted retail, bulky goods, "superstores" and other large-format premises).
- § Fully analyse market demand conditions, potential impacts on City Heart and potential shift in the role of Mildura Centre Plaza in considering any proposals which would lead to further expansion of Shop uses at Fifteenth Street.
- § Discourage significant levels of entertainment-related activity that are provided to serve the tourism market
- § Support retail development at this location that would not involve a shift in the function or role of the Centre Plaza to one which serves the wider retail hierarchy.

### **Objective [58](#)**

Designate and promote Fifteenth Street east of Mildura Centre Plaza as being the major regional location for the provision of bulky goods retailing.

### **Strategies**

- § To maintain the urban break between Mildura and Irymple between Benetook and Cowra Avenue
- § Fifteenth Street business precinct will be encouraged to continue to develop as the major regional focus for restricted retail retailing, including bulky goods and other large-format premises, which have extensive site requirements.
- § Encourage highway orientated business and bulky goods retailing on Fifteenth Street between Deakin Avenue and Benetook Avenue within the Business 4 zone.
- § Discourage retail or restricted retail activity between Benetook Avenue and the Irymple Township.

### **Objective [69](#)**

Provide small-scale convenience centres throughout residential areas and in the surrounding townships, where supported by local residential catchments.

### **Strategies**

- § Promote further commercial development within the confines of the existing commercial areas in the smaller towns.

### **Objective [710](#)**

To provide an adequate supply of industrial zoned land and direct future industrial development to appropriate locations.



## **Strategies**

- § Focus local industrial development which services wine and horticultural industries and commercial activities in existing and planned industrial precincts in Mildura, Irymple and Red Cliffs.
- § Concentrate industrial development in areas highly accessible to truck routes.
- § Encourage small-medium scale local and regional industrial and commercial activities in Mildura.
- § Support development that meets local service needs in Red Cliffs, such as wine industry specialist requirements at a small to medium scale, and potentially an expansion of its transport role.
- § Support the growth and consolidation of existing industries in Merbein subject to the available land supply opportunities, including what is now government-controlled land (VicTrack).
- § Support the growth of exiting industries and provide for the specialist needs of the horticultural industry in Irymple.
- § Support the consolidation of small-medium industries in the existing industrial area to the south of Irymple.
- § Support the development of a technology/business park at the Mildura Airport.
- § Provide additional land at Block “H” and Thurla for future industrial land uses which may require significant land holdings and/or buffer distances to sensitive land uses.
- § Implement the strategic directions of the Block “H”, Mildura Airport and Thurla Structure Plans contained in this Clause.

## **IMPLEMENTATION**

These strategies will be implemented by:

