Mildura Planning Scheme Review



Final Report
Version 6

Date: 18 December 2025

Acknowledgement of Country

Mildura Rural City Council acknowledges the Traditional Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors.

This report was prepared by Plan2Place Consulting in partnership with Wayfarer Consulting and Practical Ecology on behalf of Mildura Rural City Council (MRCC).

Photo sources all by Plan2Place Consulting

Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Mildura Planning Scheme

Version	Author	Issue date
1.0	Plan2Place Consulting	6 January 2025
2.0	Plan2Place Consulting	5 February 2025
3.0	Plan2Place Consulting	8 May 2025
4.0	Plan2Place Consulting	9 June 2025
5.0	Plan2Place Consulting	18 September 2025
6.0	Plan2Place Consulting	18 December 2025

Abbreviations

Table 1: Abbreviations

Abbreviation	Meaning
AEO	Airport Environs Overlay
BAO	Buffer Area Overlay
BGLC	Barengi Gadjin Land Council
BMO	Bushfire Management Overlay
CASBE	Council Alliance for a Sustainable Built Environment
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
C	Council Amendment
CDZ	Comprehensive Development Zone
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
DDO	Design and Development Overlay
DPO	Development Plan Overlay
DCPO	Development Contributions Plan Overlay
EGMs	Electronic Gaming Machines
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
EAO	Environmental Audit Overlay
EPAV	Environment Protection Authority Victoria
FZ	Farming Zone
FPMMAC	FPMMAC
FO	Floodway Overlay
GC	Group Council Amendment
GRZ	General Residential Zone
HO	Heritage Overlay
IN1Z	Industrial Zone 1
IN3Z	Industrial Zone 3
LSIO	Land Subject to Inundation Overlay
LGA	Local Government Area
LDRZ	Low Density Residential Zone
LMW	Lower Murray Water
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MHSS	Mildura Housing and Settlement Strategy
MRCC	Mildura Rural City Council
MPS	Municipal Planning Strategy
MUZ	Mixed Use Zone
MOIA	Mildura Older Irrigated Area
NRZ	Neighbourhood Residential Zone
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
PPN	Planning Practice Note
PPV	Planning Panels Victoria
PUZ	Public Use Zone
PPRZ	Public Park and Recreation Zone
PCRZ	Public Conservation and Resource Zone
PO	Parking Overlay
PAO	Public Acquisition Overlay
PSR	Mildura Planning Scheme Review
RAP	Registered Aboriginal Party
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
RAZ	Rural Activity Zone
SMO	Salinity Management Overlay
SSD	Small Second Dwelling

SCO	Specific Controls Overlay
SUZ	Special Use Zone
SMP	Sunraysia Modernisation Project
The Scheme, MiPS	Mildura Planning Scheme
TZ	Township Zone
TRZ	Transport Zone
UFZ	Urban Floodway Zone
UGZ	Urban Growth Zone
VC	Victoria and Council Amendment
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
VGCCC	Victorian Gaming and Casino Control Commission
VPO	Vegetation Protection Overlay
Numeric Abbreviations	
ha	hectares
m	metre
m^2	metres square
%	percent
sqm	square metres
Related Legislation	
Environment Protection Act 2017 (EP Act 2017)	
Subdivision Act 1988 (Sub Act)	
Planning and Environment Act 1987 (P&E Act)	
Additional Legislation References	
Building Act 1993	
Catchment and Land Protection Act 1994	
Environment Effects Act 1978	
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	
Fire Rescue Victoria Act 1958	
Heritage Act 2017	
Native Title Act 1993 (Cth)	
Public Health and Wellbeing Act 2008	

Contents

1. Executive summary and recommendations 9
1.1. Why is the planning scheme being reviewed? 9
1.2. Health check and findings 15
1.3. Top priorities for Council 16
1.4. Consolidated recommendations 18

2. Introduction 23
2.1. Purpose 23
2.2. Methodology 24
2.3. Mildura Context 25
2.4. Existing Zones and Overlays applied in the Mildura LGA 27
2.5. Council Organisational Structure 36

3. What's driving change 37
3.1. Population, growth, and economy 37
3.2. Climate change and other environmental risks 38
3.3. Mildura Older Irrigated Area 40
3.4. Victorian government amendments and advice 47

4. Previous planning scheme review 51
4.1. Previous planning scheme review 51
4.2. Progress since last review 57
4.3. Outstanding work since last review 63
4.4. Obsolete recommendations 65
4.5. Further Strategic Work at Clause 74.02 65
4.6. Findings 66

5. Audit and assessment of current scheme 68
5.1. Methodology 68
5.2. Municipal Planning Strategy 68
5.3. Planning Policy Framework 72
5.4. Zones 77
5.5. Overlays 79
5.6. Particular provisions 83
5.7. General provisions 84
5.8. Operational provisions 85
5.9. Findings 86

6. Planning scheme performance 87
6.1. Planning permit activity 87
6.2. Planning Panels Victoria 95
6.3. Environmental Effects Statements 101
6.4. VCAT 103

7. Consultation and engagement 110
7.1. Planners' feedback 110
7.2. Summary of Feedback from Internal staff (Council Officers) 113
7.3. Summary of Internal Feedback (Councillors and Executive Leadership Team) 114
7.4. Referral and notice agencies 116
7.5. Registered Aboriginal Parties (RAPs) 118
7.6. Community and other external groups 120
7.7. Summary of issues raised through consultation and engagement 124

8. New strategic work 125
8.1. Council projects and documents 125
8.2. Regional projects and documents 127

9. Work underway (Amendments & Projects) 129

10. Key policy areas 131
10.1. Cumbungi 131
10.2. Salinity Management Overlay 132
10.3. Public Open Space Contributions 133
10.4. Gambling 134
10.5. Koorlong Landfill 135
10.6. Environmental Significance Overlay – Schedule 4 (ESO4) 136
10.7. Water Sensitive Urban Design and Integrated Water Management 137

11. Further strategic work 139

Appendix 1 142
Marked up ordinance with policy neutral and strategically justified changes to the planning scheme. 142

Appendix 2 143
Comprehensive list of further strategic work 143

Appendix 3 145
State and regional planning scheme amendments and planning practice notes issued since the last planning scheme review 145

Appendix 4 162
Summary of Submissions Received to Draft Planning Scheme Review and Proposed Responses 162

Appendix 5 191
Round 2 Engagement Posters 191

LIST OF FIGURES AND TABLES

Figure 1: Planning Scheme Review Methodology 24
Figure 2: Mildura Rural City Council Context 26
Figure 3: Mildura Planning Scheme – Zones 27
Figure 4: Mildura Planning Scheme – Mildura, Irymple and Merbein Zones 28
Figure 5: Mildura Planning Scheme – Ouyen Zones 29
Figure 6: Mildura Planning Scheme – Red Cliffs Zones 30
Figure 7: Mildura Planning Scheme – Overlays 32
Figure 8: Mildura Planning Scheme – Mildura, Irymple and Merbein Overlays 33
Figure 9: Mildura Planning Scheme – Red Cliffs Overlays 34
Figure 10: Mildura Planning Scheme – Ouyen Overlays 35
Figure 11: Mildura Rural City Council Organisational Structure 36

Table 1: Abbreviations 4
Table 2: Completed Projects, Amendments, Further Strategic Work Priorities and Lessons 9
Table 3: Chronological Overview of Key Amendments and Developments Impacting MOIA 42
Table 4: Previous Strategic Work (PSW#) Identified in the Mildura Planning Scheme Review 2019 51
Table 5: Completed Strategic Projects Since the 2019 Planning Scheme Review 57
Table 6: Strategic Projects Currently Underway (including alignment with Previous Strategic Work) 59
Table 7: Outstanding Strategic Work from the 2019 Planning Scheme Review 63
Table 8: PPARs Report for Permits Issued Between the 2019 and 31 May 2024 (Financial Years) 87
Table 9: Service Performance Comparison Against Comparable Councils, 2019 - 31 May 2024 88
Table 10: Most Common Application Types Between the 2019 and 31 May 2024 (Financial Years) 90
Table 11: Decision outcome data from 2018 to 31 May 2024 (financial years) 92
Table 12: Applications For Review Against Planning Applications to VCAT, 2019 – 31 May 2024 93
Table 13: Application Distribution Between 2018/2019 and 31 May 2024 (Financial Years)* 93
Table 14: 'C' Type Amendments Undertaken by Council from 2019 (by Gazettal Date) 95
Table 15: VC and GC Amendments to Mildura Planning Scheme From 2018 145
Table 16: New or Updated Ministerial Directions and Planning Practice Notes From 2019 158
Table 17: Summary of Submissions Received in Round 3 to Draft Mildura Planning Scheme Review 2024-25 and Proposed Responses 162
Table 18: Summary of Submissions Received in Rounds 1 and 2 to Draft Mildura Planning Scheme Review 2024-25 and Proposed Responses 177

1. Executive summary and recommendations

1.1. Why is the planning scheme being reviewed?

Mildura Rural City Council as the planning authority for the Mildura Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987 (P&E Act).

Council last undertook a comprehensive review of the planning scheme in 2019. The findings of that review were translated into the planning scheme primarily via Amendment C104mild gazetted in 2023.

In 2021, the planning scheme was restructured to insert a new Municipal Planning Strategy (MPS) and local planning policies in an integrated Planning Policy Framework (PPF) to replace the former Local Policy Planning Framework (LPPF). This was implemented via Amendment C104mild and was a policy neutral amendment undertaken by the Victorian government.

Table 2 provides a summary of key completed projects (notated as COM#), significant planning scheme amendments, significant projects underway (notated as U#), the complete list of further strategic work for 2025 to 2029 (notated as FSW#), and important lessons from VCAT and Planning Panels (with a code where relevant for easy identification). It outlines critical planning priorities, ongoing initiatives, and relevant State Government policies that will shape the future direction of the Mildura Planning Scheme. See **Appendix 2** for a more detailed list.

Table 2: Completed Projects, Amendments, Further Strategic Work Priorities and Lessons

Significant Projects Completed	
COM1	▪ Implementation of 2019 Mildura Planning Scheme Review Report and Planning Policy Framework PPF Translation - Preparation of a new Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).
COM2	▪ Masterplan for the Mildura South Neighbourhood Activity Centre, including the Sixteenth Street Greenway and Ontario Avenue.
(See below)	▪ Land use changes identified in the Planning Scheme Review 2019 (included in list of significant amendments completed):
COM3	– Introduction of Schedules to the Mixed Use Zone (MUZ). (Amendment C104mild)
COM11	– Rezoning of surplus school sites in Merbein and Merbein West to facilitate redevelopment. (Amendment C113mild)
COM12	– Flood mapping updates to the LSIO and FO. (Amendment C106mild)
COM10	– Heritage protection review and updates. (Amendments C123mild and C124mild)
COM13	– Application of the Environmental Audit Overlay to various sites. (Amendment C104mild)

COM7	– Review of the Special Use Zone (SUZ) Schedules 8 and 9. (Amendment C104mild)
COM8	▪ Mildura East Growth Area Strategic Framework Plan (Adopted).
COM9	▪ Mildura Urban Forest Strategy (Adopted).
COM10	▪ Mildura District Heritage Study – Part B – Stage 2 (Adopted).
COM13	▪ Rezoning of transfer stations and landfill sites to Public Use Zone 6 (PUZ6). (Amendment C104mild)
Significant Amendments Completed (by year)	
Amendment C121mild (2024)	▪ Rezoned land at 13 Dal Farra Road, Irymple, from Farming Zone (FZ) to Low Density Residential Zone, Schedule 1 (LDRZ1) and applies the Design and Development Overlay, Schedule 16 (DDO16 - 13 Dal Farra Road, Irymple), Development Plan Overlay, Schedule 2 (DPO2 - Low Density Residential Areas) and Salinity Management Overlay (SMO) to the land to facilitate rural residential development adjacent to the settlement of Koorlong.
Amendment C124mild (2024) – Ministerial	▪ Implemented section 56 of the Heritage Act 2017 to ensure that places in the Mildura Planning Scheme are consistently identified with places in the Victorian Heritage Register.
Amendment C123mild (2023)	▪ Replaced Clause 15.03-1L (Heritage conservation in Mildura) with a new Clause 15.03-1L to insert strategies for Chaffey heritage in the Chaffey Avenue and Environs Area (HO307), Deakin Avenue (HO308) and Lemon Avenue (HO309) into the Planning Policy Framework.
Amendment C104mild (2023)	▪ Restructured the planning scheme by integrating the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) to improve policy clarity and alignment with State planning provisions. Also introduced: - Schedules to the Mixed Use Zone (MUZ) - Rezonings of transfer stations and landfill sites to Public Use Zone 6 (PUZ6) - Application of the Environmental Audit Overlay (EAO) to various sites - Other changes identified in the 2019 Planning Scheme Review.
Amendment C118mild (2023) – Ministerial	▪ Replaced the Mildura Older Irrigation Area Incorporated Document (May 2020) with the Mildura Older Irrigation Area Incorporated Document (October 2023) to delete the requirement that dwellings abutting existing development must not be located in a designated bushfire prone area and makes administrative changes to maximum floor area provisions for dwelling extensions, outbuildings and buildings used for agriculture in Schedules 1, 2 and 4 to Clause 35.06 (Rural Conservation Zone) and the Schedule to Clause 35.07 (Farming Zone).
Amendment C117mild	▪ Rezoning of Surplus Lower Murray Water Land at Lot 3 LP115108 River Avenue Koorlong from PUZ1 to FZ. (Abandoned)
Amendment C113mild (2022)	▪ Rezoned surplus school sites in Merbein and Merbein West to facilitate redevelopment.

Amendment C106mild (2022)	▪ Updated the mapping of the Floodway Overlay and Land Subject to Inundation Overlay along the Murray River corridor within the Rural City of Mildura and amends the Schedule to Clause 72.03 to update the list of maps forming part of the Mildura Planning Scheme.
Amendments VC210 (2022) – Ministerial	▪ Updated Environmental Audit Overlay to various sites in Clause 45.03.
Amendments VC203 (2021) – Ministerial	▪ Updated Environmental Audit Overlay to various sites in Clause 45.03.
Amendment C110mild (2020) – Ministerial	▪ MOIA Incorporated Document Update Introduced the Row of Dwellings provision in the MOIA to regulate small-lot development.
Significant Projects Underway	
U5	▪ Prepare and implement the Mildura Industrial Land Use Strategy.
U16	▪ Implement the Mildura East Growth Area Framework Plan via a Planning Scheme Amendment.
U10	▪ Review and finalise planning options for Hattah township.
U2	▪ Implement the Mildura Heritage Study Part B – Stage 2 via a Planning Scheme Amendment.
U21	▪ Implement the Irymple Structure Plan 2021–2036 via a Planning Scheme Amendment.
U15	▪ Prepare the Integrated Transport and Land Use Strategy.
U17	▪ Prepare a Development Plan for the Irymple Low Density Residential Zone.
U18	▪ Prepare a Conservation Management Plan for the Former Irymple Railway Building. (VHR Listed H2440)
U19	▪ Review of 2017 Stormwater Drainage Report and implement findings via Planning Scheme Amendment to apply the Public Acquisition Overlay (PAO).
Proposed Further Strategic Work (FSW) 2025 – 2029 (By Priority Order)	
FSW1	▪ Prepare and implement the Mildura Industrial Land Use Strategy. *Identified: To guide long-term employment land supply and resolve land use conflicts across the municipality.*
FSW2	▪ Implement the Mildura East Growth Area Strategic Framework and drainage strategy. *Identified: To improve drainage as result of development in the Mildura East Growth Area.*
FSW3	▪ Prepare planning options for Hattah Township. *Identified: To assess the long-term role and planning needs of Hattah Township.*

FSW4	▪ Implement the Residual Effects of Spraying on Soil in Horticultural Areas report. *Identified: To manage environmental risks and support ongoing horticultural productivity and soil health.*
FSW5	▪ Prepare a Hydrological Assessment Report for Basins in Mildura and Irymple. *Identified: To support drainage and stormwater planning for Mildura and Irymple basins)*
FSW6	▪ Implement the Mildura Heritage Study Part B – Stage 2. *Identified: To implement the adopted Mildura Heritage Study Part B – Stage 2.*
FSW7	▪ Implement the 2025 Mildura Planning Scheme Review. *Identified: To implement the adopted 2025 Mildura Planning Scheme Review.*
FSW8	▪ Prepare a Short-Stay Budget Accommodation Strategy. *Identified: To better support tourism growth, appropriate locations for such accommodation and seasonal workforce needs and from previous review.*
FSW9	▪ Implement the Irymple Town Structure Plan 2021-2036. *Identified: To implement the adopted Irymple Town Structure Plan 2021–2036.*
FSW10	▪ Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen. *Identified: To guide future growth and infrastructure.*
FSW11	▪ Prepare Development Contributions Plans as required for growth areas. *Identified: To ensure development contributions align with planned infrastructure delivery.*
FSW12	▪ Implement the Integrated Transport and Land Use Strategy. *Identified: To implement the adopted Integrated Transport and Land Use Strategy.*
FSW13	▪ Implement the Mildura CBD Plan 2020-2035. *Identified: To implement the adopted Mildura CBD Plan.*
FSW14	▪ Implement the Sustainable Subdivision Framework – Stage 2. *Identified: To implement Stage 2 of the Sustainable Subdivision Framework.*
FSW15	▪ Implement the Irymple Low Density Residential Development Plan. *Identified: To implement the adopted Irymple Low Density Residential Development Plan.*
FSW16	▪ Prepare and implement new guidelines for integrated water management and water sensitive urban design. *Identified: To address Mildura's climate zone context and long-term water availability and resilience issues, based on the Key Issues Report.*
FSW17	▪ Investigate strategic options for the low density Lake Hawthorn College Lease land . *Identified: To review and implement appropriate planning controls for College Lease Land.*

FSW18	▪ Review Development Contributions Plans expiring in 2030. *Identified: To reflect infrastructure priorities and ensure equitable cost sharing across developments.*
FSW19	▪ Review the Mildura Retail Strategy. *Identified: To align commercial land supply with projected growth and evolving retail trends.*
FSW20	▪ Implement the Old Aerodrome Sporting Complex Master Plan. *Identified: To deliver staged upgrades and meet community facility needs.*
FSW21	▪ Implement the Mansell Reserve Master Plan 2024. *Identified: To implement the adopted the Mansell Reserve Master Plan.*
FSW22	▪ Develop a Renewable Energy Strategy. *Identified: To address land use conflicts in rural zones and ensure compatibility between agricultural operations and renewable energy infrastructure.*
FSW23	▪ Investigate options to apply the Buffer Area Overlay to protect important industries and infrastructure. *Identified: To ensure appropriate buffers between industrial, landfill, and sensitive uses, based on potential land use conflicts identified in the Key Issues Report.*
FSW24	▪ Undertake a rural land use strategy for the municipality. *Identified: To establish a framework for managing land use change in rural areas.*
FSW25	▪ Implement the Urban Forest Strategy. *Identified: To implement the adopted Urban Forest Strategy.*
FSW26	▪ Implement the Mildura Airport Master Plan. *Identified: To implement the 2024 masterplan for the Mildura Airport with updated planning controls.*
FSW27	▪ Prepare a Housing and Neighbourhood Infill Study. *Identified: To provide a residential development framework for the LGA consistent with Planning Practice Notes 90 and 91.*
FSW28	▪ Prepare and implement a gap analysis for the Mildura Public Open Space Strategy to achieve a clearer nexus for community open space needs related to residential, commercial and industrial subdivisions. *Identified: To strengthen the Mildura Public Open Space Strategy and ensure open space contributions align with actual demand, based on the Key Issues Report.*
FSW29	▪ Review the Salinity Management Overlay (SMO). *Identified: To undertake updated salinity assessments to inform revised mapping and support mitigation of infrastructure degradation and soil quality decline, based on the Key Issues Report.*
FSW30	▪ Review the Design and Development Overlay for Fifteenth Street. *Identified: To align DDOs for Fifteenth Street with updated strategic policies and context.*

FSW31	▪ Undertake a Horticultural Sustainability Development Strategy. *Identified: To promote sustainable land use in Mildura's horticultural areas.*
FSW32	▪ Prepare a planning scheme amendment to assist in the protection of Regent Parrot habitat. *Identified: To strengthen protection of key habitat areas for the Regent Parrot.*
FSW33	▪ Investigate locations for the control of Cumbungi at Lake Cullulleraine. *Identified: To better manage conflicts with irrigation and recreational use of the lake, such as access for boats, swimmers, local irrigation and environmental factors, prompting the need for ongoing monitoring and control measures, based on the Key Issues Report.*
FSW34	▪ Investigate the viability of the current framework for the Mildura Marina. *Identified: To review the framework for the Mildura Marina with updated planning controls.*
FSW35	▪ Implement updated flood modelling for the municipality. *Identified: To complement work being undertaken by the Mallee CMA to recognise updated flood modelling.*
FSW36	▪ Review the current level of electronic gaming machines (EGMs) and their placement in relation to areas of low socio-economic households. *Identified: To reduce gambling impacts on Mildura's population as the Mildura LGA has the third-highest losses from EGMs in Victoria, based on the Key Issues Report.*
FSW37	▪ Prepare and implement Urban Design Guidelines for Langtree Mall. *Identified: To improve the relation private development to the public realm in Langtree Mall.*
FSW38	▪ Review the signage requirements for recreation reserves. *Identified: To standardise signage across recreation reserves to support usability and amenity.*
FSW39	▪ Investigate Opportunities for Agriculture Related Tourism. *Identified: To leverage the region's agricultural strengths and diversify the tourism offer.*
VCAT, Panels and Victorian Government Initiatives	
Lessons from VCAT and Planning Panels	▪ Challenges in **construction of rural dwellings** and the appropriate subdivision controls – need for clearer local policy guidance. ▪ Planning panel and DTP recommendations on strategic gaps – **open space contributions and industrial zoning** consistency. ▪ Issues with **developer contributions** – need for a clearer framework for infrastructure funding and significant funding gaps identified. ▪ **Industrial land use conflicts** – importance of defined buffer areas and appropriate separation distances to sensitive uses. ▪ **Clarity on discretionary uses in rural areas** – Addressing ambiguities in land use policy to support balanced rural development. ▪ **Review of open space contributions** – Ensuring sufficient passive and active recreational open spaces in growth areas and areas of urban intensification.

Important Victorian Government Policy/ Initiatives	• **Victorian Housing Statement** (VC242, VC243 and VC253) – Housing diversity and affordability provisions and streamlined planning approvals. • **Townhouse and Low-Rise Code** (VC267) – Implements a deemed-to-comply assessment pathway at Clause 55 for residential development of up to three storeys, streamlining permit processes, reducing third-party review rights where standards are met and supporting faster, more certain decisions. • **Single dwelling provisions (VC282)** Implements a deemed-to-comply assessment pathway at Clause 54 for residential development of single dwellings on lots under 300 sqm. • **Climate Change and ESD Policies** (VC216 and VC221) – Strengthened policies and provisions for environmentally sustainable development. • **Buffer Area Overlay** (VC175) – Areas for potential buffer areas and separation distances to sensitive uses. • **Rural Worker Accommodation** (VC202) – Supporting seasonal workforce needs in the agricultural sector. • **Plan for Victoria** (VC283) - a new plan for Victoria to guide outcomes in cities, towns and regions over the coming decades that focuses on five pillars and eight "Big Ideas" to transform Victoria.

1.2. Health check and findings

Overall, the Mildura Planning Scheme (the scheme) provides a robust strategic and statutory framework for land use and development in the Mildura Rural City Council (MRCC) LGA. The planning scheme was translated into the new structure with an MPS and integrated PPF and needs minor updating as a result of improvements that have been made to the MPS and PPF structure over the last few years.

The scheme's MPS requires some administrative and population updates and some very minor administrative corrections. Planning policies in the PPF also require some administrative updates and minor restructuring to give them improved strategic and statutory effect.