### **Using zones, overlays, local policy and the exercise of discretion.**

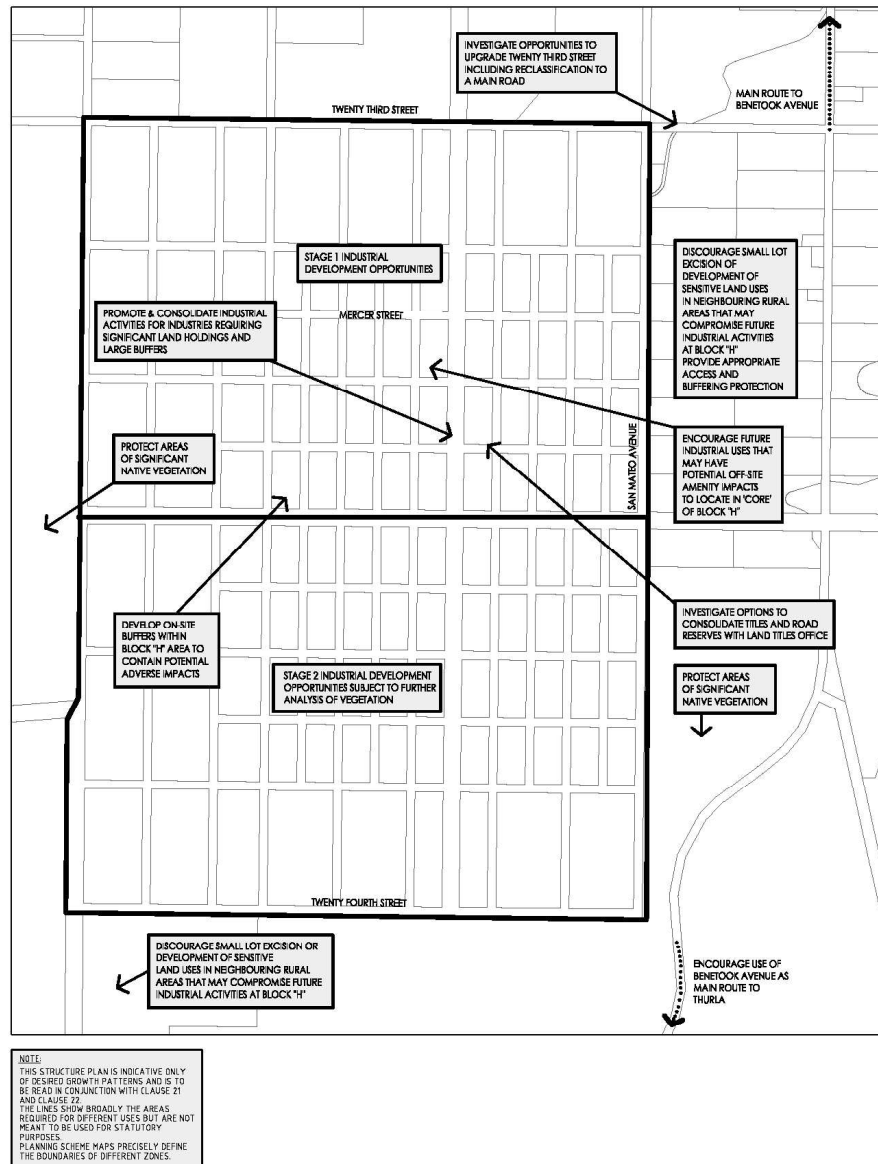
- § Applying appropriate zones and overlays
- § Applying the Woorlong Wetlands Policy at Clause 22.02.
- § Applying the Deakin Avenue Function and Appearance Policy at Clause 22.03.
- § Applying the Agricultural Land Policy at Clause 22.06.
- § Applying the Fifteenth Street Retail Policy at Clause 22.07.
- § Applying the Mildura Airport Local Policy at Clause 22.10.
- § Discouraging expansion of the Mildura Centre Plaza beyond 21,000sq. m. leasable floor area for shop.
- § Managing the use and development of land along Fifteenth Street.