Other schedules should be redrafted, where required, to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Environmental Significance Overlay (ESO) mapping needs to be revised such as for Schedule 4. Similarly, **the Specific Controls Overlay should also be updated** to remove the overlay from the urban area of Mildura, similar to how the overlay does not apply to the township of Merbein. Several overlays should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*. There could be greater use of VicSmart local provisions for simple, non-contentious applications and this could be considered for range of identified application types through future strategic work.

Statutory Planning Permit Applications - over the past five years, the number of applications received and determined has remained relatively consistent, averaging around 580 per financial year. However, in 2021/22 and 2022/23, the number of applications lodged exceeded those determined, largely due to resourcing constraints during the Covid-19 pandemic. The introduction of additional resources in 2023/24 has led to a significant improvement in processing times. While refusal rates remain low, a notable number of applications are withdrawn or marked as no permit required, sometimes due to a lack of clarity in the planning scheme and in some instances due to applicants making ambit claims.

Key Policy Issues - further strategic work on key policy issues is needed to strengthen and improve the strategic directions of the scheme to better guide decision making around:

- Public Open Contributions.
- Salinity Management Overlay.
- Gambling.
- Cumbungi.
- Water Sensitive Urban Design and Integrated Water Management
- Environmental Significance Overlay – Schedule 4 (ESO4).
- Koorlong Landfill.
- Climate Change.

Resourcing - there is adequate resourcing of the planning functions at Council but this could be improved both in the statutory and strategic planning areas. Given the Council's rural location in north-west Victoria, staff attraction and retention can be a significant issue and recruitment is an ongoing challenge. Council has recently undertaken further recruitment to fill vacant positions.

Budget - the budgetary impact of the funding of strategic projects and their implementation can also be a significant issue for Council in a rate capped and inflationary fiscal environment. There are many strategic projects on the list of future strategic work that have been undertaken and completed. However, there are some that have not been progressed since the 2019 review, many of which are underway such as the Industrial Land Use Strategy and Integrated Transport and Land Use Strategy. Council needs to prioritise funding to a range of other identified projects in order to implement this planning scheme review. To assist with this, Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies, the Commonwealth Government and regional organisations.

Council delegations for planning functions currently state that any application where seven or more objections have been received or called in (signed by 2 councillors with a community interest) must be determined by Council (at the PRC). This results in Council considering approximately 2-5 applications per year. The level of delegation is generally sufficient and consistent with an efficient and well-functioning planning scheme and application process. Most planning applications are delegated to officers, where a peer review of a delegate report is undertaken before being countersigned by a planner of equal position or a principal or Manager.

Strategic planning matters and proposals received and progressed are regularly reported to Council. This enables Councillors to raise any issues or specific matters about strategic planning for reporting to Council in Council's role as the planning authority. This is an important part of Council's planning function.

During this planning scheme review, it has become clear that the executive team at Council and Councillors both understand and are committed to directing adequate resources to improve the performance of the planning function at Council and outcomes delivered through strategic planning projects that will make the most difference to the wider community.

2025 Planning Scheme Review - Following Council Adoption, the 2025 review report will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act.

A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report.

1.3. Top priorities for Council

The review has identified **further strategic work priorities** as shown in **Table 2**. These strategic projects should be included in the schedule to Clause 74.02 of the Mildura Planning Scheme. A range of additional strategic projects have been identified once the prioritised projects have been completed, if organisational priorities change or if funding opportunities emerge. These projects can

be adjusted and actioned as best seen fit by Council through its usual budget and resource planning roles.

1.3.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the *Ministerial Direction on the Form and Content of Planning Schemes* (MDFC). These are administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the MPS to bring it up to date with the most recent ABS and economic data, and the Council Plan.

The planning permit audit and consultation with referral authorities and Council staff identified that some provisions could be better drafted and some internal processes improved, although it was noted that there had been great improvements with processes. A range of further strategic work was identified to improve the workings and outcomes sought through the planning scheme.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council policy and practice including:

- Minor administrative corrections and updates to the MPS and adding strategic directions related to bushfire hazard, encouraging infill housing and mixed-use opportunities, including directions around freight and passenger rail services and updating the strategic framework plan.
- Strengthening local policies and undertaking administrative updates to Clauses 11.01-1L-01 to 11.01-1L-07, 11.03-1L-02, 11.03-1L-03, 14.01-1L-01 to 14.01-1L-04, 15.01-1L, 15.01-3L, 15.01-5L, 15.03-1L, 16.01-1L-01, 16.01-3L-02, 17.03-1L-01 to 17.03-1L-03, 17.04-1L, 18.02-2L and 18.02-4L of the scheme.
- Updating zone and overlay schedules to be consistent with the MDFC.
- Updating Clause 74.01 to list the application of zones and overlays in the municipality.
- Updating Clause 74.02 to align with the strategic work that has been completed by Council and the future strategic work that is pending.
- Updates to sections of the scheme resulting from several submissions to the planning scheme review.
- Mapping updates to the SCO1 and ESO4.

All of these matters can be progressed through an exhibited Amendment.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has been undertaken and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to undertake the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council has been summarised in this report and provided to Council for reference.

These planning scheme changes are marked as track changes on the supporting Mildura Planning Scheme (the scheme) ordinance at **Appendix 1**.

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [source code]. This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original

context. If the words NEW is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full, or exhibited, amendment.

1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations.
- Further strategic work recommendations.
- Process improvement recommendations.
- Advocacy recommendations.
- Minister for Planning recommendation.

Recommendation:

It is recommended that Council:

R1. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix 1 to:

a) Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.

b) Include revised or new policy and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies.

1.4.1. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and included in the recommendations at R2 below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**. The following recommendations at R2 below, represents the further strategic work that is considered will have the most positive impact for the MRCC community and the efficiency of the planning function. Some of these projects are either underway or near completion. The list is presented in order of project priority, reflecting the recommended sequencing for implementation.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at **Appendix 1**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years.

Recommendation:

It is recommended that Council:

R2. Undertake the following further strategic work during 2025-2029 and beyond:

FSW1	**Prepare and implement the Mildura Industrial Land Use Strategy.**
FSW2	**Implement the Mildura East Growth Area Strategic Framework and drainage strategy.**
FSW3	**Prepare planning options for Hattah Township.**
FSW4	**Implement the Residual Effects of Spraying on Soil in Horticultural Areas report.**
FSW5	**Prepare a Hydrological Assessment Report for Basins in Mildura and Irymple.**
FSW6	**Implement the Mildura Heritage Study Part B – Stage 2.**
FSW7	**Implement the 2025 Mildura Planning Scheme Review.**
FSW8	**Prepare a Short-Stay Budget Accommodation Strategy.**
FSW9	**Implement the Irymple Town Structure Plan 2021-2036.**
FSW10	**Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen.**
FSW11	**Prepare Development Contributions Plans as required for growth areas.**
FSW12	**Implement the Integrated Transport and Land Use Strategy.**
FSW13	**Implement the Mildura CBD Plan 2020-2035.**
FSW14	**Implement the Sustainable Subdivision Framework – Stage 2.**
FSW15	**Implement the Irymple Low Density Residential Development Plan.**
FSW16	**Prepare and implement new guidelines for integrated water management and water sensitive urban design.**
FSW17	**Investigate strategic options for the low density Lake Hawthorn College Lease land.**
FSW18	**Review Development Contributions Plans expiring in 2030.**
FSW19	**Review the Mildura Retail Strategy.**
FSW20	**Implement the Old Aerodrome Sporting Complex Master Plan.**
FSW21	**Implement the Mansell Reserve Master Plan 2024.**
FSW22	**Develop a Renewable Energy Strategy.**

FSW23	**Investigate options to apply the Buffer Area Overlay to protect important industries and infrastructure.**
FSW24	**Undertake a Rural Land Use Strategy for the municipality.**
FSW25	**Implement the Urban Forest Strategy.**
FSW26	**Implement the Mildura Airport Master Plan.**
FSW27	**Prepare a Housing and Neighbourhood Infill Study.**
FSW28	**Prepare and implement a gap analysis for the Mildura Public Open Space Strategy to achieve a clearer nexus for community open space needs related to residential, commercial and industrial subdivisions.**
FSW29	**Review the Salinity Management Overlay.**
FSW30	**Review of Design and Development Overlay for Fifteenth Street.**
FSW31	**Undertake a Horticultural Sustainability Development Strategy.**
FSW32	**Prepare a planning scheme amendment to assist in the protection of Regent Parrot habitat.**
FSW33	**Investigate locations for the control of Cumbungi at Lake Cullulleraine.**
FSW34	**Investigate the viability of the current framework for the Mildura Marina.**
FSW35	**Implement updated flood modelling for the municipality.**
FSW36	**Review current level of electronic gaming machines (EGMs) and their placement in relation to areas of low socio-economic households.**
FSW37	**Prepare and implement Urban Design Guidelines for Langtree Mall.**
FSW38	**Review the signage requirements for recreation reserves.**
FSW39	**Investigate Opportunities for Agriculture Related Tourism.**

1.4.2. Process improvements

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

Recommendations:

It is recommended that Council:

R3. Include the following matters about internal Council processes that could be improved:

- **a) Maintain existing delegations for planning applications and if financially able, complement the existing resources of the statutory planning and strategic planning areas.**
- **b) As a guide, recommend a cap of 25-35 applications per statutory planner at any one time.**
- **c) Consider the preparation of a Memorandum of Understanding (MOU) between Council and the Barengi Gadjin Land Council and the First Peoples of the Millewa Mallee Aboriginal Corporation that clearly and consistently outlines roles and responsibilities for each party across a range of scenarios in a partnership approach.**
- **d) Consider the preparation of a Memorandum of Understanding (MOU) between Council and Lower Murray Water to explore the issue of subdivision in declared irrigation districts.**
- **e) Consider the function and processes of the Planning Referral Committee regarding delegated sign off for applications in areas with an approved Development Plan.**

1.4.3. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the Victorian government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

R4. Advocate to the Victorian Government to:

- **a) Provide a clear roadmap for implementing Environmentally Sustainable Development (ESD) objectives within planning schemes.**
- **b) Re-envisage and update growth area planning frameworks to better reflect regional needs.**
- **c) Ensure Windfall Gains Tax (WGT) revenue delivers tangible benefits to regional communities.**
- **d) Undertake a review of the Planning and Environment Act 1987.**
- **e) Establish clear implementation and monitoring for housing targets.**

1.4.4. Minister for Planning

Mildura Rural City Council, with assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Recommendations:

It is recommended:

R5. **That Council note the Mildura Planning Scheme Review and the outcomes of the consultation and submissions process with the community and stakeholders about the findings and draft recommendations of the review.**

R6. **That Mildura Rural City Council adopt this Planning Scheme Review and forward it to the Minister for Planning as evidence that Mildura Rural City Council, as the planning authority for Mildura Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

Commented [PB1]: have removed this recommendation given we are now at the end of the review

2. Introduction

2.1. Purpose

Review Period

Mildura Rural City Council as the Planning Authority for the Mildura Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

Scope

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The **effectiveness and efficiency** of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- **Aligning** the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a **clear narrative** about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- **Align** Council's policy position with the planning scheme.
- **Update** out of date or redundant information.
- **Educate** and inform stakeholders about how the planning scheme works and the process by which to improve it.

Implementation of the 2019 Planning Scheme Review

Council last undertook a comprehensive review of the planning scheme in 2019 and prior to that in 2014. Much of the 2019 review is either underway or has been implemented through a variety of planning scheme amendments including **Amendment C104mild gazetted in 2023**.

Amendment C104mild **restructured the planning scheme** by inserting a new Municipal Planning Strategy (MPS) and local planning policies to replace the former Local Policy Planning Framework (LPPF) into the new Planning Policy Framework (PPF). This was a policy neutral amendment undertaken by the Victorian government in partnership with Council.

The new MPS and local policies in the PPF have significantly revised and restructured the LPPF to reflect current strategic directions for land use and development and incorporate a more usable and relevant planning scheme format.

Preparation of the 2025 Mildura Planning Scheme Review

Following adoption, the 2025 review report, it will be forwarded to the **Minister for Planning** as required under section 12(B) of the Act.

A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report.

2.2. Methodology

A six-stage methodology has been developed by the Department of Transport and Planning (DTP) to undertake planning scheme reviews as shown in **Figure 1**.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Plan2Place Consulting was engaged by Council to conduct Stages 1 to 4 for the Mildura Rural City Council and to finalise the review in Stage 6.

Stage 5 has involved significant consultation with the community, stakeholders and other groups leading to Stage 6 which involves adoption by Council and then sending the review to the Minister for Planning. Following that, and as an adjunct part of Stage 6, a planning scheme amendment will be progressed to implement the recommendations of the review, which the community will be consulted on. The amendment will be exhibited and submissions invited from community members in accordance with the requirements of the Planning and Environment Act 1987. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning Scheme Review Methodology



The timing for the project is:

Stage	Timing
Initiate	March – May 2024
Analyse	May – December 2024
Engage	May – August 2024 and early 2025
Report	Early-Mid 2025 (Draft Report); Final Report September 2025
Consult	Mid 2025
Implement	Late 2025 onwards

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP, plus other directions and guidance materials as included in the appendices.

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.
- Ministerial Direction No. 22 Climate Change Considerations.

Planning practice notes and advice:

- A Practitioner's Guide to Victoria's Planning Schemes.
- PPN46 – Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

2.3. Mildura Context

Situated in north west Victoria and sharing borders with New South Wales and South Australia, the Mildura Rural City Council (MRCC) LGA is the largest municipality in Victoria, covering an area of 22,083 square kilometres.

The main urban centre of the municipality is the regional city of Mildura, surrounded by the satellite towns of Irymple, Nichols Point, Red Cliffs and Merbein. Ouyen is the major town in the south of the municipality and there are several other smaller settlements throughout the rural areas including Meringur, Werrimull, Cullulleraine, Koorlong, Cardross, Nangiloc, Colignan, Walpeup, Underbool and Murrayville.

At the time of the last review the resident population of the municipality in 2021 was about 56,972 and Council expects the population to be approximately 62,990 by 2036 (VIF, 2023).

The environmental characteristics of the municipality vary considerably in climate, soil type, ground and surface water, riparian areas, and flora and fauna. The municipality hosts almost 30 per cent of the total area of the Victorian Parks system including the Hattah-Kulkyne, Murray-Sunset and Wyperfeld National Parks, Big Desert Wilderness Area and the Murray-Kulkyne Park. Other reserves contain a significant proportion of remnant vegetation, particularly understorey and ground flora.

The Murray River borders the municipality and forms part of the Murray-Darling basin, which is one of the world's largest river systems. Environmental flows in the Murray River are important in sustaining the significant amounts of riparian land within the municipality which are of environmental, ecological and economic importance.

The municipality has over 3,800 Aboriginal places of cultural significance and the recent landmark Native Title determination recognises the First Peoples of the Millewa-Mallee's exclusive possession of certain parcels of land (mostly from what was known as former Crown land) and now reserved expressly for the benefit of First Nations people. Three groups of First Nations people now have the right to control access to designated parts of their Country spanning thousands of square kilometres of the Mallee between Kings Billabong and Hattah, in the east, and the South Australian border in the west.

In terms of post contact settlement, the first European pioneers arrived in the region at Wentworth in the 1840s. The arrival of the Chaffey brothers and the development of irrigation infrastructure in the 1880s provided the impetus for growth in Mildura and the broader region. Many of the original buildings and irrigation infrastructure of that period still exist today and continue to have practical application and historical interest. Items of heritage significance in the former Shire of Walpeup provide a history of settlement and the burgeoning pastoral industry in the Mallee.

The Mildura region has an $8.8 billion economy dominated by the construction, manufacturing, agriculture and horticulture sectors. The Mildura Older Irrigated Areas (MOIA) and Newer Irrigated Areas (NIA) generate economic activity in agriculture and related sectors such as manufacturing, wholesale trade, transport and storage. The economic base of the municipality is now diversifying with emerging industries such as mineral sands, salt extraction, boat building, packaging and solar power generation.

The municipality and surrounding region are served with a range of transport infrastructure including highways, railways, Mildura Airport and limited public transport.

The context for the Mildura Rural City Council (MRCC) Local Government Area (LGA) is shown in **Figure 2**.

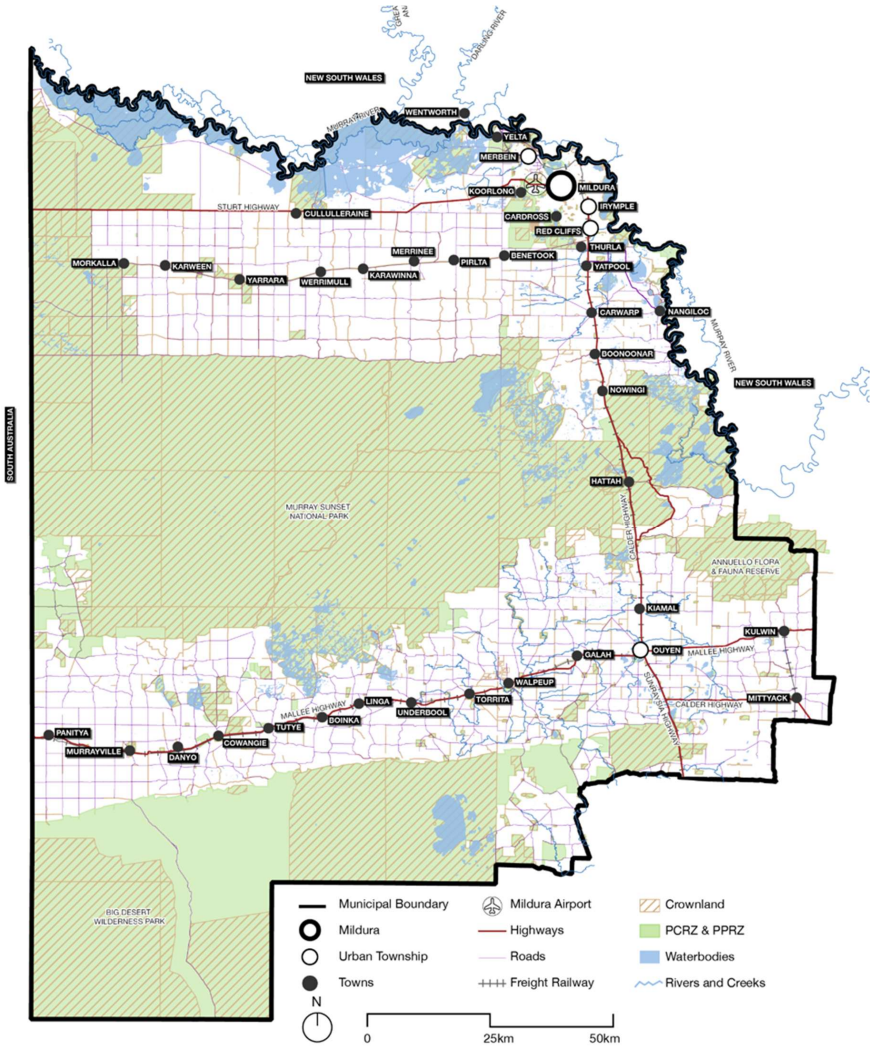


Figure 2: Mildura Rural City Council Context

2.4. Existing Zones and Overlays applied in the Mildura LGA

The existing zones and overlays applied in the Mildura LGA that are currently included in the Mildura Planning Scheme (the scheme) and subject to this review are shown in **Figures 3 - 10**.