### **Undertaking other actions**

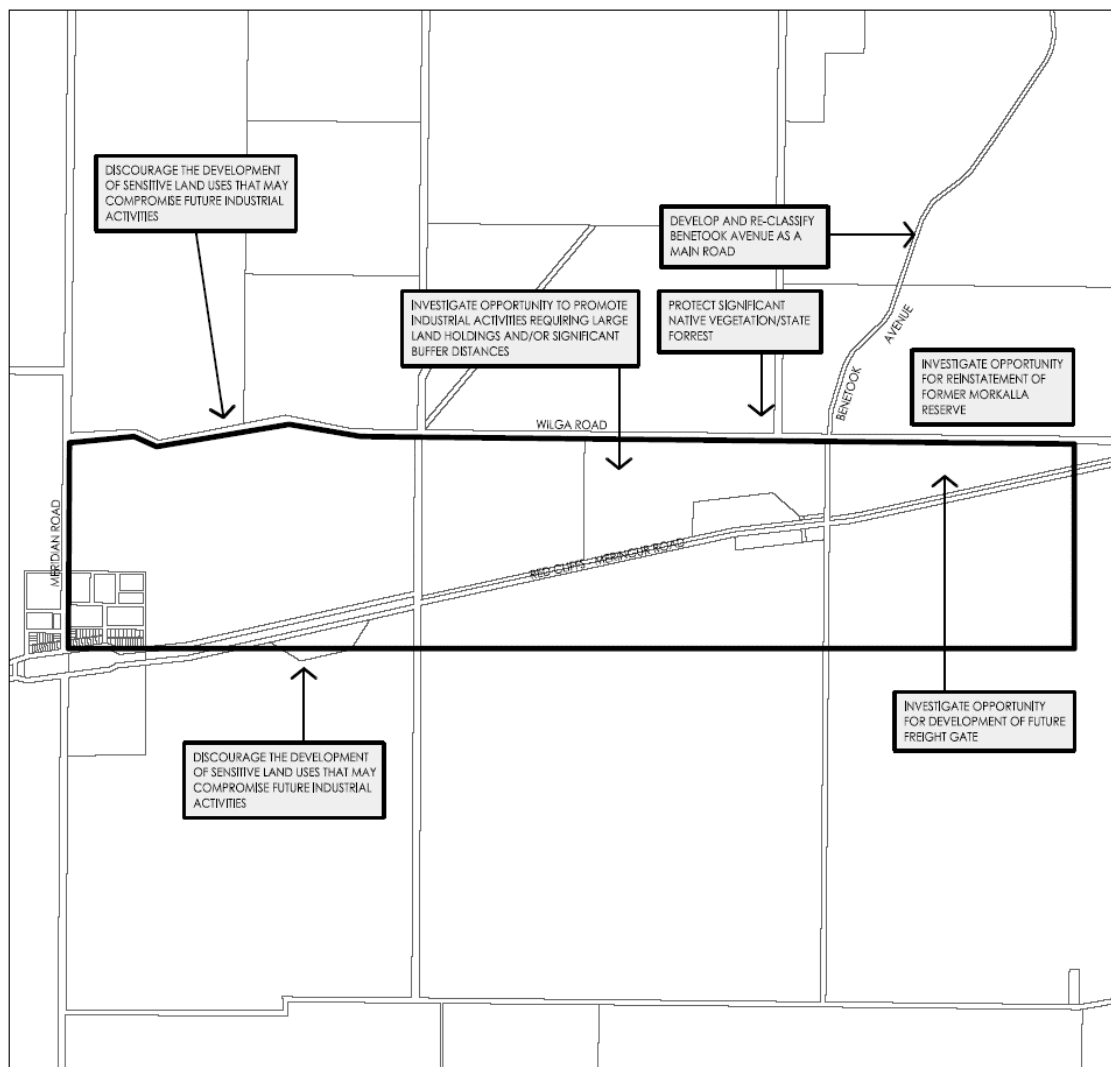
- § Integrate signage and publicity around themes such as heritage, landscape, wilderness, the arts and recreation.
- § Integrate the promotion of public and private tourist facilities.

- § Promote the tourism potential of the major parks in the Municipality.
- § Utilise the recommendations of the Mildura Urban Design Framework (July 1999) as the starting point, to coordinate the planning and provision of necessary and appropriate infrastructure to support retail expansion with such actions to include:
  - Ensuring access to water, drainage, gas, electricity, and road infrastructure;
  - Structure Planning of centre / precinct layouts and operation; and
  - The creation of estate formats for peripheral sales areas.
- § Undertake further investigations to improve access to large-scale horticultural areas.
- § Council will encourage the development of new horticultural areas as identified in the *Rural Areas Strategy 2005*.