Figure 3: Mildura Planning Scheme – Zones

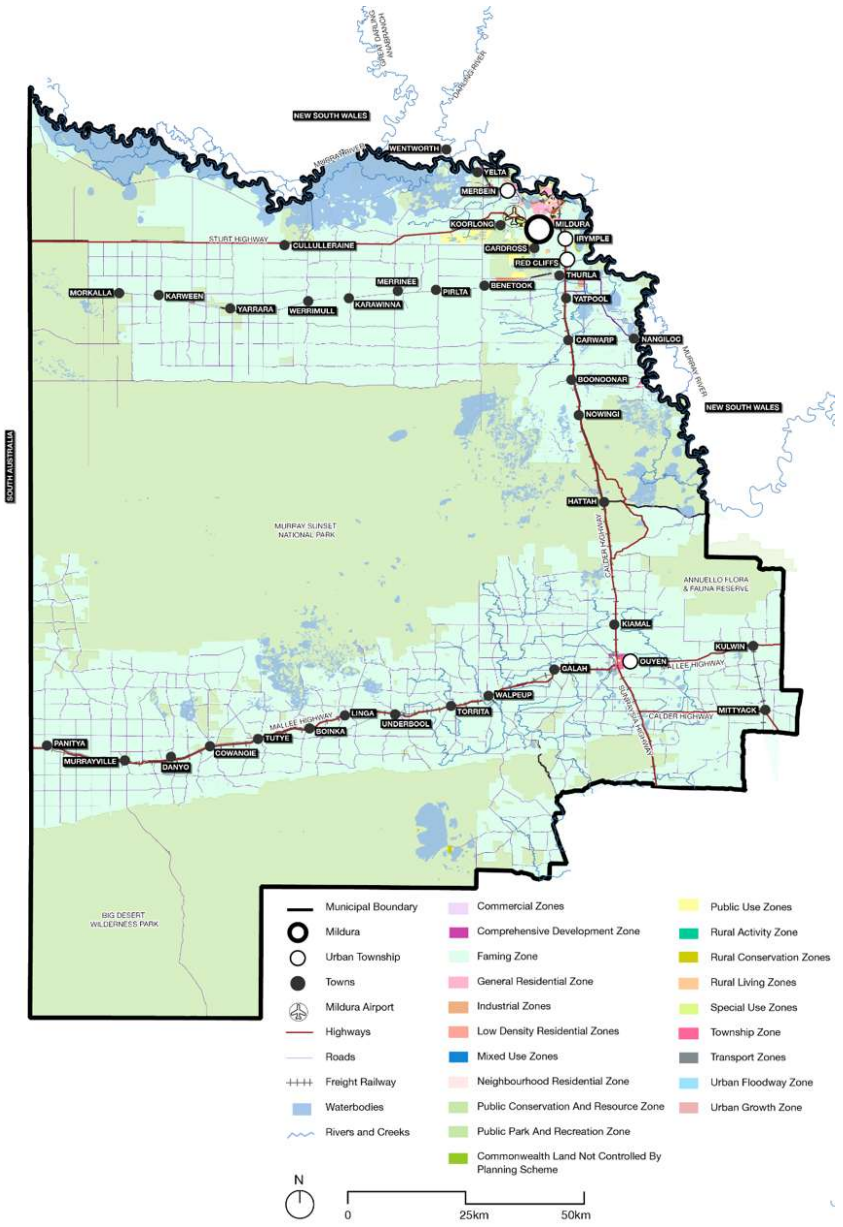


Figure 4: Mildura Planning Scheme – Mildura, Irymple and Merbein Zones

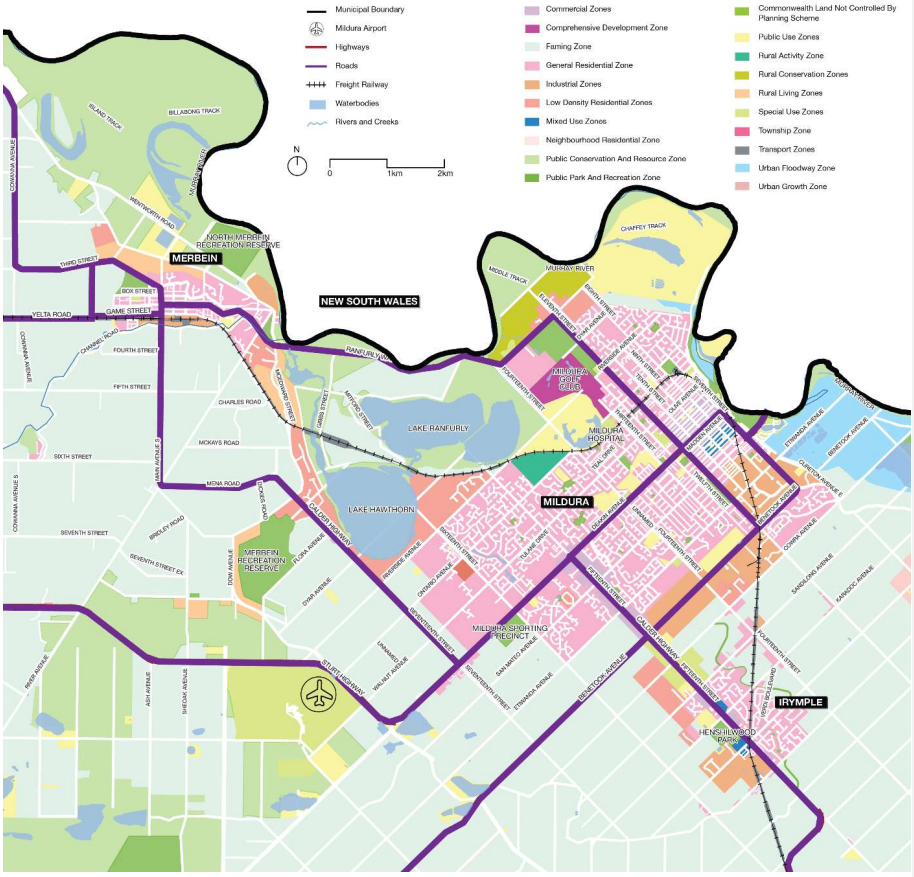


Figure 5: Mildura Planning Scheme – Ouyen Zones

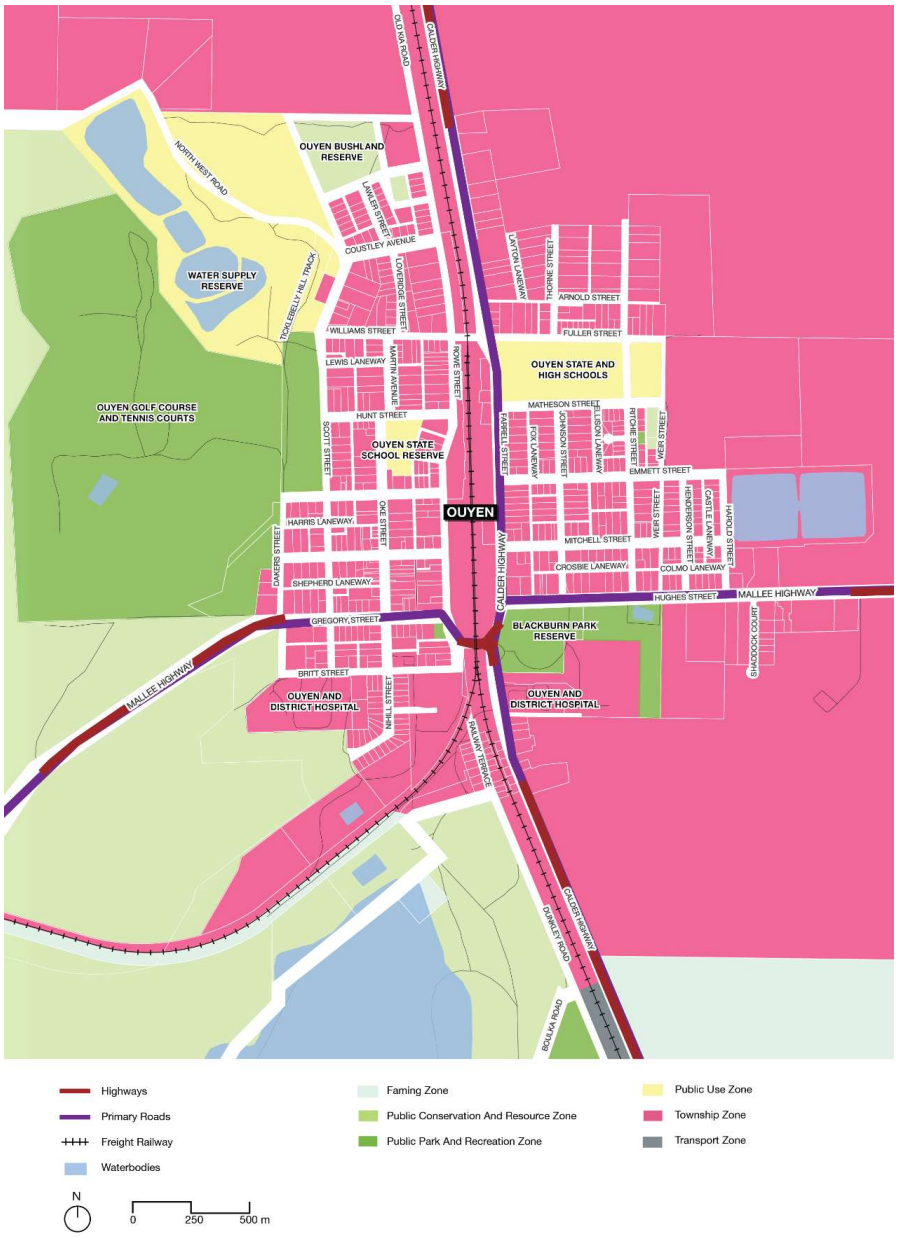
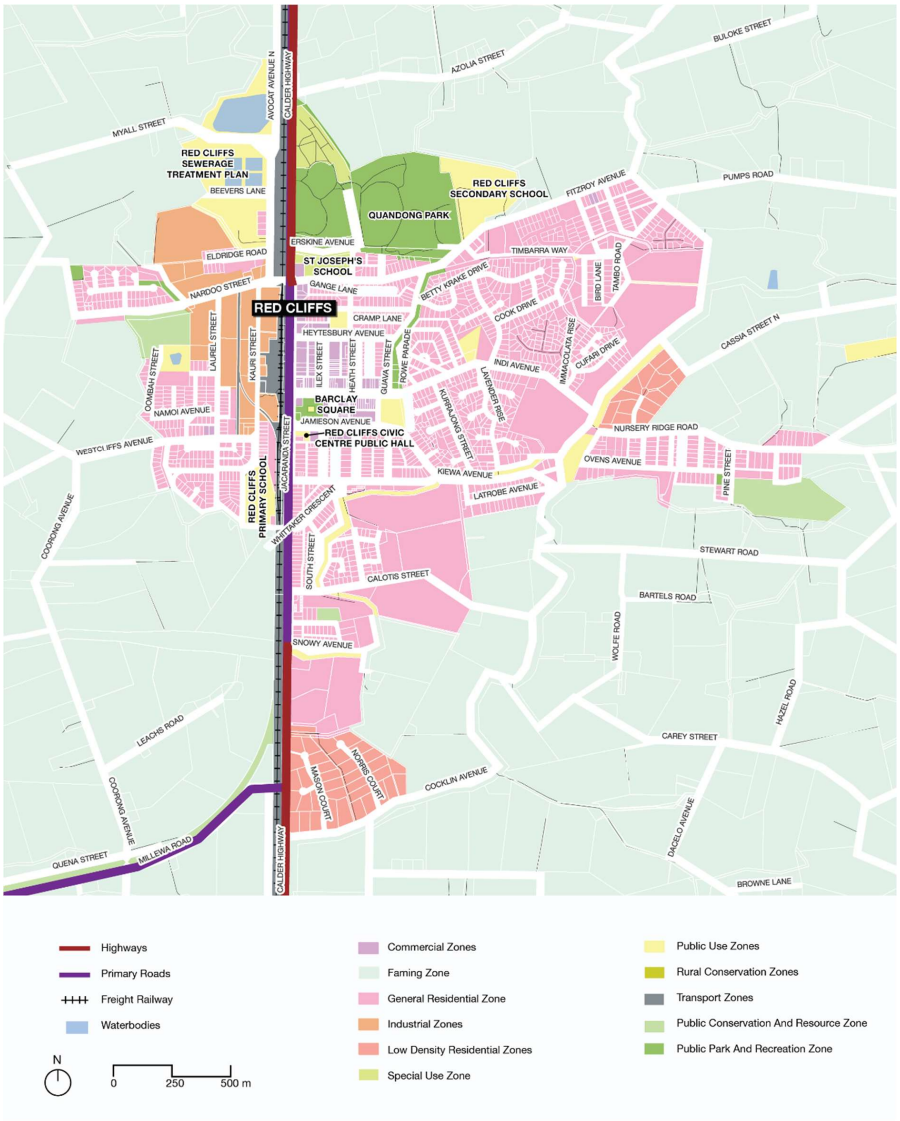


Figure 6: Mildura Planning Scheme – Red Cliffs Zones



Zones within the Mildura LGA

There are a total of 22 zones in the Mildura Planning Scheme containing 36 separate schedules as detailed below.

For a list of abbreviations that might assist in understanding how these zones and overlays are referred to in planning documents, please refer to the abbreviations included in **Table 1** on pages 3-4:

- Low Density Residential Zone (LDRZ - 2 schedules).
- Mixed Use Zone (MUZ - 4 schedules).
- Township Zone (TZ- 1 schedule).
- Residential Growth Zone (RGZ - 1 schedule).
- General Residential Zone (GRZ - 1 schedule).
- Neighbourhood Residential Zone (NRZ - 1 schedule).
- Industrial 1 Zone (IN1Z - 1 schedule).
- Industrial 3 Zone (IN3Z - 1 schedule).
- Commercial 1 Zone (C1Z - 1 schedule).
- Commercial 2 Zone (C2Z - no schedule).
- Rural Living Zone (RLZ - 1 schedule).
- Rural Conservation Zone (RCZ - 4 schedules).
- Farming Zone (FZ - 1 schedule).
- Rural Activity Zone (RAZ - 1 schedule)
- Public Use Zone (PUZ - 1 schedule).
- Public Park and Recreation Zone (PPRZ - 1 schedule).
- Public Conservation and Resource Zone (PCRZ - 1 schedule).
- Transport Zone (TRZ - no schedule).
- Special Use Zone (SUZ - 10 schedules).
- Comprehensive Development Zone (CDZ - 1 schedule).
- Urban Floodway Zone (UFZ - 1 schedule).
- Urban Growth Zone (UGZ - 1 schedule).

Overlays within the Mildura LGA

There are a total of 15 overlays in the Mildura Planning Scheme, with 37 schedules, as follows:

- Environmental Significance Overlay (ESO - 3 schedules).
- Vegetation Protection Overlay (VPO - 2 schedules).
- Heritage Overlay (HO - 1 schedule, covering 283 listed heritage places).
- Design and Development Overlay (DDO - 14 schedules).
- Development Plan Overlay (DPO - 6 schedules).
- Salinity Management Overlay (SMO - 1 schedule).
- Floodway Overlay (FO - 1 schedule).
- Land Subject to Inundation Overlay (LSIO - 1 schedule).
- Bushfire Management Overlay (BMO - no schedule).
- Public Acquisition Overlay (PAO - 1 schedule).
- Airport Environs Overlay (AEO - 2 schedules).
- Environmental Audit Overlay (EAO - no schedule).
- Development Contributions Plan Overlay (DCPO - 3 schedules).
- Parking Overlay (PO - 1 schedule).
- Specific Controls Overlay (SCO - 1 schedule).

Figure 7: Mildura Planning Scheme – Overlays

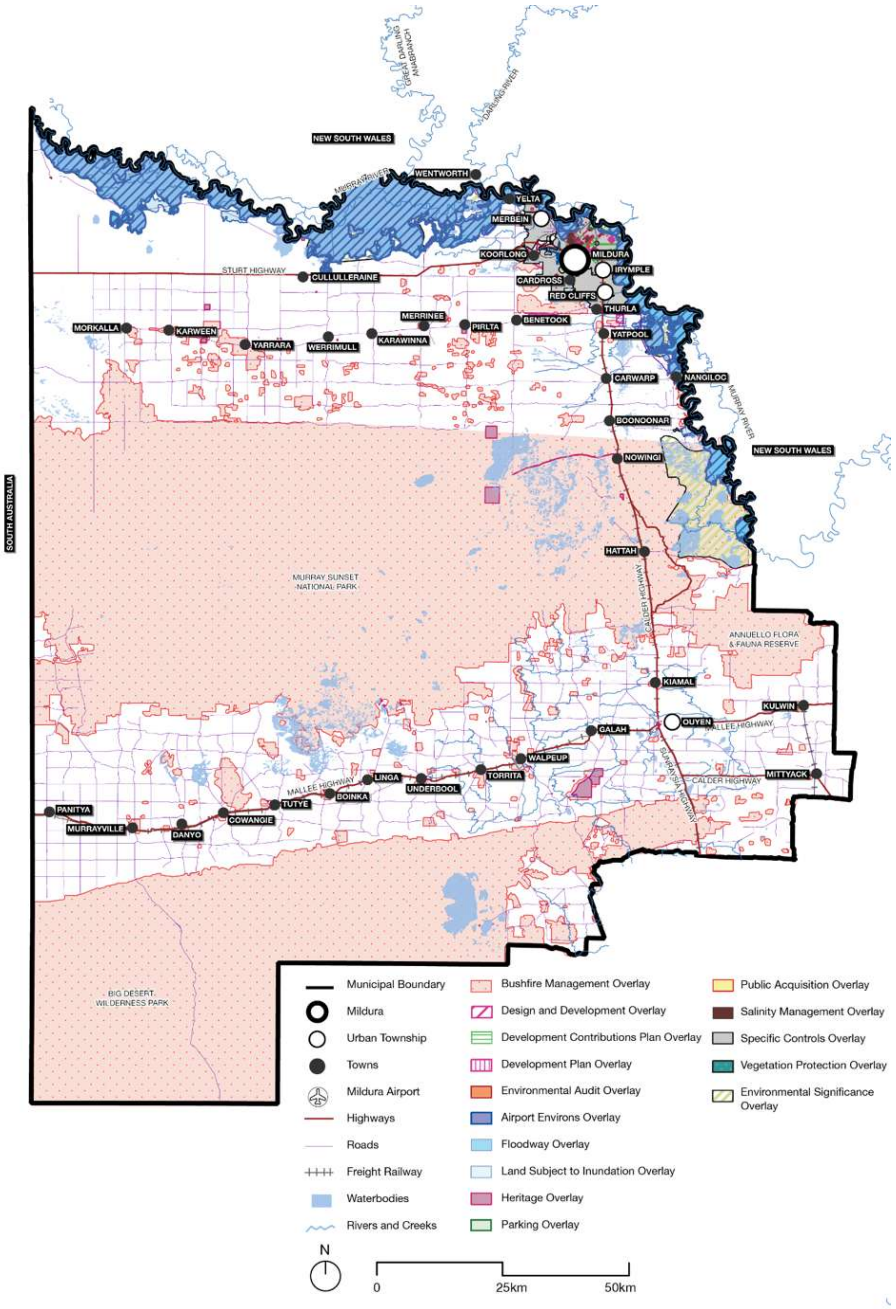


Figure 8: Mildura Planning Scheme – Mildura, Irymple and Merbein Overlays

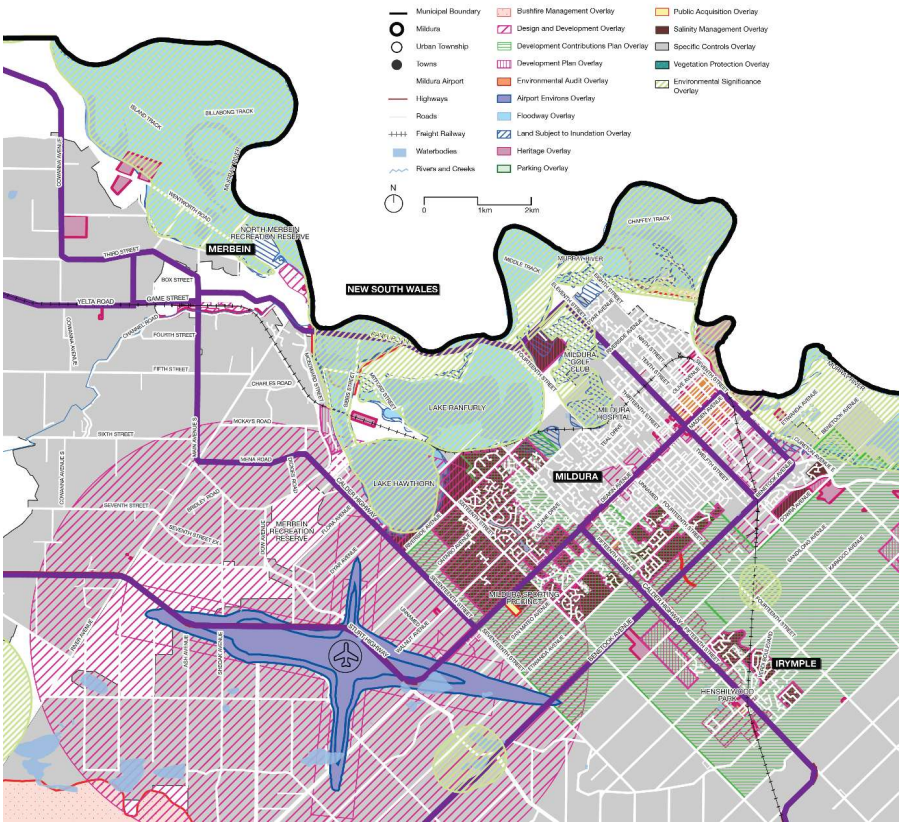


Figure 9: Mildura Planning Scheme – Red Cliffs Overlays

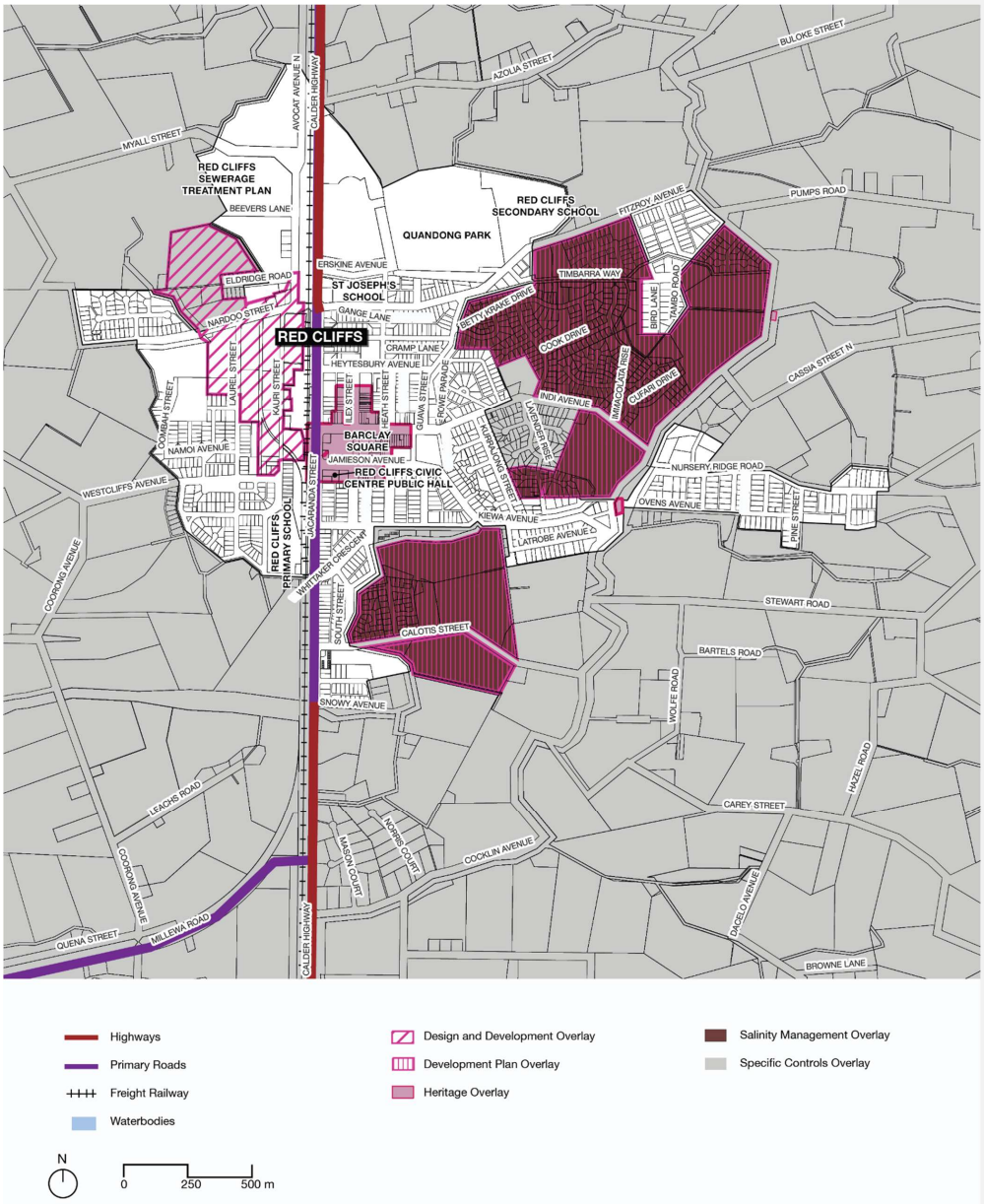


Figure 10: Mildura Planning Scheme – Ouyen Overlays

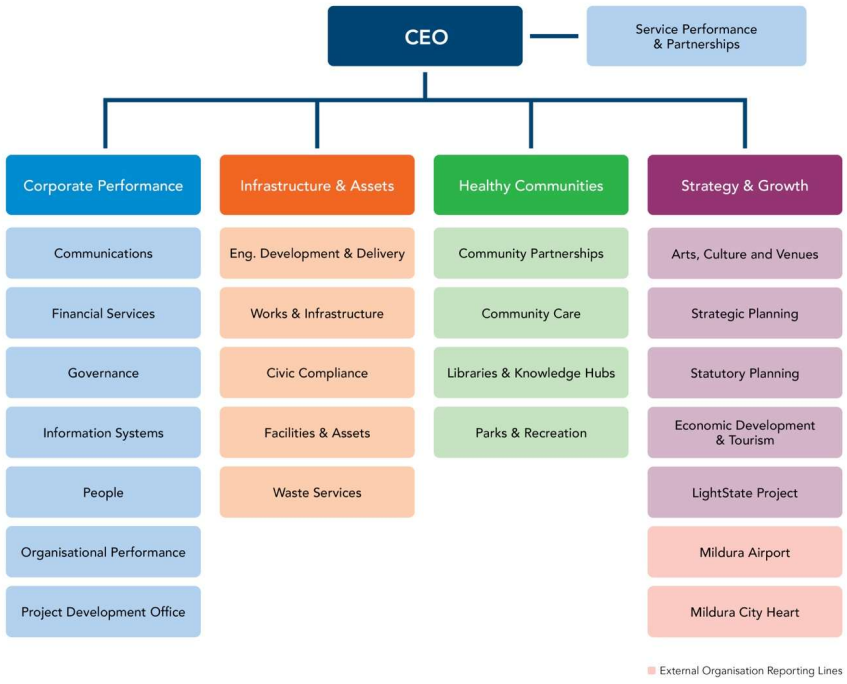


2.5. Council Organisational Structure

The Council's organisational structure includes the Chief Executive Officer and four General Managers responsible for different departments. Corporate Performance manages governance, people, and financial services, while Infrastructure and Assets supervises the municipality's infrastructure and waste management. Healthy Communities focuses on promoting social inclusion, health, and environmental sustainability, and Strategy & Growth drives economic development, managing statutory and strategic planning along with other key initiatives, as shown in **Figure 11.**

Figure 11: Mildura Rural City Council Organisational Structure

Commented [RA2]: Need image to replace



3. What's driving change

This section outlines the key drivers influencing future land use and planning in the Mildura Rural City Council area. These factors shape the strategic direction of Council's planning policies and guide future development. Key factors influencing change include:

- **Population Growth & Economy**: increasing population and household changes affecting housing demand and urban expansion.
- **Climate Change & Environmental Risks**: risks posed by hotter and drier conditions, flood risks and the need for sustainable water management.
- **Mildura Older Irrigated Area (MOIA)**: historical planning controls, agricultural preservation and urban encroachment challenges.
- **Victorian Government Planning Scheme Amendments & Advice**: recent state-level policy changes impacting local planning schemes, including housing targets, overlays and environmental regulations.

Following this summary, each of these topics is discussed in further detail.

3.1. Population, growth, and economy

The **population** of the Mildura Rural City Council LGA grew from approximately 49,815 persons in 2006 to 50,979 persons in 2011 and to 56,972 in 2021 (ABS, 2021). The population of the LGA grew over the period 2006 to 2021 at an average annual rate of 0.96 per cent. This is lower than the state of Victoria's average annual population growth over this period of 2.12 per cent.

Approximately 74 per cent of the population live in the Main Urban Areas, which include Mildura, Irymple and Nichols Point, while the remaining population lives in settlements such as Merbein, Red Cliffs, Ouyen and Cabarita. The LGA has an ageing population in comparison to Victoria as a whole. The median age in the LGA increased from 39 in 2011 to 40 years of age in 2021, and the proportion of people aged over 60 increased since 2011. As at the 2021 Census, the median age of the population in Victoria as a whole was 38 years of age.

The average household size in the LGA is 2.4 persons per household (ABS, 2021). While most households in the municipality are family households, the number of lone person households is increasing and makes up 29 per cent of all households as at the 2021 Census. This is higher than the proportion of lone person households in Victoria as a whole, being 25.9 per cent of households.

The municipal population is projected to increase by approximately 1.1 per cent each year until 2036 when the population is projected to reach 62,990 people. It is anticipated that Mildura, Irymple, and Nichols Point will continue to accommodate a greater proportion of new population in the LGA. Mildura's current and anticipated future importance in servicing populations across the Sunraysia region, extending across borders into neighbouring states, means key growth areas have been identified to Mildura's south and east.

In 2021, the Council had 25,344 private dwellings and this is forecast to increase to 31,070 dwellings by 2046 (REMPLAN, 2023). This represents an additional 5,700 dwellings to be accommodated. Other supply is provided through smaller isolated parcels spread throughout various townships.

3.1.1. Council Plan 2025-2029

Council and the local community prepared an update in 2025 to the Community Vision 2021-2040 and the Council Plan 2025-2029 was then aligned to that vision which is:

"We are a liveable, people friendly community."

Further detail in the 2040 Community Vision themes that underpin the Council Plan are as follows:

- Environment: We will sustain and enhance our natural environment and resources for current and future generations.
- Community: We will be a healthy, respectful and connected community.
- Place: We will be a place to live, belong and visit with infrastructure and development that enhances our lifestyle.
- Economy: We will have a thriving economy that harnesses our strengths and capitalises on opportunity.
- Leadership We will have responsible, collaborative leadership that puts community wellbeing at the heart of decision-making.

It is proposed that the above updated vision and Community Vision themes as developed through the new Council Plan 2025-2029 should be incorporated into Council's Municipal Planning Strategy in the Mildura Planning Scheme as part of the planning scheme review.

Findings:

Key findings are outlined below:

F1. Incorporate the new vision from the Council Plan 2025-2029 into the Mildura Planning Scheme.

3.2. Climate change and other environmental risks

Mildura declared a Climate Emergency in 2020 and is actively working in partnership across the community towards climate resilience in the Mallee. In 2024, the **Community Climate Response Plan 2024-2029** (CCR Plan) was adopted. Current climate change predictions expect hotter and longer dry weather patterns for the Mildura LGA, which will exacerbate existing extreme weather and climatic conditions.

Water Accessibility

To combat these climate threats, water remains the lifeblood of Mildura, underpinned by water from the Murray River for potable and irrigation purposes.

The circular water cycle and its unique attributes are central to the locally specific responses required in Mildura and its environs. Integrated water management needs to recognise these attributes to ensure a sustainable system into the future, with issues of salinity, drainage, stormwater management, and irrigation infrastructure being significant challenges. While infrastructure upgrades are conducted by regional servicing agencies, often in conjunction with Council, there has been little funding or action in this space from the Victorian Government for many decades.

Water Allocations

Jurisdictional issues and lack of coordination over water allocations and rights can lead to confused responses regarding prioritisation of land use and development directions. Additionally, there is a lack

of updated guidelines and clear approaches for the application of land management tools, such as the Salinity Management Overlay and other overlays, leaving Councils to address these complex issues. An action in the CCR Plan could address this challenge.

Flood Mapping

Significant stormwater flooding during 2010-11 and riverine flooding in 2022 has left ongoing recovery efforts, particularly from the most recent floods. Ensuring up-to-date flooding and other hazard mapping that is appropriately resourced is critical for effective planning at the local government level. An action of the CCR Plan could involve providing updated flood and hazard mapping for integration into planning schemes and it is understood that this work is in progress by the Mallee CMA or DTP.

Ministerial Direction 22 - Climate Change Considerations

Ministerial Direction 22 for Climate Change Considerations requires that a planning authority must have regard to requirements for minimising greenhouse gas emissions and increasing resilience to climate change risks through the preparation of a planning scheme or planning scheme amendment.

While the Mildura Planning Scheme Review is not undertaking strategic work that will directly inform future directions or measures relevant to strategic or precinct-scale responses, it has established a future strategic work program that takes account of important climate changes matters. This builds on Mildura's extensive existing work that aims for the minimisation of greenhouse gas emissions and increasing resilience to climate change risks that respond appropriately to sections 5a) to d) and 6 a) to c) of the Ministerial Direction.

Tree Canopies

The *Urban Forest Strategy, 2024*, is focused on public spaces. Tools to assist with increasing canopy cover in private spaces would be welcomed.

Community Education and Enforcement Measures

While increased canopy tree planting is supported, numerous other community education initiatives and enforceable measures through the planning scheme could be implemented.

These could include **minimum landscaping areas** and **canopy tree plantings** for new industrial and residential developments, along with **irrigation requirements**.

Public Open Space and Development Contributions

Additionally, minimum requirements for **public open space provision** and **development contributions** in urban areas should be included to meet the community's future needs for public open space.

Climate Change

The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, improved building design and adopting environmentally sustainable development principles.

Urban Growth

Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety and help to mitigate climate change impacts.

3.3. Mildura Older Irrigated Area

The Mildura Older Irrigated Area (MOIA) is spread over approximately 16,000 hectares and includes the towns of Mildura, Merbein, Red Cliffs, Irymple, Nichols Point, along with nearby settlements such as Koorlong, Cardross, and Cabarita.

The Mildura Irrigation District, established in the late 19th century by the Chaffey Brothers, played a pivotal role in transforming the arid region into one of Australia's most productive agricultural zones. Initially focused on dried fruits and citrus, the area has diversified into table grapes, wine grapes, olives and nuts, serving both domestic and international markets.

Historical Context and Development

The MOIA originally consisted of small "living areas" supporting family farming, with plot sizes ranging from 4 to 6.5 hectares. Over time, farming technology evolved, and larger landholdings became necessary for economic viability. Major developments included:

- 1930s: Drainage systems to combat salinity.
- 1960s: Pressurised irrigation systems to improve water use efficiency.
- 1990s: Deregulation of water trade, offering flexibility but also market volatility.

These changes, alongside the 1990s wine industry boom, shifted the region's focus towards wine and table grape production.

Piping of MOIA Irrigation Infrastructure (SMP)

A major upgrade to the region's irrigation infrastructure occurred between 2013 and 2016 through the $103 million Sunraysia Modernisation Project (SMP) led by Lower Murray Water. The project replaced ageing open channels with low-pressure pipelines across Merbein, Red Cliffs and Mildura, covering over 8 kilometres of main channels and benefiting nearly 60 per cent of the MOIA. The modernisation enhanced water delivery efficiency, reduced losses from evaporation and seepage, and improved energy performance at pump stations. This infrastructure upgrade significantly strengthened the long-term water security and productivity of irrigated agriculture in the MOIA.

Role of Planning Scheme and Policy Frameworks

The introduction of the Rural Zone in 1999, followed by the Farming Zone in 2006, aimed to protect agricultural productivity by limiting subdivisions, excisions, and residential development on agricultural land. The Mildura Planning Scheme also adopted measures to manage subdivisions, excisions, and the construction of dwellings within the MOIA, ensuring that agricultural land was not fragmented by residential development.

In 2005, the Mildura Rural Areas Strategy was introduced to assess the land's agricultural capacity and offer policy recommendations for managing the MOIA. This strategy divided the rural areas into three key zones: the Older Irrigated Areas (MOIA), Newer Irrigated Areas, and Dryland Farming Areas, each requiring tailored policies to address their distinct agricultural characteristics. This led to the introduction of **Amendment C30**, which further reinforced planning controls, although it underwent multiple revisions over the years to adjust to new challenges and demands. However, before Amendment C30 could be finalised, Ministerial Amendment C58 was introduced, effectively replacing it and taking direct control over planning outcomes in the MOIA.

Ministerial Interventions

The Victorian Minister for Planning has introduced several key amendments to manage land use in the MOIA. One significant intervention was **Amendment C58** in 2009, which imposed strict controls on subdivisions and dwelling developments. This amendment set limitations on lot sizes and introduced restrictions on excisions that could fragment irrigated land. This was followed by

Amendment C59 in 2009 that provided transitional arrangements in the interests of fairness, equity and natural justice for the owners of specific sites whose reasonable expectations were directly affected by the implementation of Amendment C58. This amendment provided transitional arrangements for the owners of specific sites to apply for a planning permit for a dwelling.

Further interventions followed in 2010 and 2016 with **Amendments C65 and C89**, aimed at refining the planning framework and establishing new criteria for dwellings in the Farming Zone. Amendment C89 introduced stringent regulations, restricting the development of dwellings on lots smaller than 10 hectares to specific growth areas, namely Mildura East and Mildura South. These changes aimed to safeguard agricultural land while managing urban expansion pressures. Although the exhibited version had proposed allowing dwellings on lots between 0.2 and 2 hectares outside these areas, this provision was removed by the Minister before gazettal.

In addition to previous amendments, Ministerial **Amendment C110mild** (2020) introduced the *Row of Dwellings* provision, which allows for dwellings on smaller lots ranging from 0.2 to 1.2 hectares, provided they meet strict criteria. These criteria include the lot's proximity to existing development, its unsuitability for horticulture, and ensuring the dwelling does not negatively impact nearby horticultural activities. While this amendment introduced flexibility, it also added layers of regulation, further complicating the interpretation of what is permissible under the current planning scheme. Council analysis in 2022 estimated that only around 120 lots across the MOIA could meet the Row of Dwellings criteria, highlighting its limited applicability. In 2023, the Minister declined Council's request to expand this provision due to lack of strategic justification.

The Specific Controls Overlay (SCO1) was applied to spatially identify the extent of MOIA controls and ensure consistent application of the Row of Dwellings provisions. This SCO was crucial in embedding the *Row of Dwellings* criteria into the Mildura Planning Scheme, allowing flexibility for some developments while protecting agricultural land from inappropriate fragmentation.

Permits and Land Use Controls

Permits for dwellings in the MOIA are restricted to larger lots, with the Mildura Older Irrigation Area Incorporated Document outlining clear guidelines for where new development can occur. Permits are generally not granted for lots smaller than 40 hectares unless specific conditions are met, such as excising an existing dwelling.

The current planning framework allows dwelling permits in the MOIA under the following conditions:

- No permits are granted on lots smaller than 0.2 hectares.
- Permits may be granted on lots between 0.2 and 1.2 hectares only if the lot meets the Row of Dwellings criteria.
- Permits may be granted on lots between 0.2 and 10 hectares only within the Mildura East and Mildura South Growth Areas.
- Permits may be granted on lots greater than 10 hectares throughout the MOIA.

Amendment C30 and subsequent revisions introduced more detailed local policies on dwellings, boundary realignments, and excisions, aimed at preventing land fragmentation and supporting agricultural viability. Amendment **C58** further reinforced these controls by setting a 40-hectare minimum lot size for dwellings in most cases, while later amendments provided flexibility in designated growth areas.

The following **Table 3** provides a chronological overview of key amendments and developments impacting the MOIA, highlighting the planning controls introduced and their respective impacts.

Table 3: Chronological Overview of Key Amendments and Developments Impacting MOIA

Year	*Key Development*	*Impact*
Late 19th Century: The Chaffey Brothers and the Mildura Irrigation District	The Mildura Irrigation District was established by the Chaffey Brothers in the 1880s as Australia's first irrigation colony. The scheme brought water from the Murray River to irrigate vast tracts of otherwise arid land, leading to the development of agriculture focused on dried fruits and citrus.	This irrigation project laid the foundation for the long-term agricultural viability of the region, transforming it into one of Australia's most productive agricultural zones.
1930s: Salinity and Drainage Systems	As a result of early irrigation efforts, salinity became a significant problem, threatening the productivity of agricultural land. Drainage systems were introduced to manage salinity and prevent waterlogging of irrigated areas.	These drainage systems became essential for the long-term sustainability of agriculture in the region, allowing continued irrigation without damaging the soil.
1960s: Pressurised Irrigation Systems	The introduction of pressurised irrigation systems significantly improved water use efficiency. These systems reduced labour needs and enhanced crop yields, helping the region transition into more modern, technologically driven agricultural practices.	This marked the beginning of more diversified agricultural production, including the expansion into table grapes and wine grapes.
1990s: Deregulation of Water Trade	The deregulation of water trade in the 1990s allowed farmers more flexibility in managing their water resources, giving them the ability to buy and sell water entitlements.	While deregulation provided flexibility, it also introduced market volatility. The agricultural landscape shifted with a boom in the wine industry, which became one of the dominant crops in the region.
1999: Introduction of the Rural Zone	Amendment C30 was proposed to introduce the Rural Zone and reinforce planning controls aimed at protecting agricultural land from fragmentation. However, it was not finalised, as Ministerial Amendment C58 later overtook the process and introduced stricter controls.	The Rural Zone helped maintain larger, more productive farming lots, but it also led to some landowners facing challenges in subdividing their properties.
2005: Mildura Rural Areas Strategy (MRAS)	The MRAS was introduced to assess the agricultural capacity of rural land and develop tailored policies for the Older Irrigated Areas (MOIA), Newer Irrigated Areas (NIA), and Dryland Farming Areas. The strategy informed more refined planning controls and contributed to the policy basis for subsequent amendments.	The strategy helped inform the introduction of more detailed planning controls for the MOIA and other zones, leading to more focused protection of agricultural land.

2006: Farming Zone (FZ) and Amendment C37	Amendment C37: The introduction of the Farming Zone (FZ) replaced the Rural Zone and aimed to restrict the creation of small lots and limit non-agricultural uses of land. It also established a minimum lot size for dwellings of 40 hectares in many areas.	This amendment provided stronger protection for agricultural land but faced challenges from landowners who wanted to subdivide or develop smaller lots.
2009: Amendments C58 and C59	Amendment C58: Introduced stricter controls on subdivisions and excisions, raising the minimum lot size for dwellings from 10 hectares to 40 hectares. The amendment was introduced to address land fragmentation and prevent the loss of productive agricultural land.	While effective in curbing fragmentation, Amendment C58 led to pushback from landowners who found the restrictions too prohibitive, particularly in non-growth areas and hence the transitional provisions from Amendment C59.
2010: Amendment C65	Amendment C65: Refined the planning framework based on recommendations from the Mildura Planning Taskforce. It updated the MOIA Incorporated Document, introducing more specific controls and restrictions on dwelling development.	This amendment sought to address inconsistencies in how planning controls were applied, but some landowners continued to find the controls overly restrictive.
2012: Amendment C72	Amendment C72: Extended the deadline for dwelling applications on lots between 0.3 and 1.2 hectares and removed some restrictions on title requirements for these lots.	This amendment addressed transitional issues with previous controls but did not fully resolve the tension between housing demand and agricultural land preservation.
2013–2016: Sunraysia Irrigation Pipelining	Sunraysia Modernisation Project (SMP) – Irrigation Pipelining	Major irrigation infrastructure upgrade led by Lower Murray Water. Replaced over 8 km of open channels with low-pressure pipelines across Merbein, Red Cliffs and Mildura. The project improved water delivery efficiency, reduced losses from evaporation and seepage, and enhanced the reliability and productivity of irrigated agriculture in the MOIA.
2016: Amendment C89 and the Mildura Housing and Settlement Strategy (MHSS)	Amendment C89: Implemented the MHSS findings and sought to allow dwellings on lots between 0.2 and 2 hectares across the MOIA. However, this flexibility was ultimately limited to designated growth areas, such as Mildura East and Mildura South, following Ministerial revisions. The amendment reduced the estimated	This amendment aimed to resolve overestimated lot numbers in the MOIA and reduced the number of potential lots for dwellings from over 600 to around 160. It helped focus urban development in specific

	number of potential dwelling lots in the MOIA from over 600 to around 160.	growth areas while protecting agricultural land outside these zones.
2020: Amendment C110mild and the Row of Dwellings Provision	Amendment C110: introduced the Row of Dwellings provision, permitting dwellings on lots between 0.2 and 1.2 hectares if strict criteria are met—such as location within a row of five or more existing dwellings, proximity to existing settlement, and unsuitability for horticultural use. It also applied the Specific Controls Overlay (SCO1) to clearly identify the extent of the MOIA and support consistent application of these controls.	This amendment provided flexibility for small-lot development but introduced additional layers of regulation, which complicated the permit process. It also applied the Specific Controls Overlay (SCO1) to ensure these controls were properly enforced.
2023: Amendment C118mild	Amendment C118 aligned local planning controls with the Bushfire Management Overlay (BMO) and broader Victoria Planning Provisions (Amendment VC231). It clarified administrative requirements for dwellings, extensions, and outbuildings in rural zones. However, it did not address broader issues relating to small-lot development in the MOIA.	This amendment clarified the dwelling approval process for lots in bushfire-prone areas, but its scope was limited and did not address broader concerns about small-lot development.

Source: MRCC Memo prepared by Peter Douglas (Strategic Planning Project Officer) and MOIA History Report by John Kearney

Water Quality Conflicts and Infrastructure Challenges

A critical issue in the MOIA is the ongoing conflict between irrigation water quality and urban water quality, especially as urban development spreads into agricultural regions. Lower Murray Water (LMW) has identified increasing pressure on water systems as both irrigation and drinking water supplies are sourced from overlapping areas, leading to concerns about maintaining the necessary water quality standards for urban consumption.

Irrigation water, often impacted by runoff, salinity, and other agricultural activities, poses risks to the urban water supply, which must meet higher quality standards for residential use. As urban expansion continues, this conflict escalates, particularly in areas like Lake Hawthorn, where over 100 years of irrigation have led to significant salinity issues that further complicate urban water management.

To resolve these conflicts, substantial investment will be required to upgrade existing water infrastructure. Reconfiguring irrigation systems, improving water treatment facilities, and ensuring that channel-supplied irrigation water does not contaminate urban water supplies are necessary steps. These infrastructure upgrades are not only essential for protecting urban water quality but also for supporting the long-term viability of both agricultural and residential development.

The costs associated with these upgrades are expected to be significant, given the complexity of managing water systems in regions where agriculture and urban growth intersect. Strategic collaboration between LMW and planning authorities will be crucial in determining the most cost-effective and sustainable solutions. This will likely involve investments in water treatment technology, irrigation system improvements, and potentially new pipelines or reservoirs to segregate agricultural and urban water supplies effectively.

Issues with PPF Translation and Removal of 10 Hectare Minimum

During the translation from the previous planning scheme format to the new one, a critical provision was omitted: the **10-hectare rule**, which had previously prohibited new dwellings on lots under 10 hectares in the Mildura Older Irrigated Area (MOIA). Although no longer present in the Farming Zone ordinance text, the 10-hectare restriction is still applied through the Mildura Older Irrigated Area Incorporated Document, referenced in Schedule 1 to the Specific Controls Overlay (SCO1).

This provision had been fundamental in preventing unplanned urban development from encroaching on sensitive horticultural zones, ensuring that agricultural land remained productive and protected from inappropriate residential subdivisions.

In the former policy, the 10-hectare restriction served as a key safeguard, preventing land fragmentation and protecting valuable agricultural assets.

Its omission from the ordinance in the new local policy has led to confusion among landowners and developers, creating uncertainty about where residential development can occur, although it is included through the MOIA Incorporated Document in the scheme.

Amendments like **C58 (2009) and C89 (2016)** introduced and reinforced strict controls on subdivision and dwelling developments, setting minimum lot sizes to protect the integrity of agricultural land.

However, with the absence of the 10-hectare restriction, the strategic framework that once supported these controls has been weakened, potentially leading to unplanned urban expansion into areas meant to be preserved for horticulture.

Furthermore, this gap in policy could encourage pressure for the rezoning of Farming Zone (FZ) land, which risks losing essential agricultural land to residential development. Reintroducing the 10-hectare restriction would help to reestablish the clear boundaries that protect agricultural viability and maintain a strong, strategic policy framework to prevent future land fragmentation and unplanned development in the MOIA.

In order to ensure that agricultural productivity and long-term land use sustainability are maintained, it is crucial to support key protections that prevent the inappropriate conversion of farming land for residential purposes.

Issues with the Specific Controls Overlay (SCO)

The Specific Controls Overlay (SCO), as outlined in Clause 45.12 of the planning scheme, is intended to achieve particular land use and development outcomes in extraordinary circumstances. It allows specific controls to either permit development that might otherwise be prohibited or restrict development beyond what other planning controls might dictate. In the Mildura Older Irrigated Area (MOIA), the SCO1 was applied to enforce provisions from amendments such as Ministerial Amendment **C110mild** (2020), specifically to guide residential development under the *Row of Dwellings* provision.

However, the SCO is also applied to urban areas of Mildura, including both established residential areas and growth areas such as Mildura South and Mildura East. While the overlay plays an important role in protecting agricultural land in the MOIA, its use in urban areas may be unnecessary and even counterproductive. In these urban zones, the overlay could complicate planning processes by imposing restrictions designed primarily for rural and agricultural protection, rather than for urban development, where different planning controls are more suitable.

The application of the SCO to urban areas could unnecessarily restrict development, especially where other zoning controls are already in place to guide urban expansion, such as in the Mildura South Growth Area and Mildura East Growth Area.

This misapplication may hinder urban growth and lead to confusion among developers and landowners, as well as the responsible authorities overseeing these developments, despite the stated exemptions that apply through the incorporated plan. Given the Farming Zone (FZ) and the strategic goal of protecting agricultural land in the MOIA, the SCO is critical for preventing inappropriate subdivisions and ensuring that agricultural land remains productive.

However, the SCO1 should be reviewed and potentially removed from urban areas where it no longer serves its intended purpose of agricultural protection, allowing these areas to develop in line with other planning strategies.

Key Challenges and Pressures

One of the key ongoing challenges in the MOIA is land fragmentation caused by the increasing demand for rural residential developments. As more people seek to live in rural settings close to Mildura, the division of agricultural land into smaller lots poses a threat to the long-term viability of farming. Residential development on irrigated land could harm the local economy, which is heavily reliant on horticulture.

Fragmentation occurs despite the planning control due to a combination of factors, including:

- Inconsistent enforcement of policies, where some applications for small lot developments are approved.
- Historical subdivision patterns predating current planning controls, creating many small lots.
- Flexibility introduced by certain amendments like Amendment C110, which allow for some development on smaller lots under specific conditions.
- Market pressure for rural residential living, which drives demand for housing even in agricultural zones.

Another pressing issue is finding the right balance between agricultural growth and urban expansion. The MOIA is strategically important for the region's horticulture, but the growth of urban areas, particularly Mildura East and Mildura South, puts pressure on agricultural land. Council strategies have consistently highlighted the need for planned growth around existing towns and the protection of agricultural land from being lost to residential development.

The agricultural sector in the MOIA is under constant pressure due to market fluctuations, technological advancements, and shifts in water management. While irrigation technology and practices have improved over time, they have also increased the capital requirements for maintaining viable agricultural operations. These pressures have led some smaller farmers to seek off-farm employment, while others have transitioned to crops like table grapes that can be sustained on smaller plots.