## BLOCK "H" STRUCTURE PLAN



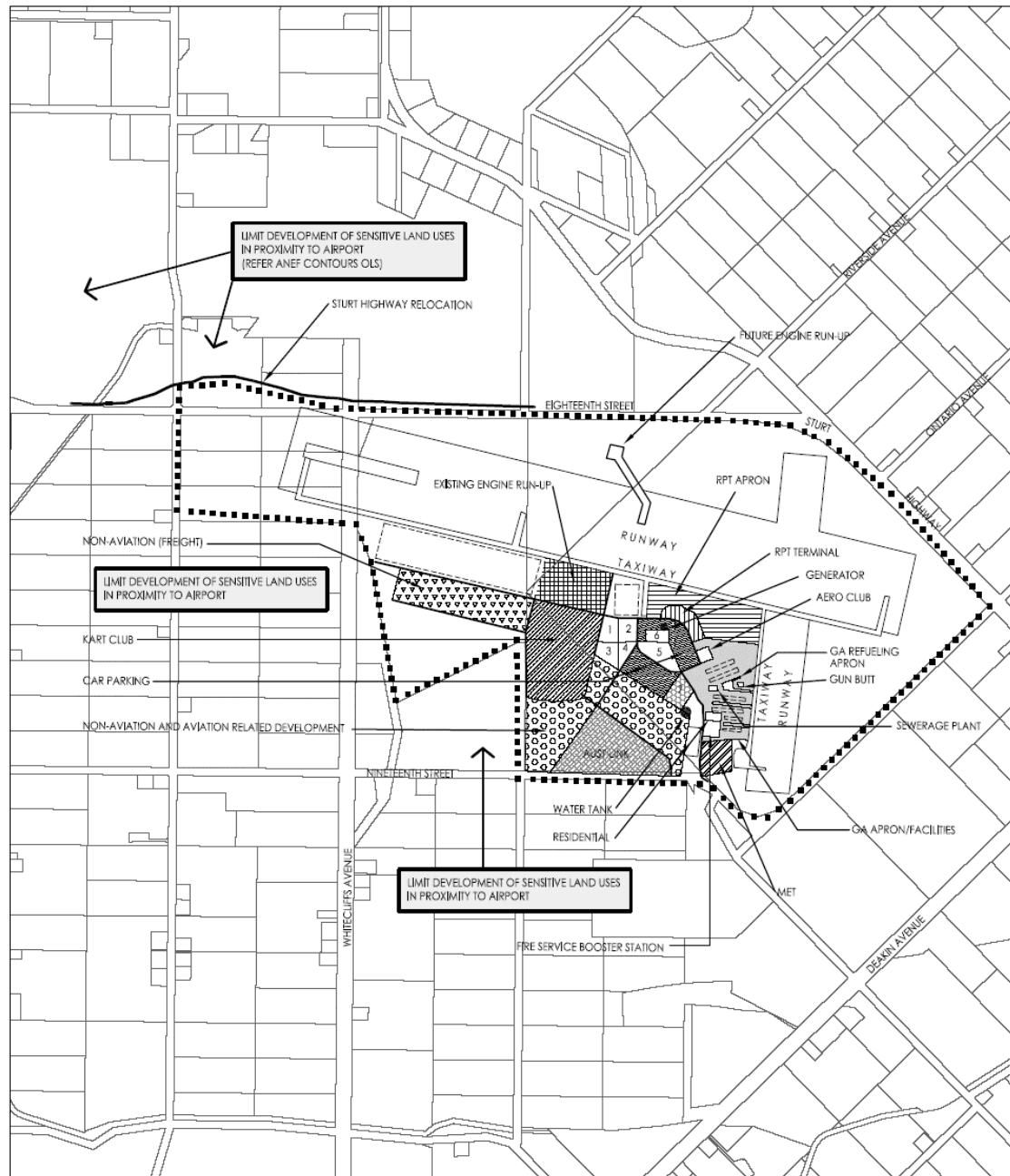
# THURLA STRUCTURE PLAN



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PLANNING SCHEME MAPS PRECISELY DEFINE THE BOUNDARIES OF DIFFERENT ZONES.