MOIA Future Strategic Work

The ongoing protection of agricultural land in the MOIA remains a high priority. To achieve this, the Council should continue monitoring land uses to ensure that productive agricultural land is preserved, while allowing for reasonable development within designated growth areas.

Further strategic work is needed to review the MOIA Incorporated Document, particularly the restrictions on dwellings in smaller lots. Council may need to review the MOIA Incorporated Document to ensure that dwelling controls continue to align with current strategic objectives, including protecting agricultural productivity while considering limited flexibility in areas where development would not undermine long-term horticultural use.

Continued attention to water management and the effects of climate change will also be critical to the region's long-term agricultural viability. The Council may need to work closely with state agencies to ensure that water resources are managed sustainably, given the region's reliance on irrigation.

Findings

Key findings are outlined below:

F2. Undertake further strategic work that supports the recent community climate change policy in conjunction with the implementation of the Urban Forest Strategy.

F3. Revise the mapping of the Special Controls Overlay (SCO1) so that it is removed from urban areas where it no longer serves its intended purpose of agricultural protection, allowing these urban areas to develop in line with adopted planning strategies.

3.4. Victorian government amendments and advice

The Victoria Planning Provisions (VPP) are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide (PG) and new planning practice notes. The full list of Victorian and regional amendments that have been gazetted, and planning practice notes that have been released since the last review forms **Appendix 3**.

The way in which the Mildura Planning Scheme should respond at a local level to these changes to the VPP and how they should be applied has been considered in this review and includes the following.

Planning for housing

The introduction of more sophisticated schedules to the residential zones (through **Amendment VC169)**, including the ability to include place-based objectives (essentially a preferred neighbourhood character statement), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. **Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones** provide advice about how this should be done.

State Housing Objectives

This strategic work will better achieve **housing diversity, housing affordability, sustainability** and **neighbourhood character objectives**. Council's settlement hierarchy is clearly detailed in its adopted Mildura Housing and Settlement Strategy, focusing on the 'Main Urban Area,' with the main urban centre of the municipality being the regional city of Mildura, surrounded by the satellite towns of Irymple, Red Cliffs, and Merbein as the primary townships for growth. Other townships and settlements, such as, Meringur, Werrimull, Cullulleraine, Koorlong, Cardross, Nangiloc, Colignan, Ouyen, Walpeup, Underbool and Murrayville, are constrained due to environmental issues and population declines in some settlements.

Further work to implement structure plans, local planning policies, more specific and tailored residential schedules and neighbourhood character frameworks could follow further strategic work for townships, housing and neighbourhood character.

Victorian housing statement

The release of the Victorian housing statement has placed housing provision as one of the key challenges of the 2020s. It aims to refresh Victoria's housing policy settings with a series of initiatives that respond to short-term issues of affordability and supply while still promoting long term economic growth.

According to the Housing Statement and Plan for Victoria, Victoria's population is forecast to reach 10.3 million by 2051 and Melbourne is set to become Australia's biggest city by the end of the decade with an additional 3.5 million people by 2056. To ease housing pressures, 2.24 million homes will be

required by 2051 state-wide to house the increased population which is around 80,000 additional dwellings per year.

A housing target has been established for Mildura by the Victorian Government through the Plan for Victoria. This target identifies the need for an additional 8,500 additional dwellings to be delivered between now and 2051. This would build on the estimated 25,534 existing dwellings in the Mildura LGA in 2021 (REMPLAN).

The housing statement is supported by **Amendments VC242, VC243, VC253, VC267, VC276, VC282 and VC283** which aim to facilitate well-located, integrated and diverse housing that meets community needs and to support the delivery of housing in Victoria. The amendments seek to provide social benefits by supporting the delivery of more housing close to jobs, transport and services, facilitating social and affordable housing through private and public investment and supporting significant development projects.

Amendment **VC242** introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23 with the Minister for Planning as the responsible authority. The Residential Growth Zone, Township Zone, General Residential Zone and Neighbourhood Residential Zone have also been revised by changing permit requirements for office and retail premises subject to meeting specific land use conditions. The use of the new particular provisions pathway is voluntary and a permit applicant still has the option for their development to be assessed in the usual manner by the local Council as the responsible authority.

Amendment VC243 introduced state-wide changes to all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres.

Amendment VC253 introduced a new land use term and siting, design and amenity requirements for a 'small second dwelling' into a range of residential and rural zones across Victoria. This replaced the land use term 'dependent person's unit' and revised the planning provisions to be more consistent and easier to build a small second dwelling of 60 square metres or less that meets specified requirements.

These three Amendments have removed many previous planning requirements from residential planning applications and facilitated different forms of housing including in the Mildura LGA.

Amendment VC267 revised Clause 55 to include the new Townhouse and Low Rise Code for residential multi-dwelling development.

Key design changes include:

- Reduced minimum front setback of 6 metres, replacing the previous average setback rule or 9 metres.
- Private open space requirement reduced from 40 sqm to 25 sqm at ground level.
- Tree canopy coverage requirements introduced:
  - 10 per cent of site area for sites up to 1,000 sqm
  - 20 per cent of site area for sites over 1,000 sqm.
- Maximum site coverage maintained or increased to:
  - 60 per cent in the Neighbourhood Residential Zone (NRZ)
  - 65 per cent in the General Residential Zone (GRZ)
  - 70 per cent in the Mixed Use Zone (MUZ) and Residential Growth Zone (RGZ)

- Overlooking standards removed for bedroom windows only.

The recent changes to Clauses 55 and 57, as informed by the Townhouse and Low-Rise Apartment Code, have implications for the future building envelope and development standards within the Mildura LGA.

Amendment VC276 amended all residential zone schedules and Neighbourhood Character Overlay schedules to implement the new residential development planning assessment provisions and correct technical errors resulting from Amendment VC267.

Amendment VC282 introduced state-wide changes to all planning schemes to codify residential development standards for single dwellings on lots less than 300 square metres.

The Victorian Government released Plan for Victoria in March 2025 and implemented it into the VPP and planning schemes via **Amendment VC283**.

Plan for Victoria

The Victorian Government prepared the new Plan for Victoria to guide outcomes in cities, towns and regions over the coming decades. This new state-wide plan aims to deliver 2.24 million more homes by 2051 – 1.8 million in metropolitan Melbourne and 425,600 across regional Victoria - to meet community needs.

It focuses on five pillars that will enable a strong economy, more equitable access to services and jobs, improved liveability and sustainability, and embed caring for Country and self-determination as a foundation for Victoria's future. Eight "Big Ideas" were suggested to transform Victoria, including:

- More homes in locations with great public transport access.
- More housing options for all Victorians, including social and affordable homes.
- More jobs and opportunities closer to where you live.
- More options for how we move from place to place.
- More certainty and guidance on how places will change over time.
- More trees and urban greening in our parks and community space.
- More protections from flooding, bushfire and climate hazards.
- Greater protection of our agricultural land.

A key element of the new plan for Victoria is to deliver additional housing in designated locations. The Plan establishes local government housing targets and as previously highlighted includes a requirement for 15,200 additional dwellings to be located in the Mildura LGA by 2051.

Applying the Buffer Area Overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO) and applied updated separation distances for industries (including landfills and transfer stations) that may have amenity impacts to sensitive uses. The BAO is a new amenity buffer that is designed to ensure that industry can operate according to acceptable standards with no encroachment from sensitive uses such as schools and dwellings that may be affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets through the municipality, including wastewater treatment plants, transfer stations and stock sale yards where a risk assessment related to the environmental hazard has been undertaken. This work is best led by the owners of the assets but should have some Council involvement.

Further strategic work is being proposed for Koorlong Landfill to evaluate the application of the BAO on the landfill, but the same approach could be used for areas subject to the ESO2 and ESO4 such as the Mildura Waste Water Treatment Plant and significant industrial premises in Mildura and Thurla.

Rural Worker Accommodation and Dwellings

Amendment **VC202** Introduced a land use term and definition for 'Rural worker accommodation' and modified clause **35.07 (Farming Zone)** to introduce exemptions for the land use of Rural worker accommodation that accommodates no more than **10 persons**.

This Amendment also introduced a **permit requirement** for the land use of Rural worker accommodation for more than 10 persons. This change has enabled rural worker accommodation to be more easily provided on Farming Zone land throughout the municipality, assisting with key worker accommodation.

Changes were recently made in relation to a **small second dwelling (SSD)** in rural zones. The **excision of dwellings**, and subsequent **subdivision in the rural zones** (the Farming Zone, Rural Conservation Zone and Rural Activity Zone in particular), is also a factor that in some cases can meet some rural housing demands.

These changes can also **negatively affect farming and agricultural production** and viability. See the earlier discussion about the MOIA for potential strategic responses to these issues.

Environmentally Sustainable Development and Climate Change

Amendments VC216 and VC221 revised the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD) and to facilitate all-electric developments to support implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. These Amendments have ongoing impacts to land in the LGA around ESD policy and requirements and reflects updated climate change forecasts and energy related considerations for land in the LGA.

Furthermore, the new Ministerial Direction 22 for Climate Change Consideration elevates these important considerations in strategic planning work undertaken by planning authorities and implementation work through planning scheme amendments and planning scheme reviews. The issues raised and approach in this Ministerial Direction have been considered through this planning scheme review.

Findings

Key findings are outlined below:

F4. As a result of Amendments VC169, VC175, VC202, VC216, VC221, VC242, VC243, VC253, VC267, VC276, VC282, VC283 and Plan for Victoria, further work around the following strategic projects and/or advocacy should be undertaken:

- **Prepare new or updated structure plans and precinct structure plans and their implementation for areas of identified growth and/or change into the scheme including in Mildura, Irymple, Merbein, Red Cliffs and Ouyen.**
- **Undertake a housing and neighbourhood character strategy (particularly for infill residential development) for the municipality and implement it into the scheme.**
- **Monitor the MOIA and undertake a rural land use strategy to understand the required strategic responses to support a strong agricultural and farming sector.**
- **Undertake further strategic work to strengthen local ESD policy and recommendations linked to the implementation of the Urban Forest Strategy, 2024 and the new Ministerial Direction 22 for Climate Change Consideration.**

4. Previous planning scheme review

The scheme was last reviewed in 2019 and found that the scheme was fundamentally sound and mostly performing well. It was recommended that the scheme be updated to remain contemporary with significant opportunity to review zone and overlay schedules and rewrite the LPPF, which is now included in the PPF.

A large number of recommendations and further strategic work were included in that review. This section details Council's progress in actioning these recommendations.

4.1. Previous planning scheme review

The previous review identified 58 further strategic work projects aimed at improving the strategic performance of the Mildura Planning Scheme. These projects included a range of planning scheme changes and initiatives, as outlined in the following table (**Table 4**) and referenced as Previous Strategic Work (PSW#).

Table 4: Previous Strategic Work (PSW#) Identified in the Mildura Planning Scheme Review 2019

▪ Settlement and Housing (21.04)	
PSW1	▪ Update and implement the Ouyen Structure Plan.
PSW2	▪ Prepare a masterplan for the Sixteenth Street Greenway, including landscape guidelines.
PSW3	▪ Prepare a masterplan for the Sixteenth and Ontario Activity Centre.
PSW4	▪ Determining the suitability of utilising land which has been subject to long term agricultural spraying for residential development. (This has been addressed in a report entitled: 'Residual Effects of Spraying on Soil in Horticultural areas identified for future residential use').
▪ Environment (21.05)	
PSW5	▪ Prepare an appropriate planning scheme amendment to assist in the protection of Regent Parrot habitat.
PSW6	▪ Complete accurate mapping of all remnant vegetation in the municipality to enable its inclusion in the Vegetation Protection Overlay.
PSW7	▪ 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.
PSW8	▪ Introduce new flood mapping and controls with accurate data.
▪ Natural Resource Management (21.06)	
PSW9	▪ Prepare policy guidelines for applications to use land for 'Group accommodation' in non-urban zones.
▪ Transport and Infrastructure (21.09)	
PSW10	▪ Prepare Development Contributions Plans as required.

▪ Other Matters	
PSW11	▪ Prepare a Planning Scheme Amendment to introduce four (4) Schedules to the Mixed Use Zone (MUZ), and broad policy.
PSW12	▪ Prepare a consolidated document that addresses the locations for the control of Cumbungi at Lake Cullulleraine, including the preferred methods, monitoring and evaluation requirements.
PSW13	▪ In the review of the Mildura Public Open Space Strategy currently underway, Council should consider the different mechanisms currently requiring the contribution of public open space (such as the DCPs) and evaluate the effectiveness of Council's existing policies to gain contributions commensurate with the demand generated by individual developments. Following adoption of the revised strategy, Council should evaluate whether an amendment to vary the schedule to Clause 52.01 is required.
PSW14	▪ Review the number of planning permit applications received over the past 4 years for native vegetation removal, and examine whether a) there is a geographic concentration in a particular area and b) whether the number of applications in the area is significant. If these two conditions are met, Council could consider preparing a native vegetation precinct plan to provide a more holistic approach to vegetation management.
PSW15	▪ Conduct further research and analysis into the impacts of gambling within the municipality, with a view to exploring whether a more comprehensive strategy is required. If a strategy were to be developed, it should consider modifications to the schedule to Clause 58.28, in conjunction with policy to be included elsewhere within the Mildura Planning Scheme, as part of a broader set of actions to reduce the impacts of gambling on the local community.
PSW16	▪ Vary Clause 22.01 'Budget Accommodation' to expand its scope to provide more explicit policy guidance in relation to all forms for seasonal worker accommodation, particularly 'Group Accommodation' and 'Camping and Caravan Parks'.
PSW17	▪ Update the MSS (or equivalent provisions in the new PPF) to include reference to, and support for, the Sunraysia Modernisation Project and renewable energy facilities. Council should also consider developing a renewable energy strategy to provide clear support and strategies for establishing the municipality as the centre of Australia's solar industry'.
PSW18	▪ Continue with the major review of the existing Development Contribution Plans (DCP) in light of the recent State Policy reform to the Infrastructure Contribution System, and prepare the subsequent Planning Scheme Amendment(s) to modify the MSS and relevant sections of the Planning Scheme.
PSW19	▪ As a priority action, undertake further strategic work to implement the intent of the Local Policy at Clause 22.03 (Healthy and Sustainable Neighbourhood Design), including but not limited to an Urban Forest Strategy / Tree Study to apply vegetation protection controls; or a Neighbourhood / Landscape Character Study to introduce precinct-based controls that include vegetation, to increase tree canopy and build the resilience of the urban areas of Mildura to urban heat island effects.

PSW20	▪ Once completed, prepare a Planning Scheme Amendment to implement the strategic intent of the Mildura Heritage Study, including the removal of any known anomalies from the Heritage Overlay and updating the MSS and Local Policy.
PSW21	▪ Continue with further work to design the detail of the Mildura South Neighbourhood Activity Centre, ensuring it considers the linkages with, and potential impacts on, existing residential areas north of Sixteenth Street.
PSW22	▪ Undertake a review of Design and Development Overlay – Schedule 4 (DDO4) to determine if the sensitive interfaces between industrial and residential land is adequately protected, and reconsider adding the local policy that was historically proposed as part of Amendment C73.
PSW23	▪ Progress strategic work to determine if the area of C1Z in the township of Cabarita is required.
PSW24	▪ Undertake strategic work to determine the scope of requirements necessary for subdivision in the Salinity Management Overlay, particularly surrounding the exemption from a Site Capability Report when excising an existing dwelling, but still containing a requirement for a Salinity Action Statement for the entire parent parcel.
PSW25	▪ Prepare a Planning Scheme Amendment to Schedules 6, 7 and 8 to the Design and Development Overlay (DDO) to describe Schedules 7 and 8 as Areas 2 and 3 respectively and add an exemption for subdivision of land.
PSW26	▪ Prepare a Planning Scheme Amendment to update the MSS with reference to the objectives and commitments of the current Community and Council Plan 2017 and remove references to outdated and / or frequently changing statistics where possible to preserve relevance and currency.
PSW27	▪ Update the Strategic Framework Plan map to show and label the Mildura South growth area, Mildura East / Irymple growth area and MOIA.
PSW28	▪ Ensure the Mildura Economic Profile 2009 is reviewed and update the MSS to provide a more recent description of Mildura's economy (which occurred through Amendment C104).
PSW29	▪ Review the Mildura Industrial Land Use Strategy (last reviewed 2006) and update the MSS to provide a more recent description of Mildura's industries and determine the extent and location of industrial land required now and into the future.
PSW30	▪ Review land in the PUZ to ensure is has not been automatically included simply because it is (or was formerly) public land, concentrating first on properties identified during consultation.
PSW31	▪ Undertake further strategic work to identify land in the SUZ1 which is subject to the master planning or private schools and prepare a subsequent Planning Scheme Amendment to rezone in accordance with PPN3 (Applying the Special Use Zone).
PSW32	▪ Add the recommended wording to the MSS provided by the Loddon Mallee Waste and Resource Recovery Group (LMWRRG).
PSW33	▪ Review the Irymple Town Structure Plan 2012 with regard to the expansion of residential land in Irymple (particularly near existing schools, transport and other facilities) and development of a hospice.

PSW34	▪ As a high priority, that Council in conjunction with DELWP convene a working group with the FPMMAC to develop a short report that recommends appropriate planning provisions that can be included in the Mildura Planning Scheme for the purpose of acknowledging the Traditional Owners of the land. This submission should form part of the Terms of Reference for the Working Group. Following completion of this report, Council should consider: - Advocating to DELWP for potential changes to State and/or Regional PPF. - Undertaking a specific amendment to the Mildura Planning Scheme to implement the recommended changes.
PSW35	▪ Consider increasing the resources and funding available to expedite the preparation and approval of the 4-year Strategic Planning Work Program.
PSW36	▪ Review the draft 'Solar Energy Facilities - Design and Development Guidelines' and consider making a submission to DELWP. As a minimum, Council's submission should seek stronger criteria concerning the establishment of uses on irrigated land, the cost of delivering water to irrigation customers, and the possible need for minimum setback distances from boundaries and nearby dwellings.
PSW37	▪ Investigate and consider the merits of amending the schedule to the Farming Zone to specify a standard for major earthworks that would trigger the need for a planning permit.
PSW38	▪ Consult with the Lower Murray Water regarding the water vulnerability of Mildura, particularly in light of projected weather patterns in light of climate change.
PSW39	▪ Review the Fifteenth Street Structure Plan and the Industrial Land Strategy that are providing differing strategic directions for the property at Lot 1, Benetook Avenue.
PSW40	▪ Review the investigation areas (including the Sunny Cliffs residential area) identified within Mildura Housing and Settlement Strategy, along with any other smaller residential areas not addressed as part of the MHSS.
PSW41	▪ Prioritise the preparation of the drainage strategy and framework plan for the Mildura East Growth Area.
PSW42	▪ Subject to the completion of the necessary strategic work within designated growth areas, support requests to the Minister for Planning for the cancellation of the section 173 agreements restricting the use of land for dwellings, given the medium-term strategic intent to rezone these areas to residential.
PSW43	▪ Following the completion of the necessary strategic work, investigate the merits of rezoning the first stages of designated growth areas, to remove them from the provisions of the MOIA Incorporated Document. A combination of zones and overlays could be utilised to recognise the strategic intent of this area to transition to residential/ urban uses over time, yet prevent that development occurring until the necessary strategic work has been carried out.
PSW44	▪ Consider the future zoning of the areas currently zoned General Residential and Commercial 1 Zone and part of Precinct G as shown in the 'Mildura CBD Plan, 2007', and that Council refer consideration of this matter to the Mildura CBD Plan revision project that is currently underway.

PSW45	▪ Undertake work to formally identify and/or designate the Mildura heavy-vehicle bypass route including community consultation and a future work program for the better establishment and improvement of this route, ensuring the concerns raised in these submissions are considered through this process.
PSW46	▪ Undertake study investigating the economic and **social benefits** of a passenger railway service between Melbourne and Mildura to assist with advocating to the State Government for funding and assistance consistent with the Mildura Future Ready Strategy.
PSW47	▪ Prepare Urban Design Guidelines for Langtree Mall, ensuring community engagement to facilitate suggestions such as activating and connecting lanes to the shopping area (CBD Plan)
PSW48	▪ In conjunction with engagement and collaboration with the EPA, Council undertake the following actions to better utilise the ESO to protect important industries (on a case-by- case basis): - Identify additional industries/activities within Mildura that would benefit from the creation of a buffer distance around their existing operation. - Calculate appropriate buffer distances for each type of activity, with reference to guidelines from the EPA and Clause 52.10. - Expand the list of sensitive uses. - Update the MSS (or equivalent provisions in the new PPF) to include the expanded industrial activities.
PSW49	▪ Undertake a review of the zoning of the Hattah township to ensure it reflects the private ownership of properties and the presence of a bushfire hazard in this area. Consider an amendment if any discrepancies are identified.
PSW50	▪ Council to undertake further strategic work to identify or encourage any appropriate opportunities for limestone extraction to assist with the forecast shortfall identified in the Extractive Resources in Victoria: Demand and Supply Study 2015-2050 in Clause 21.02 (Key influences and issues). This could also be reflected in 21.06 (Natural Resource Management) and 21.08 (Economic Development).
PSW51	▪ Make note of feedback received regarding issues in the Special Use Zone (SUZ) – Schedules 8 & 9 for inclusion in Council's next review of the SUZ (noting that this has been reviewed as recently as 2018).
PSW52	▪ Review the objectives and structure of SUZ-8 in relation to the encouragement of 'tourist related activities'.
PSW53	▪ Amend the MSS to ensure the importance of considering bushfire hazard is reflected, without replicating the State provisions of the PPF, by ensuring: - Urban growth is in lower risk locations. - Urban design is used to support bushfire safety. - Roadsides, riparian zones and reserves do not provide "wicks" for bushfire hazard to move between rural and urban areas. - Revegetation does not increase the overall fuel to bushfire hazard. - Adequate water supply, including for fire service requirements is provided for future growth areas.

PSW54	▪ Continue to provide support for the Mallee Catchment Management Authority to revise flood mapping and ensure consideration is given to rezoning the Urban Floodway Zone (UFZ) on land where there is no longer a flooding hazard.
PSW55	▪ Note and consider rezoning requests to a residential zone during any future review of the Mildura Housing and Settlement Strategy, noting that the intent of this strategy was implemented relatively recently by Amendment C89. Areas generally for consideration should include but not be limited to: - Kings Billabong. - Mildura East. - Cabarita.
PSW56	▪ Monitor the ongoing development of industrial land along Benetook Avenue and adjacent residential land in the context of DDO9, and review this provision if and when poor outcomes are achieved.
PSW57	▪ Implement the recommendations of the LBSP Land Use Planning Final Report, prepared by Centrum Town Planning: – Monitor the review of the Irymple Structure Plan to ensure consideration of buffers to the Andpak site. – Boinka Hard Waste Compound - apply the EAO. – Cowangie Hard Waste Compound - rezone transfer station and former landfill to PUZ6. – Cullulleraine Transfer Station - rezone transfer station and former landfill to PUZ6. – Lindsay Point Transfer Station - rezone to PUZ6 subject to further investigations into tenure arrangements and ownership. If not rezoned, apply EAO. – Meringur Transfer Station - rezone to PUZ6 If use is ongoing. If not rezoned, apply EAO. – Mittyack Transfer Station - rezone to PUZ6. – Murrayville Transfer Station - rezone to PUZ6. – Nangiloc Transfer Station - Consider rezoning transfer station and former landfill to PUZ6, subject to further investigations into need to close road and consideration of ongoing use. Apply EAO if site not rezoned to PUZ6. – Ouyen Landfill and Transfer Station - rezone to PUZ6. – Tutye Hard Waste Compound - apply EAO. – Underbool Transfer Station - Rezone to PUZ6. – Walpeup Transfer Station - Rezone to PUZ6, if not rezoned, apply EAO. – Werrimull Transfer Station - Consider rezoning site to PUZ6, subject to further investigations into need to close road and prospect of closing the facility. If site not rezoned, apply EAO.
PSW58	▪ Undertake a Horticultural Sustainability Development Strategy and include discussion of the requirements and long-term viability of the MOIA Incorporated Document in accordance with the resolution made on 9 July 2015 as a result of the Panel Hearing associated with Amendment C89.