**SOURCE:**  
MILDURA INDUSTRIAL LAND  
USE STRATEGY (2003)

# MILDURA AIRPORT STRUCTURE PLAN



SOURCE:  
MILDURA AIRPORT MASTER PLAN (2000)

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## LEGEND:

- (1) FUEL FARM
- (2) EARTH SATELLITE STATION
- (3) MRCC GROUNDSMEN
- (4) RENTAL CAR SERVICE
- (5) MUSEUM
- (6) SAA
- (7) SECURE CARPARK

## LEGEND CONTINUED:

- AIRPORT BOUNDARY
- ROADS
- HANGAR SITE

**21.04-5 Infrastructure****Objective 1**

To protect existing infrastructure and effectively plan and implement the development of new infrastructure that meets the needs of the growing community.

**Strategies**

- § Require that those developing land for residential, business, industrial or rural purposes fund capital works that are required to provide infrastructure and services.
- § Ensure that land use and development is compatible with the function and operation of the Airport.
- § Protect water and drainage infrastructure servicing farming communities from unplanned urban encroachment.
- § Focus development in those areas that are or can be readily serviced with infrastructure.
- § Ensure that the placement and maintenance of services occurs in a way that minimises detrimental impacts to environmental and cultural heritage values.
- § Encourage the application of water sensitive design principles in subdivision and development.
- § Encourage the co-location of infrastructure such as water, electricity and natural gas.

**Objective 2**

To develop a safe and efficient traffic, transport, freight and pedestrian network

**Strategies**

- § Improve the gateway to Mildura for tourist traffic.
- § Avoid the proliferation of further ribbon development along the main Highways which may prejudice the function of the highways.
- § Improve the appearance of major transport routes into and within the towns through street side landscaping, preferably using native species, with an emphasis on local or indigenous species.
- § Require the provision of service roads in appropriate locations along major roads that serve new development.

**IMPLEMENTATION**

These strategies will be implemented by:

**Using zones, overlays, local policy and the exercise of discretion.**

- § Applying appropriate zones and overlays.
- § Applying the Public Land Interface Policy at Clause 22.05.

- § Applying the Service Agency Notification Policy at Clause 22.08.
- § Applying the Mildura Airport Local Policy at Clause 22.10.
- § Notifying appropriate infrastructure agencies of relevant development applications.

**Undertaking further strategic work.**

- § Encourage the development of a public transport strategy for the region aimed at linking the various towns in the region with each other and to external destinations such as Melbourne, Sydney and Adelaide (Key responsibility – Council).
- Formulate and apply Development Contributions Plans (Key responsibility – Council).

**Undertaking other actions**

- § Implement the recommendations of the Mildura CBD Parking Strategy (2002).
- § Encourage service provision that keeps pace with technological advancements and innovation in environmental alternatives.
- § Encourage the relocation of through traffic from Walnut Avenue to Deakin Avenue in Mildura.
- § Implement the recommendations of the Mildura Strategic Bicycle Plan (2003).
- § Promote and encourage the return of passenger rail services.
- § Facilitate the development of Benetook Ave and Seventeenth Street as the preferred route for heavy vehicles.
- § Facilitate discussions with VicRoads regarding appropriate setback and road widening provisions for Benetook Ave and Seventeenth Street.
- § Encourage the retention of the railway line to Yelta and the relocation of some of the freight functions from the centre of Mildura and the industrial areas to the west of Mildura.
- § Promote and encourage the relocation of the freight gate from Mildura CBD to Thurla.

**21.05 MONITORING AND REVIEW**

Council is committed to monitoring the implementation of this planning scheme with the aim of evaluating the achievement of strategic policy directions and the operational effectiveness of the administration of the scheme. The monitoring program will be reported on annually and will be used to inform the review of the Municipal Strategic Statement.