There were also several advocacy projects. Many of the above planning projects, some of them significant pieces of strategic work, were implemented or have been commenced in the last 4 years. Others are yet to be commenced or implemented. Prior to the 2019 review, the Mildura Planning Scheme was reviewed in 2010 and 2014 which implemented recommendations from that time through Amendment C095mild to the Mildura Planning Scheme.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented several key recommendations from the previous Planning Scheme Review through the completion of the following strategic projects. **Table 5** summarises the projects that have been completed since the last review with a notation (COM#). Where these completed projects were identified in the 2019 review as previous strategic work, the relevant (PSW#) notation has also been included.

Table 5: Completed Strategic Projects Since the 2019 Planning Scheme Review

#	*Project Title*	*Action*
COM1	▪ Implementation of 2019 Mildura Planning Scheme Review Report and Planning Policy Framework PPF Translation - Preparation of a new Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).	Implemented the 2019 review report through translation to new Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF).
COM2 **(PSW21)**	▪ Masterplan for the Mildura South Neighbourhood Activity Centre, including the Sixteenth Street Greenway and Ontario Avenue.	Prepared masterplan including Sixteenth Street Greenway and Ontario Avenue.
COM3 **(PSW11)**	▪ Introduction of Schedules to the Mixed Use Zone (MUZ). (Amendment C104mild)	Prepared Planning Scheme Amendment C104mild for four MUZ schedules.
COM4 **(PSW26)**	▪ Community and Council Plan 2017 Alignment	Updated MSS to reflect Council Plan 2017 objectives.
COM5 **(PSW27)**	▪ Strategic Framework Plan Map	Updated map to label Mildura South, East/Irymple growth areas and MOIA.
COM6 **(PSW33)**	▪ Irymple Town Structure Plan Review	Reviewed residential expansion and hospice development options.
COM7 **(PSW53)**	▪ Review of the Special Use Zone (SUZ) Schedules 8 and 9. (Amendment C104mild)	Reviewed the structure and objectives of Special Use Zone Schedule 8 to support tourist-related activities and implemented changes via Amendment C104mild.
COM8 **(PSW41)**	▪ Mildura East Growth Area Framework Plan (Adopted).	Adopted the strategic framework for the Mildura East Growth Area.

#	Project Title	Action
COM9 **(PSW19)**	▪ Urban Forest Strategy (Adopted).	Adopted Urban Forest Strategy for canopy protection and urban heat-island resilience.
COM10 **(PSW20)**	▪ Mildura Heritage Study – Part B – Stage 2 (Adopted).	Finalised and adopted the Mildura District Heritage Study update.
COM11	▪ Rezoning of surplus school sites in Merbein and Merbein West to facilitate redevelopment. (Amendment C113mild - Ministerial)	Implemented via Amendment C113mild, to enable disposal and future residential use.
COM12 **(PSW54)**	▪ Flood Mapping Updates to the Land Subject to Inundation Overlay (LSIO) and Flood Overlay (FO). (Amendment C106)	Updated the Land Subject to Inundation Overlay (LSIO) and Flood Overlay (FO) overlays using new flood modelling data and implemented the changes via Amendment C106.
COM13 **(PSW57)**	▪ Rezoning of transfer stations and landfill sites to Public Use Zone 6 (PUZ6). (Amendment C104mild)	Implementation of LBSP Waste-Site Rezoning & Buffering Actions Monitor review of the Irymple Structure Plan to ensure consideration of buffers to the Andpak site; Boinka Hard Waste Compound – apply the EAO; Tutye Hard Waste Compound – apply the EAO; Cowangie Hard Waste Compound – rezone transfer station and former landfill to PUZ6; Cullulleraine Transfer Station – rezone transfer station and former landfill to PUZ6; Lindsay Point Transfer Station – rezone to PUZ6 subject to tenure/ownership investigations; apply EAO if not rezoned; Meringur Transfer Station – rezone to PUZ6 if ongoing; apply EAO if not rezoned;

#	Project Title	Action
		Mittyack Transfer Station – rezone to PUZ6; Murrayville Transfer Station – rezone to PUZ6; Nangiloc Transfer Station – consider rezoning to PUZ6; apply EAO if not rezoned; Ouyen Landfill & Transfer Station – rezone to PUZ6; Underbool Transfer Station – rezone to PUZ6; Walpeup Transfer Station – rezone to PUZ6; apply EAO if not rezoned; Werrimull Transfer Station – consider rezoning to PUZ6; apply EAO if not rezoned. Most of these projects were implemented through Amendment C104mild.

4.2.2. Projects underway and ongoing

Council is currently undertaking 30 projects that will implement many of the projects identified in the previous review plus a range of other projects and inputs. These are outlined in **Table 6** below, with project status clearly identified and a notation (U#). Where these projects underway were identified in the 2019 review as previous strategic work, the relevant (PSW#) notation has also been included.

Table 6: Strategic Projects Currently Underway (including alignment with Previous Strategic Work)

#	Project Title	Action	Status
U1 **(PSW19)**	Urban Forest Strategy Implementation	Undertake further strategic work utilising Urban Forest Strategy & Significant Tree Register for resilience.	Underway
U2 **(PSW20)**	Mildura Heritage Study Implementation	Prepare a Planning Scheme Amendment to implement the strategic intent of the Mildura Heritage Study.	Underway

#	Project Title	Action	Status
U3 **(PSW21)**	Mildura South Neighbourhood Activity Centre	Continue detailed design work for linkages and residential impact assessments north of Sixteenth Street.	Underway
U4 **(PSW22)**	Review of Schedule 4 to the Design and Development Overlay (DDO4)	Review Design and Development Overlay – Schedule 4; reconsider local policy from Amendment C73.	Underway
U5 **(PSW29)**	Review the Mildura Industrial Land Use Strategy	Review and update the MSS for current industrial land supply needs.	Underway
U6 **(PSW38)**	Water Vulnerability Consultation	Consult with Lower Murray Water or other agency/ department on climate-change water vulnerability.	Underway
U7 **(PSW39)**	Fifteenth Street Structure Plan & Benetook Ave	Align Fifteenth Street Structure Plan with Industrial Land Strategy for Lot 1, Benetook Ave.	Underway
U8 **(PSW45)**	Mildura Heavy Vehicle Bypass Advocacy	Advocate for the Mildura heavy-vehicle bypass route via community consultation and work program.	Ongoing
U9 **(PSW48)**	Engage with the Environment Protection Authority (EPA) to review the application of the Environmental Significance Overlay (ESO).	Calculate EPA buffer distances, expand the list of sensitive uses and update planning scheme via MILUS partnership.	Underway
U10 **(PSW49)**	Review Planning Options for Hattah Township	Review Hattah township zoning, ownership and bushfire hazard; consider amendment.	Underway
U11	Bushfire Hazard Update	Amend planning scheme to reflect	Ongoing

#	Project Title	Action	Status
(PSW53)		bushfire hazard planning controls and water supply requirements.	
U12 **(PSW54)**	Urban Floodway Zone (UFZ) Rezonings	Partner with Mallee CMA or DTP to revise flood mapping and rezoning of UFZ.	Underway
U13 **(PSW56)**	Monitor industrial development via Schedule 9 to the Design and Development Overlay (DDO9).	Monitor development under DDO9 along Benetook Ave; trigger review if issues arise.	Ongoing
U14	Integrated Transport and Land Use Strategy	Address transport & infrastructure needs for future growth.	Underway
U15 **(PSW27)**	Implementation of Mildura East Growth Area Framework Plan	Implement the Framework Plan via Planning Scheme Amendment.	Underway
U16	Development Plan for Irymple Low Density Residential Zone	Prepare Development Plan for low-density residential subdivision.	Underway
U17 **(PSW20)**	Conservation Management Plan – Former Irymple Railway Building	Prepare and implement CMP for heritage-listed Irymple Railway Building.	Underway
U18 **(PSW41)**	Review of 2017 Stormwater Drainage Report	Review and implement findings via Public Acquisition Overlay (PAO) amendment for drainage planning.	Underway
U19 **(PSW20)**	Post-Adoption Work – Mildura Heritage Strategy	Address outstanding recommendations prior to finalising heritage amendment.	Underway
U20 **(PSW57)**	Implementation of Irymple Structure Plan 2021–2036	Implement the Irymple Structure Plan via Planning Scheme Amendment.	Underway
U21 **(PSW55)**	Residential Rezoning – Housing and Settlement Strategy	Consider rezoning requests to a residential zone	Ongoing

#	Project Title	Action	Status
		during any future review of the Mildura Housing and Settlement Strategy, acknowledging that the intent of the 2013 strategy was largely implemented through Amendment C89. Areas for consideration should include, but are not limited to Mildura East (underway through the MEGA), Kings Billabong and Cabarita.	
U22 **(PSW10)**	Prepare Development Contributions Plans as required	Continue to prepare and implement Development Contributions Plans as identified through other strategic plans.	Ongoing
U23	Implement the Mildura CBD Plan 2020 - 2035	Continue to implement actions identified in the Mildura CBD Plan.	Ongoing
U24 **PSW16**	Budget Accommodation	Review 'Budget Accommodation' to expand its scope to provide more explicit policy guidance on all forms of seasonal worker accommodation, particularly 'Group Accommodation' and 'Camping and Caravan Parks	Ongoing
U25 **(PSW8)**	Flood Mapping	Work with the MCMA or DTP to undertake new flood mapping and controls and to consider implementation options.	Underway
U26	Cumbungi Control Document	Prepare consolidated document for	Underway

#	Project Title	Action	Status
(PSW12)		Cumbungi control at Lake Cullulleraine.	
U27 **(PSW13)**	Open Space Contributions Strategy	Evaluate DCP and Clause 52.01 mechanisms and consider an addendum to the Open Space Strategy.	Underway
U28 **(PSW15)**	Gambling Impact Analysis	Conduct research and prepare EGM impact policy.	Underway
U29 **(PSW17)**	Sunraysia Modernisation & Renewable Energy	Update MPS/PPF for solar projects and consider dedicated strategy.	Underway
U30 **(PSW24)**	Salinity Management Overlay	Clarify subdivision triggers and SMO requirements.	Underway

4.3. Outstanding work since last review

Items that remain outstanding from the 2019 Review are listed in **Table 7** below. These projects have not yet been implemented and remain strategic priorities for Council (unless otherwise indicated) shown with a notation (OS#), along with their previous strategic work designation (PSW#).

Table 7: Outstanding Strategic Work from the 2019 Planning Scheme Review

#	Project Title	Action	Status
OS1 **(PSW1)**	Ouyen Structure Plan	Update and implement the Ouyen Structure Plan.	Outstanding
OS2 **(PSW4)**	Agricultural Spraying Effects Study	Implement the Residual Effects of Spraying on Soil in Horticultural Areas project, which was previously refused as part of Amendment C104mild.	Outstanding
OS3 **(PSW5)**	Regent Parrot Habitat Protection	Prepare a planning scheme amendment to protect Regent Parrot habitat.	Outstanding
OS4 **(PSW7)**	Public Land Interface Strategy	Prepare a Surrounds Strategy for public/private boundary areas (potentially as part of	Outstanding (but not required)

#	Project Title	Action	Status
		the addendum to the Open Space Strategy).	
OS5 **(PSW34)**	Traditional Owner Recognition	Draft provisions acknowledging Traditional Owners via working group.	Outstanding
OS6 **(PSW50)**	Limestone Extraction Strategy	Identify local limestone supply opportunities.	Outstanding
OS7 **(PSW47)**	Langtree Mall Urban Design Guidelines	Prepare guidelines for activating and connecting Langtree Mall.	Outstanding
OS8 **(PSW40)**	Housing & Neighbourhood Character Infill Strategy	Develop strategy balancing growth, infrastructure, and character.	Outstanding
OS9	Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen.	Develop structure plans for towns balancing growth, infrastructure, and character.	Outstanding
OS10 **(PSW58)**	Horticultural Sustainability Development Strategy	Prepare a strategy addressing land use, infrastructure, and long-term viability of the MOIA Incorporated Document.	Outstanding
OS11 **(PSW40)**	Residential Investigation Areas Review ▪	Review residential investigation areas, including Sunny Cliffs for development suitability. This work would also be undertaken as part of the Red Cliffs Structure Plan (FSW30).	Outstanding
OS12 **(PSW23)**	Cabarita Commercial Zone Review	Review Commercial 1 Zone (C1Z) and Mixed Used Zone (MUZ) in Precinct G (CBD Plan 2007).	Outstanding

The projects identified above remain important projects to progress to reinforce and improve the strategic directions of the scheme. Some of the projects listed have been rescoped so that they are focused on implementation through the scheme or combined with other higher priority projects.

4.4. Obsolete recommendations

There are three recommendations that were included in the 2019 review that are now unnecessary for Council to undertake:

- Review the number of planning permit applications received over the past 4 years for native vegetation removal, and examine whether a) there is a geographic concentration in a particular area and b) whether the number of applications in the area is significant. If these two conditions are met, Council could consider preparing a native vegetation precinct plan to provide a more holistic approach to vegetation management.
- Subject to the completion of the necessary strategic work within designated growth areas, support requests to the Minister for Planning for the cancellation of the section 173 agreements restricting the use of land for dwellings, given the medium-term strategic intent to rezone these areas to residential.
- Ensure the Mildura Economic Profile 2009 is reviewed and update the MSS to provide a more recent description of Mildura's economy.

The reasons why this work is unnecessary is due to:

- The first piece of work being an ongoing need that should be identified for specific projects by project proponents.
- The second piece of work can be undertaken by the land proponent in growth areas as necessary as part of their due diligence, rather than Council.
- The third project is now outdated and updates occurred to the Mildura economic profile through Amendment C104 and have also been undertaken in this planning scheme review.

4.5. Further Strategic Work at Clause 74.02

A range of further strategic work was inserted into the scheme as part of Amendment C104mild. This combined a range of items similar to the planning scheme review along with additional actions. These actions included:

- Investigate locations for the control of Cumbungi at Lake Cullulleraine.
- Review planning permit applications since 2015 for native vegetation removal.
- Review 'Budget Accommodation' policy to provide guidance for seasonal worker accommodation including group accommodation and camping and caravan parks.
- Develop a Renewable Energy Strategy.
- Develop an Urban Forest Strategy (or Landscape Character Study) to apply vegetation protection controls to increase tree canopy and avoid urban heat island impacts.
- Review the Mildura Economic Profile, (2009).
- Review the Mildura Industrial Land Use Strategy, (2006) and the Fifteenth Street Structure Plan.
- Review the Irymple Town Structure Plan, (2012) including industrial expansion to the south.
- Prepare a Drainage Strategy and Framework Plan for the Mildura East Growth Area.
- Prepare Urban Design Guidelines for Langtree Mall.
- Investigate options to apply the Environmental Significance Overlay to protect important industries.
- Review the zoning of Hattah township.
- Investigate opportunities for limestone extraction.
- Undertake a Horticultural Sustainability Development Strategy.
- Investigate freight gate opportunities at Thurla.
- Review local policy to consider the need for guidance on the suitability of utilising land which has been subject to long term agricultural spraying for residential development.

4.6. Findings

Since the 2019 review, Council has undertaken several important strategic planning projects and has a large work program of projects underway. It has implemented many projects, has many projects underway and is near to finalising a significant work program detailed from that review.

There remains a list of strategic projects that have not been undertaken and/or implemented which should be undertaken in the next 4-5 years and beyond as shown below.

Findings

Key findings are outlined below:

F5. The following proposed further strategic work should be undertaken throughout 2025-2029 and beyond:

FSW1	**Prepare and implement the Mildura Industrial Land Use Strategy.**
FSW2	**Implement the Mildura East Growth Area Strategic Framework and drainage strategy.**
FSW3	**Prepare planning options for Hattah Township.**
FSW4	**Implement the Residual Effects of Spraying on Soil in Horticultural Areas report.**
FSW5	**Prepare a Hydrological Assessment Report for Basins in Mildura and Irymple.**
FSW6	**Implement the Mildura Heritage Study Part B – Stage 2.**
FSW7	**Implement the 2025 Mildura Planning Scheme Review.**
FSW8	**Prepare a Short-Stay Budget Accommodation Strategy.**
FSW9	**Implement the Irymple Town Structure Plan 2021-2036.**
FSW10	**Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen.**
FSW11	**Prepare Development Contributions Plans as required for growth areas.**
FSW12	**Implement the Integrated Transport and Land Use Strategy.**
FSW13	**Implement the Mildura CBD Plan 2020-2035.**
FSW14	**Implement the Sustainable Subdivision Framework – Stage 2.**
FSW15	**Implement the Irymple Low Density Residential Development Plan.**
FSW16	**Prepare and implement new guidelines for integrated water management and water sensitive urban design.**
FSW17	**Investigate strategic options for the low density Lake Hawthorn College Lease land.**

FSW18	**Review Development Contributions Plans Expiring in 2030.**
FSW19	**Review the Mildura Retail Strategy.**
FSW20	**Implement Old Aerodrome Sporting Complex Master Plan.**
FSW21	**Implement the Mansell Reserve Master Plan 2024.**
FSW22	**Develop a Renewable Energy Strategy.**
FSW23	**Investigate options to apply the Buffer Area Overlay to protect important industries and infrastructure.**
FSW24	**Undertake a Rural Land Use Strategy for the municipality.**
FSW25	**Implement the Urban Forest Strategy.**
FSW26	**Implement the Mildura Airport Master Plan.**
FSW27	**Prepare a Housing and Neighbourhood Infill Study.**
FSW28	**Prepare and implement a gap analysis for the Mildura Public Open Space Strategy to achieve clearer nexus for community open space needs related to residential, commercial and industrial subdivisions.**
FSW29	**Review the Salinity Management Overlay.**
FSW30	**Review the Design and Development Overlay for Fifteenth Street.**
FSW31	**Undertake a Horticultural Sustainability Development Strategy.**
FSW32	**Prepare a planning scheme amendment to assist in the protection of Regent Parrot habitat.**
FSW33	**Investigate locations for the control of Cumbungi at Lake Cullulleraine.**
FSW34	**Investigate the viability of the current framework for the Mildura Marina.**
FSW35	**Implement updated flood modelling for the municipality.**
FSW36	**Review current level of electronic gaming machines (EGMs) and their placement in relation to areas of low socio-economic households.**
FSW37	**Prepare and implement Urban Design Guidelines for Langtree Mall.**
FSW38	**Review the signage requirements for recreation reserves.**
FSW39	**Investigate Opportunities for Agriculture Related Tourism.**

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the *Ministerial Direction on the Form and Content of Planning Schemes*, *a Practitioners' Guide to Victorian Planning Schemes* (Version 8, August 2025) and relevant planning practice notes.

Each provision has also been assessed against how it is achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at **Appendix 1**.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at **Appendix 1**. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Word count (5000 or less)	The MPS currently comprises 4,556 words and revisions proposed through the PSR will not increase the MPS above the 5000 word limit (with revisions is at around 4,034 words).	PSR policy neutral amendment
02.01 Context	Make minor amendments to the Context (02.01) to update population data. Update population and projected population source.	PSR policy neutral amendment
02.02 Vision	Update vision as part of the Council Plan 2025-2029 and 2040 Community Vision themes. Remove land use vision from clause.	PSR policy neutral amendment
02.03 Strategic directions		
02.03-1 Settlement	Need to update population data for each town from the ABS 2021. Correction/add comma before 'each': "The 'Main Urban Area' (MUA) comprises Mildura, Irymple and Nichols Point, each with their own distinct identity." Correction/add comma before along: "Nichols Point is a small residential hamlet located 4 kilometres east of Mildura, along Fifth Street." Remove redundancy: "Irymple (5,300) is located about 5 kilometres south-east of Mildura along the Calder Highway and it has also seen rapid population growth." Change to "Irymple (5,977) (ABS, 2021) is located about 5 kilometres southeast of Mildura along the Calder Highway and has seen rapid population growth."	PSR Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Add population data for Nichols Point and updated data for all towns. Settlement could address the basis of issues like growth and farming zones. Similarly, for Mildura; MOIA could be mentioned in the description as it is an important part of Mildura.	
02.03-2 Environmental values and landscapes	Add comma after 'boundary': 'The Murray River, which forms the northern and eastern municipal boundary, is an important asset of the region.' Change this "Due to the extent of agricultural clearing and development over the past 150 years, remnant vegetation is in severe decline or is threatened with further degradation and fragmentation." to "Due to extensive agricultural clearing and development over the past 150 years, remnant vegetation is in severe decline or is threatened with further degradation and fragmentation." Add comma before 'especially': "Roadside vegetation often forms linear corridors that act as important biolinks between substantial areas of vegetation, especially between the river and inland environs." Add "flora and fauna" into the following strategic direction: Maintain and restore connectivity to the fragmented habitat landscape to provide for the long term survival of flora and fauna species.	PSR Policy neutral amendment
02.03-3 Environmental risks and amenity	Revise by splitting issues in dot points (improve readability): Extensive development along the Murray River has resulted in several issues: • Increased salinity and nutrient levels • Reduced water availability downstream • Outbreaks of blue-green algae • Pollution of the river • Changes to flood regimes • The threat of floodwaters overtopping levees • Loss of habitats and flora and fauna species Change very long sentence to two sentences: "The Murray River has a history of flooding of low lying areas with the potential to cause significant property and agricultural damage although flooding has significant environmental benefits for the redgum forests and fauna that rely upon it." to "The Murray River has a history of flooding low-lying areas, which has the potential to cause significant property and agricultural damage. However, flooding has significant environmental benefits for the redgum forests and fauna that rely upon it." Remove redundant phrases and revise: "Rainfall in the municipality is insufficient to fully sustain horticultural, stock and domestic demand and is reducing as a result of climate change." Change to "Rainfall in the municipality is insufficient to fully sustain horticultural, stock, and domestic demand and is reducing due to climate change." Need to add a sentence that recognises areas of identified bushfire risk: "Areas in the municipality are at risk of bushfire where	PSR Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	development is discouraged or needs to be designed to respond to the identified bushfire risk." Remove ambiguity and revise: "change to flood regimes" to "change in flood patterns". Revise the strategic direction beginning with "Facilitate development that responds to local climatic conditions…" to Facilitate development that responds to local climatic conditions, including the impacts of climate change and the variations between extreme heat and cold. Need to add a strategic direction around bushfire such as: "Recognise areas of bushfire hazard and discourage development within these areas."	
02.03-4 Natural resource management	MOIA vision would be avoided in this section and restructured as the strategic context that protects land for horticulture. Revise to: The MOIA Incorporated Document (October 2023) protects land for horticulture by: • accommodating growth in planned estates around existing towns and hamlets. This acknowledges that existing rural residential development contributes to the ongoing economic prosperity and quality lifestyle of Mildura. It is noted that the NIA is not mapped or demarcated area - general aggregation resulting from private irrigation licences operating in FZ so cannot be mapped.	PSR Policy neutral amendment
02.03-5 Built environment and heritage	Could add a paragraph to acknowledge the urban structure of Mildura and other townships and the qualities that they have such as: "Mildura and the townships of Merbein, Irymple, Red Cliffs and Ouyen have a good urban structure with generally wide streets are areas for tree plantings and urban services. The grid network of Mildura provides a network of lots, streets and connections for well-functioning existing urban areas and newly planned growth areas on the edge of the town."	PSR Policy neutral amendment
02.03-6 Housing	Change "An ageing population also requires housing that is accessible or is able to be adapted to meet accessibility requirements" to "An ageing population also requires housing that is accessible or can be adapted to meet accessibility requirements." Revise: Currently, the majority of housing is detached 'family' homes, resulting in a significant mismatch over time between the types of housing needed by the community and the housing stock available. Revised wording to "Some forms of worker and budget accommodation have had negative impacts on neighbouring amenity especially in areas where land use is predominantly residential. Impacts can occur by way of hours of operation, on site management, provision of car parking and noise. The Mildura Housing and Settlement Strategy (2013) requires further strategic work, as it is an 11-year-old document, so this is a piece of further strategic work needed. Add a new strategic direction such as: "Encourage opportunities for infill development in residential, commercial and mixed use areas."	PSR Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Revise strategic directions: "Facilitate a diversity of housing to meet anticipated future need" to "Encourage a diversity of housing to meet anticipated future need." Facilitate worker and budget accommodation in locations that protect residential amenity from the adverse impacts of such uses. to "Encourage worker and budget accommodation in locations that protect residential amenity from the adverse impacts of such uses."	
02.03-7 Economic development	No changes required.	PSR complies
02.03-8 Transport	Added a sentence about the reinstatement of passenger rail services to Mildura to better utilise existing transport infrastructure. Add a sentence around integrated land use and transport such as: "There are many opportunities to improve the integration of land use and development with transport infrastructure around existing and planned transport, including the existing railway line between Mildura and Maryborough, Ballarat and Melbourne. Freight services are provided along this railway line but the reinstatement of passenger services would provide more connected towns with better development potential within large parts of the municipality." Add additional strategic directions such as: "Support the road and rail freight network and their important links to agricultural and farming production and tourism." Support the reinstatement of passenger rail services to Mildura and the economic benefits from improved transport and land use integration."	PSR Policy neutral amendment
02.03-9 Infrastructure	Revise by removing 'and' 'is' and adding comma before 'supported': The equitable provision of infrastructure is a key issue in the growth areas of the municipality, supported by development contribution plans. Add words into the following strategic direction: "Co-ordinate the staging and location of urban land release with Council's infrastructure program and the forward planning of agencies".	PSR Policy neutral amendment
2.04 Strategic framework plans	Currently, the mapping only shows the context of the LGA and does not set or display the strategic framework plan. Mapping should be changed to include: • High value agricultural land (such as the MOIA and NIA) – • Industrial areas • Freight routes including railways • Areas of environmental risk (e.g. bushfire, flooding and salinity) • The settlement hierarchy and potentially township boundaries • Review the areas of national park and freehold land identified by green coloured land.	PSR Policy neutral amendment

5.3. Planning Policy Framework

All the **Local PPF policies** that are included in the planning scheme are included in the table below, and a notation is included about whether they comply or require changing because of this review.

Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
SETTLEMENT		
11.01-1L-01 Mildura Main Urban Area	Need to add in policy application the words "included in" before the words "this clause" and delete the word "to". The policy application needs to be clear about what land is affected by the policy which is the relevant structure plan included in this clause. Need to have consistent wording throughout all of these clauses that references the plan to the clause in the policy application. Remove 'with' after 'including': "Support development of the Mildura riverfront, including ~~with~~ higher density residential development outside the floodplain that protects the values of the Murray River." Remove 's' from "lots": "Maintain large landscaped lot sizes in the northern part of Nichols Point." Move the relevant map under its corresponding heading.	PSR policy neutral amendment
11.01-1L-02 Urban Transition Area	Need to add in policy application the words "included in" before the words "this clause" and delete the word "to". Move the relevant map under its corresponding heading.	PSR policy neutral amendment
11.01-1L-03 Irymple	Need to add in policy application the words "included in" before the words "this clause" and delete the word "to". Move the relevant map under its corresponding heading.	PSR policy neutral amendment
11.01-1L-04 Merbein	Need to add in policy application the words "included in" before the words "this clause" and delete the word "to". Move the relevant map under its corresponding heading.	PSR policy neutral amendment
11.01-1L-05 Red Cliffs	Move the relevant map under its corresponding heading. Need to add in policy application the words "included in" before the words "this clause" and delete the word "to".	PSR policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
11.01-1L-06 – Cabarita	Move the relevant map under its corresponding heading. Need to add in policy application the words "included" before the words "to clause 11.01-1L-01" so that the Lake Hawthorn precinct can be easily referenced through the Cabarita local policy.	PSR policy neutral amendment
11.01-1L-07 Ouyen	Move the relevant map under its corresponding heading. Change 'then' to 'them': "Support the use and development of land for health services to provide for the needs of older persons and to allow them to 'age in place'."	PSR policy neutral amendment
11.01-1L-08 Murrayville	Complies	PSR complies
11.01-1L-09 College Lease Land	Complies	PSR complies
11.03: PLANNING FOR PLACES		
11.03-1L-01 Mildura CBD	In Policy application: include "included on the plan" before the word "to this clause"	PSR policy neutral amendment
11.03-1L-02 Fifteenth Street and City Gate Precincts	Complies – just need to reference plans in clause.	PSR policy neutral amendment
11.03-1L-03 Deakin Avenue	This policy does not clearly connect to the DDO1 objectives. Remove redundant wordings from objective and revise as: "To facilitate use and development within a landscaped setting that provides a transition from the city centre to the rural edge of Mildura." Rephrased for better clarity: "Site and design commercial land uses to respectfully interface with sensitive land uses such as open space, dwellings, community uses and places of worship." to "Encourage commercial land uses to be sited and designed to interface respectfully with sensitive land uses, such as open space, dwellings, community facilities, and places of worship."	PSR policy neutral amendment
11.03-1L-04 Horticultural edge precinct	Complies, no change required.	PSR complies
11.03-1L-05 Residential precinct	Complies	PSR complies
11.03-1L-06 City Gate precinct	Complies, no change required.	PSR complies
11.03-1L-07 Mixed use precinct	Complies, no change required.	PSR complies
11.03-1L-08 City core precinct	Complies, no change required.	PSR complies
11.03-2L Growth Area	Complies, no change required.	PSR complies

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ENVIRONMENT VALUES AND LANDSCAPES		
12.01-1L Protection of biodiversity	Complies	PSR complies
12.03-1L River corridors, waterways, lakes and wetlands	Complies	PSR complies
12.05-1L Environmentally sensitive public land area	Complies	PSR complies
ENVIRONMENTAL RISKS AND AMENITY		
13.07-1L Land use conflicts	Complies, no change required.	PSR complies
NATURAL RESOURCE MANAGEMENT		
14.01-1L-01 Sustainable agricultural land use	From previous planning scheme translation: MOIA specific protection is lost. Therefore, add MOIA specific protection as following: "Minimise unplanned urban intrusion into horticultural areas, such as the Mildura Older Irrigated Area (MOIA), by prohibiting new dwellings on lots under 10 hectares (except where permitted by the *Mildura Older Irrigated Area Incorporated Document*, October 2023).	PSR policy neutral amendment
14.01-1L-02 Use and development in the Farming Zone	Complies, no change required, apart from including reference to the FZ Schedule 1.	PSR policy neutral amendment
14.01-1L-03 Dwellings and subdivision in the Mildura Older Irrigation Area (MOIA)	Complies, no change required,	PSR complies
14.01-1L-04 Dwellings in future growth areas in the Farming Zone	Update the referred Clause # of Mildura Main Urban Area Framework Plan: This policy applies to land in the Farming Zone that is identified as in the 'Mildura East Growth Area' in the Mildura Main Urban Area Framework Plan at Clause 11.01-1L-01.	PSR policy neutral amendment
BUILT ENVIRONMENT AND HERITAGE		
15.01-1L Urban design in Mildura	Clause 15.01-1L Urban Design applies to the entire Mildura LGA and not solely to Mildura town. Will clarify in policy title.	PSR policy neutral amendment
15.01-3L Mildura subdivision design	This policy be broadened to Mildura and other townships. Currently, it is unclear whether this policy applies only to Mildura town or the entire LGA. Should apply to the entire LGA and not solely to Mildura town. Will clarify in policy title.	PSR policy neutral amendment
15.01-5L Low density residential character	Complies, but have added in reference to LDRZ1 and LDRZ2.	PSR policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
15.03-1L Heritage conservation in Mildura Strategies for Chaffey heritage in Deakin Avenue (HO308)	Revise Policy application: "This policy applies to all land within a Heritage Overlay (HO)." In strategies for Chaffey heritage in Deakin Avenue (HO308) revise: "Retain all evidence of nineteenth-century building activity, especially the red brick architecture which is typical of this period."	PSR policy neutral amendment
HOUSING		
16.01-1L-01 Housing supply in Mildura	Correction: "Support retirement living and aged care development with convenient access to services and facilities, integrated with their surroundings." Correction / change "indigenous" to "Indigenous": "Encourage buildings to be designed to accommodate different groups within the Mildura community, including larger dwellings for culturally and linguistically diverse and Indigenous family groups, and accessible housing for the elderly or mobility impaired."	PSR policy neutral amendment
16.01-1L-02 Worker and budget accommodation	Complies, no change required	PSR complies
16.01-3L-01 Rural residential locations	Complies, no change required	PSR complies
16.01-3L-02 – Woorlong Wetlands rural residential development	Revise: "Identifying a building envelope of more than 3,000 square metres for each lot, sited to avoid compromising views to Kings Billabong."	PSR policy neutral amendment
ECONOMIC DEVELOPMENT		
17.03-1L-01 Mildura Rural City Industrial Land Supply	Minor changes required to revise existing current strategies: - Replace semicolon with a comma because the two clauses are closely related: Encourage the extension of the Mildura Industrial Estate along Benetook Avenue between Fourteenth and Fifteenth Streets in the short term, and then between Fifteenth and Sixteenth Streets in the longer term. - Replace 'into' with 'in' / remove 'at' before 'Kulkyne' revise: "Focus industrial use or development that services the wine and horticultural industries in industrial precincts in Mildura, Irymple, Red Cliffs and Kulkyne Way."	PSR policy neutral amendment
17.03-1L-02 Thurla industrial land supply	In Policy application: add "included in the plan to this clause" Correction: "Direct industrial use or development to Thurla that requires significant land holdings or buffer distances to sensitive land uses."	PSR policy neutral amendment
17.03-1L-03 Kulkyne Way industrial land supply	Correction: "Direct industrial use or development to Kulkyne Way that requires significant land holdings or buffer distances to sensitive land uses."	PSR policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
TOURISM		
17.04-1L Facilitating tourism in Mildura	Add objective and strategies: • Add objective (refer to template A4): To establish Mildura as a premier event and tourism destination. • Add strategies (refer to template A4): - Develop and promote hallmark events that promote Mildura's unique locations and cultural heritage. - Enhance infrastructure for large-scale events and conferences. - Support community engagement programs to strengthen social connections and cohesion. - Encourage high-quality RV, caravan and camping facilities to locate in appropriately zoned areas of Mildura. - Ensure adequate and well-maintained facilities for RVs, caravans, and campers, including waste disposal and water supply points. - Promote eco-friendly practices and sustainable tourism within the camping and caravan sector. • Add policy document (refer template A4): - Events Strategy 2025 (Mildura Rural City Council, 2025). - Mildura RV, Caravan & Camping Strategy 2022 (Mildura Rural City Council, 2022).	PSR full amendment
TRANSPORT		
18.01-1L Mildura LGA integrated transport and land use	Complies	PSR complies
18.02-2L Cycling in Mildura	Add comma before 'including' and revise: Encourage development that provides a physical separation of bicycle lanes from vehicular movement, including through road surface treatments. 'Cycling in Mildura' related to LGA and not just the Mildura town. • Add policy document: - Merbein Pedestrian and Cycling Plan 2023 (Mildura Rural City Council, 2023).	PSR policy neutral amendment
18.02-4L Mildura road network	Correct spelling of 'existing': Encourage vehicle access points associated with residential development to be via a single crossover or, if appropriate, from an existing crossover.	PSR policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
18.02-7L Mildura Airport and environs	The Mildura Airport Pty Ltd (MAPL) new master plan is currently under strategic development, which will impact this policy. For instance, adding new policy documents and updating the master plan are necessary through future strategic work. Policy document will require update from 2017 Arcadis reference to adopted 2024 Plan (when approved) through a separate process.	PSR further strategic work
INFRASTRUCTURE		
19.02-6L Open Space	Has been considered in Key Issues Report which recommends further strategic work.	PSR further strategic work
19.03-2L Infrastructure design and provision	Has been considered in Key Issues Report which recommends further strategic work.	PSR further strategic work
19.03-3L Integrated water management	Has been considered in Key Issues Report which recommends further strategic work.	PSR further strategic work

5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
RESIDENTIAL ZONES		
32.03S1 Low Density Residential Zone (LDRZ1)	Complies, no change required.	PSR complies
32.0.3S2 Low Density Residential Zone (LDRZ2)	Complies, no change required.	PSR complies
32.04S1 Mixed Use Zone (MUZ1)	Complies	PSR complies
32.04S2 Mixed Use Zone (MUZ2)	Objective Correction Remove 'providing' before 'for' and revise: "To encourage housing diversity and choice, including affordable housing ~~providing~~ for smaller households and older residents to 'age in place'."	PSR policy neutral amendment
32.04S3 Mixed Use Zone (MUZ3)	Complies, no change required.	PSR complies

Clause no. and name	Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
32.04S4 Mixed Use Zone (MUZ4)	Objectives correction: Remove 'for' before 'a': "To provide ~~for~~ a local convenience centre for the residents of Nichols Point."	PSR policy neutral amendment
32.05S1 Township Zone (TZ1)	Complies, no change required.	PSR complies
32.07S1 Residential Growth Zone (RGZ1)	Must have objectives (maximum 5) / add objective: "To facilitate the orderly development of the Mildura South Neighbourhood Activity Centre."	PSR policy neutral amendment
32.08S1 General Residential Zone (GRZ1)	Complies, no change required.	PSR complies
32.09S1 – Neighbourhood Residential Zone (NRZ1)	Complies, no change required.	PSR complies
33.01 – Industrial 1 Zone	Complies, no change required.	PSR complies
33.03 – Industrial 3 Zone	Complies, no change required.	PSR complies
34.01s1 – Commercial 1 Zone	The second row's requirements are duplicated so the following text should be removed: "Any land fronting Deakin Avenue, Mildura which was in the Business 5 Zone on 14 July 2013 (i.e. the day before Amendment VC100 was gazetted)."	PSR policy neutral amendment
Clause 35.03 Rural Living Zone (RLZ1)	Minimum setback from a road (metres): The distance for Transport Zone 2 or land in a public acquisition overlay and other roads could be split into different schedules, as they have different planning controls. Add to table "Minimum setback from a waterway, wetlands or designated flood plain (metres)" Add "All Land and None specified"	PSR policy neutral amendment
35.06 Rural Conservation Zone (RCZ1)	Complies, no change required.	PSR complies
35.06 Rural Conservation Zone (RCZ2)	Complies, no change required.	PSR complies
35.06 Rural Conservation Zone (RCZ3)	Complies, no change required.	PSR complies
35.06 Rural Conservation Zone (RCZ4)	Complies, no change required.	PSR complies
35.07 Farming Zone (FZ)	Currently, the FZ schedule applies to both broadacre cropping land and the MOIA. Given the NIA it is very difficult to separate out the two different scheduled areas so suggest they remain as is. Add "Minimum setback from a waterway, wetlands or designated flood plain (metres)" / Add "All Land and None specified"	PSR policy neutral amendment
Clause 35.08 Rural Activity Zone (RAZ1)	Add "Minimum setback from a waterway, wetlands or designated flood plain (metres)" / Add "All Land and None specified"	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Clause 36.01 Public Use Zone (PUZ)	One submission raised an issue about the Carwarp Bioenergy Power Plant now not progressing so this project can be removed from the schedule.	PSR policy neutral amendment
Clause 36.02 Public Park and Recreational Zone (PPRZ)	Complies, no change required.	PSR complies
Clause 36.03 Public Conservation And Resource Zone	Complies, no change required.	PSR complies
Clause 37.01 Special Use Zone Schedule 1 Private Education And Religious Establishments	Purpose Correction: "To provide for the use and development of private education and religious establishments occurs in an orderly and proper manner and does not cause a loss of amenity to the surrounding neighbourhood."	PSR policy neutral amendment
Clause 37.01 Special Use Zone (SUZ2) Tourist Precincts	Complies, no change required.	PSR complies
Clause 37.01 Special Use Zone (SUZ3) Mildura Marina	Updates needed to Department names consistent with the schedule to Clause 66.06.	PSR policy neutral amendment
Clause 37.01 Special Use Zone (SUZ4)	Complies, no change required.	PSR complies
Clause 37.01 Special Use Zone (SUZ5)	Complies, no change required.	PSR complies
Clause 37.02 Special Use Zone (SUZ6)	Complies, no change required.	PSR complies
Clause 37.02 Special Use Zone (SUZ7)	Complies, no change required.	PSR complies
Clause 37.02 Special Use Zone (SUZ8)	Complies, no change required.	PSR complies
Clause 37.02 Special Use Zone (SUZ9)	Complies, no change required.	PSR complies
Clause 37.02 Special Use Zone (SUZ10)	Complies, no change required.	PSR complies
Clause 37.02 Comprehensive Development Zone (CDZ1)	Complies, no changes required	PSR complies
Clause 37.03 Urban Floodway Zone (UFZ1)	Complies, no changes required	PSR complies
Clause 37.07 Urban Growth Zone (UGZ1)	Complies, no change required	PSR complies

5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or

they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ENVIRONMENTAL AND LANDSCAPE OVERLAYS		
42.01s1 Environmental Significance Overlay (ESO1) Murray River Corridor	Complies, no change required.	PSR complies
42.01s2 Environmental Significance Overlay (ESO2)	Comments of the water authority was that they did not need to be specified and only included in the schedule to Cl 66.04. Hence have deleted this decision guideline.	PSR policy neutral amendment
42.01s3 Environmental Significance Overlay (ESO3)	No ESO3 in planning scheme. Could be used for a future ESO schedule.	N/A
42.01s4 Environmental Significance Overlay (ESO4)	Another decision guideline needs to be added around protecting industrial uses where identified through the application of the schedule. Need to remap for Merbein Mushrooms site and review all ESO4 mapping. Need to restate the minimum distance for a dwelling sentence as a permit requirement. Therefore, revise: to "The minimum distance for the construction of a new dwelling is defined by the extent of the overlay control. The responsible authority will discourage any new dwellings within this separation distance." Need to add application requirements for information that analyses the minimum distance and its impact on the environment and industry. Add into decision guidelines: - Whether any new dwelling within a buffer area could negatively impact the operations of industries. - Relate to EPA guidelines 1518 Could expand overlay to Thurla through future strategic work.	PSR full amendment
VEGETATION PROTECTION OVERLAY		
42.02s1 Vegetation Protection Overlay (VPO1)	Add permit requirement: "A permit is required to remove, destroy or lop vegetation."	PSR policy neutral amendment
42.02s2 Vegetation Protection Overlay (VPO2)	Complies, no change required.	PSR Complies
HERITAGE AND BUILT FORM OVERLAYS		
43.01 Heritage Overlay (HO) Schedule	Complies, no change required Missing HO numbers (for future reference): - HO7	PSR Complies

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	- HO18 - HO54 to HO100 - HO109 - HO122 - HO165 - HO185 to HO200 - HO219 to HO300 - HO312 - HO320 to HO399 - HO431 - HO440	
DESIGN AND DEVELOPMENT OVERLAY		
43.02s1 Design and Development Overlay (DDO1)	Mandatory requirements for maximum building heights and subdivision need to be better referenced in the schedule to what actually are the mandatory requirements in the schedule and the relationship of the tables to requirements in clause 2.0. Revise Landscaping: "Large areas of landscaping should be incorporated, with large native canopy trees that provide shade on public and private land at the rates shown in Table 3 to this schedule."	PSR policy neutral amendment
43.02s2 Design and Development Overlay (DDO2)	Complies, no change required.	PSR Complies
43.02s3 Design and Development Overlay (DDO3)	Complies, no change required.	PSR Complies
43.02Ss4 Design and Development Overlay (DDO4)	Changes required as follows: Buildings and works: "The responsible authority may place conditions on any permit granted under this overlay ~~so as~~ to preserve the amenity of the area including conditions relating to" "The building height exceeds two storeys in which case it will be assessed in terms of its impact on adjacent land and the overall amenity of the area" "Front setback areas are kept free of storage and waste disposal facilities**,** which should be located to the rear or side setback and suitably screened by appropriate landscaping." Should remove dot point from subdivision permit exemption.	PSR policy neutral amendment
43.02Ss5 Design and Development Overlay (DDO5)	There is no DDO5 schedule. This could be used for a future DDO schedule.	N/A
43.02s6 Design and Development Overlay (DDO6)	Complies, no change required.	PSR Complies
43.02s7 Design and Development Overlay (DDO7)	Complies, no change required.	PSR Complies
43.02s8 Design and Development Overlay (DDO8)	Complies, no change required.	PSR Complies

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
43.02s9 Design and Development Overlay (DDO9)	The maps need to be referenced better in the overlay wording.	PSR policy neutral amendment
43.02s10 Design and Development Overlay (DDO10)	Complies, no change required.	PSR Complies
43.02s11 Design and Development Overlay (DDO11)	Complies, no change required.	PSR Complies
43.02s12 Design and Development Overlay (DDO12)	Complies, no change required.	PSR Complies
43.02s13 Design and Development Overlay (DDO13)	Complies, no change required.	PSR Complies
43.02s14 Design and Development Overlay (DDO14)	Complies, no change required.	PSR Complies
43.02s15 Design and Development Overlay (DDO15)	Complies, no change required.	PSR Complies
Development Plan Overlay (DPO)		
43.04s1 Development Plan Overlay (DPO1)	Complies, no change required.	PSR Complies
43.04s2 Development Plan Overlay (DPO2)	Complies, no change required.	PSR Complies
43.04s3 Development Plan Overlay (DPO3)	Complies, no change required.	PSR Complies
43.04s4 Development Plan Overlay (DPO4)	Complies, no change required.	PSR Complies
43.04s5 Development Plan Overlay (DPO5)	Complies, no change required.	PSR Complies
43.04s6 Development Plan Overlay (DPO6)	Complies, no change required.	PSR Complies
Other Overlays		
44.02s1 Salinity Management Overlay (SMO1)	Add schedule number “Schedule 1” and “SMO1” Application requirements are merged with the permit requirement and should be separated into clause 4.0 Application requirements. Need to remove the sentence “See 44.02-9 for relevant provisions.” from clause 5.0	PSR policy neutral amendment
44.03s1 Floodway Overlay (FO)	Should add schedule number “Schedule 1” and “FO1” as well as a schedule heading but given that work is underway by the Mallee CMA, leave this to that work.	Complies

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
44.04s1 Land Subject to Inundation Overlay	Should add schedule number "Schedule 1" and "LSIO1" as well as a schedule heading but given that work is underway by the Mallee CMA, leave this to that work. Complies, no change required.	PSR policy neutral amendment
44.06 BMO	Complies, no change required. There is no BMO schedule and the MDFC states that at least one is needed. This is a matter that DTP needs to clarify and add from their yearly BMO review. Council could follow up at a later stage.	Complies
45.01 Public Acquisition Overlay (PAO)	Complies, no change required	Complies
45.02 Airport Environs Overlay (AEO1)	Complies, no change required	Complies
45.02 Airport Environs Overlay (AEO2)	Complies, no change required	Complies
45.03 Environmental Audit Overlay (EAO1)	Complies, no change required	Complies
45.06 Development Contributions Plan Overlay (DCPO1)	Complies, no change required	Complies
45.06 Development Contribution Plan Overlay (DCPO2)	Complies, no change required	Complies
45.06 Development Contribution Plan Overlay (DCPO3)	Complies, no change required	Complies
45.09s Parking Overlay (PO1)	Complies, no change required	Complies
45.12 Specific Controls Overlay	Complies, no change required	Complies

5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and inclusions	Full stops missing from some of items in "title of incorporated documents" All documents in schedule have been reviewed by Council and are still required.	PSR policy neutral amendment
52.02s Easements, restrictions, and reserves	Complies, no change required.	PSR complies
52.05s Signs	Complies, no change required.	PSR complies
52.16s Native vegetation precinct plan	Complies, no change required.	PSR complies
52.17s Native vegetation	Complies, no change required.	PSR complies
52.27s Licenced premises	Complies, no change required.	PSR complies
52.28s Gaming	Complies, no change required.	PSR complies
52.32s Wind energy facility	Complies, no change required.	PSR complies
52.33 Post boxes and drystone walls	Complies, no change required.	PSR complies
53.01s Public open space contributions and subdivision.	Complies, no change required.	PSR complies
53.06s Live music entertainment venues	Complies, no change required.	PSR complies
53.15s Statement of underlying provisions	Complies, no change required.	PSR complies
59.15s Local VicSmart applications	Complies, no change required.	PSR complies
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Complies, no change required.	PSR complies

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions	Complies	PSR complies
Schedule to Clause 66.06 Notice of permit applications under local provisions	Complies	PSR complies

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME			
72.01s	Schedule to Responsible Authority for this Planning Scheme	Complies, no change required	PSR complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?	Complies, no change required	PSR complies
72.03s	Schedule to What Does this Scheme Consist of?	Add into schedule: - 24ESO4, - 54BM – should be 54BMO Remove 24ESO3, 25ESO3 as there is no ESO3 in scheme. Remove 26FO and 27FO maps from online version of planning schemes online	PSR policy neutral amendment
72.04s	Schedule to Documents Incorporated in this Planning Scheme	Complies, no change required other than as a result of a submission to remove the *Bioenergy Power Plant Concept Master Plan, Carwarp* (Mildura Rural City Council,14 May 2014), Amendment C88.	PSR policy neutral amendment
72.05s	When did this planning scheme begin	Complies, no change required	PSR complies
72.08s	Schedule to Background Documents	Updated strategies relied on for review have been added into this clause but other strategic work underway will be left for future planning scheme amendments.	PSR policy neutral amendment
STRATEGIC IMPLEMENTATION			
74.01s	Schedule to Application of Zones, Overlays and Provisions	PAO4 isn't listed in application of overlays. Revise: Low Density Residential Zone (LDRZ2) to specify a minimum lot size of 0.4 hectares in low-density residential areas, with other areas remaining in LDRZ1. Add: Schedule 2 (ESO2) - along Mildura Waste Water Treatment Plant and Reuse Centre. Add all MUZs	PSR policy neutral amendment

Clause	Name	Considerations	Recommendations Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
		Add TZ Add GRZs Add RGZ Add IN1Z Add IN3Z Add RAZ Add PUZs Add all SUZs Add CDZ Add UFZ Add UGZ Add all VPOs Add all DDOs Add all DPOs Add FO Add LSIO Add AEO Add PCRZ	
74.02s	Schedule to further strategic work	Further strategic work has been included from the R3 template and Appendix 2 of this planning scheme review report.	PSR policy neutral amendment

5.9. Findings

Key findings are outlined below:

F6. Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix 1.