To evaluate the achievement of the key strategic policy directions of the scheme, the following elements will be monitored:

**Strategic Policy Achievement**

Key Element	Indicator	Target
To facilitate the staged, orderly, and efficient development of Mildura and the Rural City's major townships.	Number and locations of planning applications for residential development to be analysed by type, location, and decision made.	In fill and sequential development within the limits of the town's residential growth boundary.
To facilitate the sustainable growth of the horticulture and agriculture industries.  <del>To facilitate farm consolidation of productive agricultural horticultural land.</del>	Number, type and locations of planning applications for use and development on rural land.  Number, type and location of planning applications for excision of smaller lots in horticultural and agricultural areas.  <del>Changes to the planning system in relation to water management.</del>	Reduction in the number of applications and approvals for non agricultural use or development on rural land.  Reduction in the number of applications and approvals for small lot excisions which increase housing potential.  <del>Monitor and record changes to planning system in relation to water management.</del>
To facilitate the development of a logical and mutually supportive retail hierarchy.	Number, type and locations of planning applications for retail and commercial development and use.	An increase in the number of applications and approvals for retail and commercial development in Mildura City Heart.  An increase in the number of applications and approvals for bulky goods retailing on land zoned B4 on 15th Street.  A reduction in the number of commercial and retailing rezoning requests.



In addition to monitoring the strategic policy achievement, Council is committed to monitoring and evaluating the effectiveness of the administration of the scheme and the new planning system. In order to do this Council will maintain and monitor a comprehensive register of all planning applications made since gazettal which will include the following indicators:

#### Operational Effectiveness

Key Element	Indicator
Efficient decision making process	<p>Number and nature of decisions made.</p> <p>Time taken for decisions.</p> <p>Feedback from the development industry on timeframes and costs associated with applications processed.</p>
Efficient operation of the planning scheme.	<p>Degree of officer support at Council and the Planning Committee.</p> <p>Support for Council at Victorian Civil and Administrative Tribunal.</p> <p>Extent to which scheme amendments have increased or decreased.</p> <p>Matters of process requiring Department of Sustainability and Environment attention.</p> <p>Matter of content requiring Department of Sustainability and Environment attention.</p>

**22.05-1 Rural Areas Policy**

This policy applies to all land within the Farming Zone (FZ).

**Policy Basis**

Agricultural and horticultural production within the Mildura region is a major contributor to the local, state and national economy. Production within the municipality's agricultural sector is currently estimated to be worth \$551 million. It is therefore important to not only retain and protect productive rural land for agricultural and horticultural activities but to expand these activities and their overall contribution to the economy.

Horticulture and dryland farming are the main categories of agricultural activities being conducted within the rural areas of the municipality. These areas are identified in Council's Municipal Strategic Statement and fall into three broad categories Older Irrigated Areas, New Irrigated Areas and Dryland Farming Areas.

In exercising discretion on planning permit applications for the use, development and subdivision of land in rural areas, Council needs to balance the historical land use and subdivision characteristics of an area with the emerging trends occurring in the agricultural and horticultural sectors. The key characteristics and agricultural trends within the horticultural and dryland farming areas include:

- An expectation that farming families will retire on the land in the family home.
- The overall size of agricultural landholdings necessary for efficient and commercially viable production has increased in the dryland farming and new irrigation areas.
- The introduction of tradeable water rights has led to some productive horticultural land being retired and either converted to a rural living use of left dormant.
- Significantly larger landholdings are been established in the new irrigated areas compared to the older irrigation districts.
- Continued pressure for more lifestyle properties in the pumped districts.

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**Objectives**

- To encourage the consolidation of lots in all areas to create more productive and efficient landholdings.
- To facilitate the ongoing operation of productive and efficient dryland farming.
- To discourage commercial and accommodation uses in rural areas that are not associated with agricultural activity.
- To minimise the establishment of small lots and dwellings unrelated to agricultural production.

Deleted: older irrigated

**Policy**

It is policy that:

Deleted: 2

**Non-Agricultural Uses**

When considering a planning permit application for a new use within the Farming Zone, Council strongly discourages the establishment of commercial and accommodation uses that are not related to or support the operation of an agricultural enterprise/activity.

**Subdivision****General Requirements**

The following general requirements will apply to Council's consideration of planning permit applications for subdivision including excisions, consolidation, boundary realignment and the creation of carriageway easements.

- The capacity to subdivide rural land to create smaller lots, including a lot for an existing dwelling, should be associated with improving agricultural production or facilitating environmental protection.
- A subdivision to create one or more small rural lots within the rural areas should satisfy the area specific requirements to ensure that productive agricultural land is protected.
- Small lots should be clustered with adjoining small lots to protect agricultural activities and create physical infrastructure efficiencies.
- Battle axe style lots are discouraged, particularly within horticultural areas.
- Consolidation of land parcels to create larger landholdings for agricultural purposes will be encouraged.
- A designated effluent envelope may be required by Council for a new small lot to ensure that waste can be satisfactorily disposed of.
- Council will not support the transfer of development rights between non adjoining lots.

**Excisions**

- Lots created by excising dwellings under the provisions of Clause 35.07 should have a maximum size of 1 hectare, except as otherwise required by a provision of this planning scheme. Subdivisions involving the excision of a dwelling should provide appropriate lot boundaries relative to the dwelling to minimise amenity and environmental impacts and protect agricultural production.

**Boundary Re-alignment and Vinculums**

- Boundary realignments including multiple lot realignments will generally be discouraged unless they involve adjustments to boundaries that enhance existing agricultural production and respond appropriately to existing environmental and topographical constraints.

Council will support boundary realignments including those involving non contiguous lots, where the lots are located on the opposite of the road or a channel reserve.

- Council will only support subdivision via a vinculum where lots are located on the opposite side of the road or channel reserve.

**Channel Reserves and Utility Lots**

- Redundant channel reserves and utility lots in rural areas are often irregular in shape and configured inappropriately to support the establishment of a dwelling. Council therefore encourages the consolidation of surplus channel reserves and utility lots with existing adjoining lots.

**Creation of Carriageway Easements**

- Council discourages the creation of carriageway easements in rural areas. Council will only support the creation of a carriageway easement in a rural area where an existing lot is land locked and the carriageway easement is compatible with existing agricultural production. A carriageway easement should be sited along lot boundaries. The creation of a carriageway easement should also respond to existing environmental and topographical constraints.

**Area Specific Requirements**

The following area specific requirements apply to Council’s consideration of excisions. In particular, Council will seek to:

- Ensure that an application for the excision of an existing dwelling is accompanied by a total lot size as follows.

(1) Older Irrigated Areas	10 hectares
(2) New Irrigated Areas	20 hectares
(3) Dryland Farming Areas	20 hectares (land with water licence) 100 hectares (land without water licence)

**Deleted:** applications for subdivision including

**Deleted:** consolidation, boundary realignment and the creation of carriageway easement

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**Dwelling**

When considering a permit application for construction of a dwelling, it is policy that:

- The location of dwelling must ensure that adequate buffers are provided to minimise the impact of agricultural activity on adjoining land.

**SCHEDULE TO THE FARMING ZONE**

Shown on the planning scheme map as **FZ number**.

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	All land which is within a gazetted irrigation district.	10 hectares
	Land where a Water Licence has been issued and applied to land for horticultural production purposes.	20 hectares
	All other land	100 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	All land which is within a gazetted irrigation district.	10 hectares
	Land where a Water Licence has been issued and applied to land for horticulture production purposes	20 hectares
	All other land	100 hectares
Maximum area for which no permit is required to use land for timber production (hectares).	None specified	
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres).	All land	100 square metres
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	All land	150 square metres
Minimum setback from a road (metres).	None specified	
Minimum setback from a boundary (metres).	Non specified	
Minimum setback from a dwelling not in the same ownership (metres).	Non specified	

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land
Earthworks which increase the discharge of saline groundwater.	All land