F7. Undertake further strategic work to address issues identified in the planning scheme audit for the following controls:

- **18.02-7L Mildura Airport and environs.**
- **19.02-6L Open Space.**
- **19.03-2L Infrastructure design and provision.**
- **19.03-3L Integrated water management.**
- **Additional documents for the schedule to Clause 72.08.**

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last six years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 8 shows the number of permit applications received between the 2018/19 financial year and the 2023/24 financial year (to 31 May 2024) over six consecutive years. The numbers of applications received varied, with a low of 367 in 2023/24 and a high of 538 in 2021/22. Over the six financial years, there was some annual variation, but over the entire six years, there were 2,898 applications received and 2,727 decisions.

Table 8: PPARs Report for Permits Issued Between the 2019 and 31 May 2024 (Financial Years)

Permits (including refusals)	2018 – 31 May 2024	2018 – 2019	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 31 May 2024
Applications Received	2898	488	515	524	538	466	367
New application	*2412*	*418*	*416*	*422*	*465*	*387*	*304*
Amended permit	*486*	*70*	*99*	*102*	*73*	*79*	*63*
Notice of Decision (NOD)	20	1	3	1	5	2	8
Permit issued (including application & amended permit)	2432	426	435	457	445	327	342
Withdrawn/ No Permit Required/ Lapsed	215	35	43	48	39	29	21
Refused	60	15	18	5	8	8	6
Determined	2727	477	499	511	497	366	377
No Data and Not Determined	171	11	16	13	41	100	N/A

Source: PPARS

Discussion

Analysis of Table 1 shows that the number of applications received and determined has remained relatively consistent over the last five years. However, in the 2021/22 and 2022/23 financial years, the number of applications received exceeded those applications that were determined. Over the past five years, the number of applications received has averaged approximately 580 per financial year. There has been a constant number of applications that were withdrawn, marked as no permit required, or lapsed, particularly during the financial years 2020/21 and 2021/22, more so during the

Covid-19 pandemic years. To address the number of applications received that were exceeding determinations, greater resourcing was provided which shows a significant turnaround in decisions made in 2023-24.

There is a low percentage of refusals, with a yearly average generally less than 2 per cent, which is typical for rural municipalities. However, there is a moderately high number of withdrawn, not required, or lapsed applications. Many applications are withdrawn or shown as not requiring a permit, partly due to a lack of clarity in the planning scheme but more often due to applications that are inconsistent with the Council's Municipal Planning Strategy (MPS) and local planning policy being often withdrawn before being refused. Some proposals from applicants are also often ambit claims. Potentially, the number of withdrawn and no permit required applications could be reduced if greater clarity was provided in the Mildura Planning Scheme with new guidelines and checklists. This would help applicants and the community better understand when a permit is required.

6.1.2. Service performance

Evidence

Table 9 sets out data against four different indicators for Mildura Rural City Council against other comparable councils and the statewide average.

Table 9: Service Performance Comparison Against Comparable Councils, 2019 - 31 May 2024

Measure description	Council	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Time taken to decide planning applications (Median number of days taken between receipt of a planning application and a decision on the application)	Greater Shepparton	55 days	43 days	47 days	63 days	70 days
	Swan Hill Rural City Council	47 days	49 days	41 days	79 days	96 days
	Hindmarsh Shire Council	72 days	43 days	43 days	69 days	107 days
	Horsham Rural City Council	55 days	42 days	63 days	47 days	56 days
	Mildura Rural City	**56 days**	**50 days**	**57 days**	**52 days**	**77 days**
	All Council Average	**57 days**	**45.5 days**	**50 days**	**62 days**	**81 days**
Planning applications decided within required time frames	Greater Shepparton City Council	58.29%	73.7%	75.8%	62.3%	59.3%
	Swan Hill Rural City Council	82.63%	85.52%	96.38%	71.27%	59.85%
	Hindmarsh Shire Council	52.77%	80.48%	76.19%	90.16%	54.54%
	Horsham Rural City Council	76.72%	85.6%	78.5%	100%	100%
	Mildura Rural City	**79.79%**	**86.8%**	**77.4%**	**84.7%**	**49.5%**
	All Council Average	**70%**	**82.5%**	**81%**	**81.6%**	**64.64%**

Measure description	Council	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Cost of statutory planning service per planning application	Greater Shepparton City Council	$3147	$2032	$1020	$853	$1748
	Swan Hill Rural City Council	$2540	$3417	$2675	$3217	$3967
	Hindmarsh Shire Council	$4139	$5266	$4314	$4465	$4413
	Horsham Rural City Council	$2770	$2898	$2328	$2378	$2841
	Mildura Rural City	**$3068**	**$2221**	**$2249**	**$2267**	**$2255**
	All Council Average	**$3133**	**$3167**	**$2517**	**$2636**	**$3045**
Council planning decisions upheld at VCAT	Greater Shepparton City Council	50%	100%	100%	75%	100%
	Swan Hill Rural City Council	0%	0%	0%	0%	75%
	Hindmarsh Shire Council	0%	-	0%	0%	0%
	Horsham Rural City Council	50%	0%	0%	0%	0%
	Mildura Rural City	**83%**	**85%**	**100%**	**66.6%**	**70%**
	All Council Average	**36%**	**46%**	**40%**	**35%**	**49%**

Source: www.knowyourcouncil.vic.gov.au.

Discussion

Mildura's planning performance has been benchmarked against four other neighbouring or comparable Councils being Greater Shepparton, Swan Hill Rural City, Hindmarsh and Horsham. This benchmarking shows that Mildura compares generally favourably against:

- **Median Number of Days Taken Between Receipt of a Planning Application and Decision:** In Mildura Rural City, the median number of days to decide planning applications increased from 56 days in 2018-2019 to 77 days in 2022-2023. This rise contrasts with other councils, such as Greater Shepparton City Council, which increased from 55 days to 70 days, and Swan Hill Rural City Council, which saw a more significant increase from 47 days to 96 days over the same period.
- **Percentage of VicSmart Planning Application Decisions Made Within 10 Days and Regular Planning Application Decisions Made Within 60 Days:** Since 2021/22, the percentage of planning applications decided within the required timeframes in Mildura Rural City has declined notably, from 84.7 per cent in 2021-2022 to 49.5 per cent in 2022-2023. In comparison, Greater Shepparton City Council saw a decrease from 75.8 per cent in 2020-2021 to 59.3 per cent in 2022-2023, and Swan Hill Rural City Council dropped from 96.38 per cent in 2020-2021 to 59.85 per cent in 2022-2023.

- **Direct Cost to Council of the Statutory Planning Service Per Planning Application Received:** The cost per application in Mildura Rural City has shown fluctuations, with a decrease from $3068 in 2018-2019 to $2221 in 2019-2020, remaining relatively stable around $2250 in subsequent years, and being $2255 in 2022-2023. This trend contrasts with other councils like Greater Shepparton City Council, which saw a decrease from $3147 in 2018-2019 to $853 in 2021-2022 before rising to $1748 in 2022-2023. These costs are a reflection of actual Council resources expended on the planning service and mirror staff vacancies and the difficulties filling positions in recent years.
- **Increasing Percentage of Council Planning Application Decisions Upheld by VCAT:** Mildura Rural City has maintained a relatively high percentage of decisions upheld by VCAT, with 70 per cent upheld in 2022-2023. This is a slight decrease from previous years, such as 85 per cent in 2019-2020 and 100 per cent in 2020-2021. Comparatively, Greater Shepparton City Council also had a high rate of upheld decisions, reaching 100 per cent in multiple years, including in 2022-2023.

While there have been significant performance improvements, more could be undertaken with further planning regulatory reductions and additional resourcing and investment of Council's planning functions being provided.

6.1.3. Most common application types

Evidence

As shown in **Table 10**, applications for 'Other', 'Change or extension of use', and '2 or more lot subdivision' consistently stand out as the three most common types of applications in the financial years 2018/19 to 31 May 2024. Following closely are applications for 'One or more new buildings' and 'Single Dwelling', which remain among the most frequent application types each year.

Table 10: Most Common Application Types Between the 2019 and 31 May 2024 (Financial Years)

Application type	2018 - 31 May 2024	2018 – 2019	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 31 May 2024
Alterations to a building structure or dwelling	68	5	17	17	8	11	10
Change or extension of use	549	87	105	79	86	77	115
Extension to an existing dwelling or structure associated with a dwelling	114	19	22	27	20	13	13
Extension to existing building or structure (other than dwelling)	76	16	15	14	16	8	7
Liquor license	45	13	3	6	9	6	8
2 or more dwellings (Multi dwellings)	60	5	10	21	5	7	12
Native vegetation removal	28	7	11	3	-	3	4
One or more new buildings	216	43	38	21	38	34	42
Other	1033	159	196	185	215	140	138

Application type	2018 - 31 May 2024	2018 – 2019	2019 – 2020	2020 – 2021	2021 – 2022	2022 – 2023	2023 – 31 May 2024
Other buildings and works (including septic tanks, dams, earthworks)	16		1	8	-	4	3
Other vegetation removal	8	1	2	2	3	-	-
Signage	94	14	14	9	21	23	13
Single Dwelling	185	24	19	42	37	28	35
2 or more lot subdivision	444	100	78	85	66	54	61
Subdivision other (boundary realignment, easement, buildings, removal of covenant)	108	21	15	27	17	15	13
Telecommunications facility	12	1	-	-	4	4	3
Waiving of parking requirements	48	-	2	1	16	10	19

Source: PPARS

Discussion

Table 10 presents the most common types of applications received in the municipality from 2018 to 31 May 2024. Applications for 'Other', 'Change or extension of use', '2 or more lot subdivision', 'One or more new buildings', and 'Single Dwelling' reflect prevalent development settings outlined in the Mildura Planning Scheme. The high number of 'Other' applications indicates that many applications may not fit neatly into existing categories, suggesting a need for better classification within Council's planning scheme software which is currently under development through Greenlight. Subdivisions (including boundary realignment, easement, building, and removal of covenant), extensions to existing dwellings or associated structures, signage, and requests for waiving of parking requirements are regular application types.

Applications for native vegetation removal decreased during the period from 2019-2020 to 2021-2022. Conversely, applications for telecommunications facilities increased in recent years which most probably represents the rollout of the telecommunications black spot removal program. The relatively low frequency of applications for 'Other vegetation removal' and 'Other buildings and works (including septic tanks, dams, earthworks)' indicates their specialised and less common nature compared to other application types.

6.1.4. Decision making by Council

Evidence

Table 11 shown applications determined by Council in the period from 2018 to 31 May 2024 (financial years).

Table 11: Decision outcome data from 2018 to 31 May 2024 (financial years)

No.	Final Outcome	Percentage
Applications to Council		
2939	Permit/NOD Determined by Council (Delegate or Council meeting)	80.49%
444	Refusal Determined by Council (Delegate or Council meeting)	12.16%
268	No data	7.34%
-	Refusal Determined by Delegate	-
-	Permit/NOD Determined by Delegate	-
3651	**Total decisions by Council**	**100%**
Applications to VCAT		
35	Permit Determined by VCAT	51.47%
30	Refusal Determined by VCAT	44.11%
3	Failure Determined by VCAT	4.4%
68	**Total Decisions by VCAT**	**100%**

Source: Council supplied data (Note: does not necessarily match PPARS data)

Discussion

The data shows that the majority of Council applications, 80.49 per cent, resulted in permits or notices of decision determined by the Council, while 12.16 per cent were refused by the Council. Applications without a recorded outcome account for 7.34 per cent, indicating a need for the Council to enhance their application database to ensure comprehensive tracking and transparency.

The decisions determined by VCAT, either permits or refusals, make up a small portion of the total, reflecting their role in addressing contested cases.

Overall, the data highlights the Council's efficiency in processing applications, but also underscores the importance of addressing the gaps in data management.

Note: No data was provided that differentiated between decisions made under delegation and those made at a council meeting.

6.1.5. VCAT Matters

Evidence and Discussion

Table 12 includes applications for review (planning appeals) that have been determined by the Victorian Civil and Administrative Tribunal (VCAT) during the period 2018/2019 to 31 May 2024.

Appeals against refusal ranged from three to seven per year, showing a relatively stable trend over the years. Appeals against decisions to grant or conditions varied more widely, with three to nine

cases annually, indicating occasional fluctuations in applicant satisfaction with granted permits and conditions.

Appeals against failure to determine an application, which occur when the Council fails to make a decision within the required timeframe, were rare, only occurring in 2018/19 and 2019/20, and not appearing in subsequent years.

Table 12: Applications For Review Against Planning Applications to VCAT, 2019 – 31 May 2024

Application for review type	2018/19	2019/20	2020/21	2021/22	2022/23	2023 – 31 May 2024
Appeal against refusal (s. 77)	7	6	4	3	7	3
Appeal against decision to grant (s. 82) and conditions (s.80)	8	9	5	6	4	3
Appeal against failure (s. 79)	1	2	0	0	0	0

Source: Council supplied data

6.1.6. Geographic spread of applications

Evidence

Table 13 shows the geographic spread of applications across the municipality by locality between 2018/19 to 31 May 2024.

Table 13: Application Distribution Between 2018/2019 and 31 May 2024 (Financial Years)*

Locality	Number of Applications between 2018-Feb 2024	Percentage (%)	Locality	Number of Applications between 2018-Feb 2024	Percentage (%)
Mildura	1,679	45.99%	Meringur	29	0.79%
Irymple	533	14.60%	Murrayville	23	0.63%
Red Cliffs	343	9.39%	Patchewollock	7	0.19%
Nichols Point	195	5.34%	Linga	6	0.16%
Merbein	166	4.55%	Mittyack	6	0.16%
Ouyen	82	2.25%	Lindsay Point	5	0.14%
Koorlong	76	2.08%	Murray-	5	0.14%
Cabarita	69	1.89%	Torrita	5	0.14%
Birdwoodton	62	1.70%	Carwarp	21	0.58%
Merbein	55	1.51%	Iraak	20	0.55%
Cardross	54	1.48%	Colignan	19	0.52%
Yelta	44	1.21%	Werrimull	19	0.52%

Locality	Number of Applications between 2018-Feb 2024	Percentage (%)
Wargan	18	0.49%
Cullulleraine	15	0.41%
Merbein West	15	0.41%
Hattah	14	0.38%
Nangiloc	14	0.38%
Walpeup	11	0.30%
Merrinee	9	0.25%
Underbool	8	0.22%
Tempy	7	0.19%
Tutye	4	0.11%

Locality	Number of Applications between 2018-Feb 2024	Percentage (%)
Carina	3	0.08%
Cowangie	2	0.05%
Kulwin	2	0.05%
Boinka	1	0.03%
Panitya	5	0.14%
Total	**3,651**	**100%**

Source: PPARS / Council supplied data

Note: *Figures from the council data are greater than those from the PPARs data

Discussion

Table 13 shows that from 2018 to 31 May 2024, most permit applications were concentrated in Mildura, accounting for 45.99 per cent of the total. This is due to Mildura being a major urban centre with a mix of residential, commercial, and industrial areas. Other localities with significant application volumes include Irymple (14.60 per cent) and Red Cliffs (9.39 per cent), likely because of their urban development and residential growth. Nichols Point (5.34 per cent) and Merbein (4.55 per cent) have moderate application volumes due to their proximity to larger townships and available land for development. Ouyen as a larger contained town has lesser application volume (2.25 per cent).

Smaller localities such as Birdwoodton, Cabarita, and Carwarp have much lower application volumes, each contributing less than 2 per cent of the total. These areas are more rural or have stricter planning controls, resulting in fewer applications. This distribution highlights the urbanisation trends within the region, with more applications in larger townships and fewer in rural areas. This data suggests the need for planning strategies that consider the different needs of both urban and rural areas in the Council's jurisdiction.

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

Council has undertaken 15 'C' planning scheme amendments since the last planning scheme review as shown in **Table 14**. A detailed analysis of these has been provided to Council officers, with four amendments being considered by a Panel.

Implications for three amendments are discussed later in this report:

- Issue 1: Ministerial Amendment C118mild, - see Section 6.2.2
- Issue 2: C104mild – see Section 6.2.3 and
- Issue 3: C095mild – see Section 6.2.4.

Table 14: 'C' Type Amendments Undertaken by Council from 2019 (by Gazettal Date)

Amendment number	In operation from	Brief description of the amendment	**What sort of amendment:** - **Policy related** - **Site specific** Administrative	**Status of the amendment** - **Did not progress** - **Approved** Underway
C121mild	28 November 2024	The amendment **rezones land at 13 Dal Farra Road, Irymple, from Farming Zone (FZ) to Low Density Residential Zone, Schedule 1 (LDRZ1) and applies the Design and Development Overlay, Schedule 16 (DDO16** - 13 Dal Farra Road, Irymple), Development Plan Overlay, Schedule 2 (DPO2 - Low Density Residential Areas) and Salinity Management Overlay (SMO) to the land to facilitate rural residential development adjacent to the settlement of Koorlong.	Site specific	Approved with changes/ Gazetted
Ministerial C124mild	16 May 2024	The amendment implements section 56 of the **Heritage Act 2017** to ensure that places in the Mildura Planning Scheme are consistently identified with places in the Victorian Heritage Register.	Administrative	Approved / Gazetted
Ministerial C118mild	23 November 2023	The amendment replaces the Mildura Older Irrigation Area Incorporated Document (May 2020) with the **Mildura Older Irrigation Area Incorporated Document (October 2023)** to delete the requirement that dwellings abutting existing development must not be located in a designated bushfire prone area and makes administrative changes to maximum floor area provisions for dwelling extensions, outbuildings and buildings used for agriculture in Schedules 1, 2 and 4 to Clause 35.06 (Rural Conservation Zone) and the Schedule to Clause 35.07 (Farming Zone).	Policy related	Approved / Gazetted
Ministerial C123mild	08 June 2023	The amendment replaces Clause 15.03-1L (**Heritage conservation in Mildura**) with a new	Administrative (Technical	Approved / Gazetted

Amendment number	In operation from	Brief description of the amendment	**What sort of amendment:** - **Policy related** - **Site specific** Administrative	**Status of the amendment** - **Did not progress** - **Approved** Underway
		Clause 15.03-1L to insert strategies for Chaffey heritage in the Chaffey Avenue and Environs Area (HO307), Deakin Avenue (HO308) and Lemon Avenue (HO309) into the Planning Policy Framework.	corrective Amendment resulting from Amendment C104mild)	
C104mild	24 March 2023	The amendment implements the recommendations of a range of adopted strategic work including the **Mildura Planning Scheme Review Report (2019);** replaces the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 02 and a **modified Planning Policy Framework** at Clauses 11-19; and updates local schedules to zones, overlays, particular provisions, general provisions and operational provisions in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.	Policy related	Approved with changes / Gazetted
Ministerial C113mild	13 October 2022	Rezones two surplus school sites in Merbein and Merbein West to facilitate disposal.	Policy related (Ministerial Amendment completed by GLSAC)	Approved
C117mild	N/A	Rezoning of Lower Murray Water Land at River Avenue Koorlong.	Policy related	Did not progress
C106mild	21 July 2022	The amendment updates the **mapping of the Floodway Overlay and Land Subject to Inundation Overlay** along the Murray River corridor within the Rural City of Mildura and amends the Schedule to Clause 72.03 to update the list of maps forming part of the Mildura Planning Scheme.	Site specific and administrative	Approved with changes / Gazetted
C112mild	27 August 2021	The amendment makes changes to **Schedules 1, 2 and 3 to Clause 45.06 (Development Contributions Plan Overlay**) and the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) and replaces three (3) existing development contributions plans with amended versions of these documents.	Policy related	Approved / Gazetted
C109 mild	15 April 2019	The amendment applies the **Public Acquisition Overlay (PAO4)** to land at 704 and 706 Deakin Avenue, Mildura for the Mildura South Regional Sporting Precinct.	Site specific and policy related	Approved with changes / Gazetted
C108mild	18 March 2021	Amends **Schedule 1 to the Urban Growth Zone** to ensure that it operates as intended by Amendment C75 and inserts the Residential Growth Zone and Schedule 1 to Clause 32.07 Residential Growth Zone into the planning scheme as an applied zone in accordance with Schedule 1 to the Urban Growth Zone.	Policy related	Approved with changes / Gazetted

Amendment number	In operation from	Brief description of the amendment	**What sort of amendment:** - **Policy related** - **Site specific** Administrative	**Status of the amendment** - **Did not progress** - **Approved** Underway
Ministerial C110mild	30 June 2020	Amended the **Mildura Older Irrigation Area Incorporated Document** to allow applications for dwellings in locations abutting existing development where there is likely to be minimal impact on horticulture or the irrigation footprint and use the Specific Controls Overlay to apply the incorporated document to land in the Mildura Older Irrigation Area.	Site specific with policy implications	Approved / Gazetted
C102mild	06 February 2020	The amendment rezones the affected land from Public Use Zone – Transport (PUZ4) to Industrial 1 Zone (IN1Z) and Public Use Zone – Service and Utility (PUZ1) and applies the Design and Development Overlay – Schedule 4 (DDO4 – Industrial Areas) to land in the IN1Z.	Site specific Wakefield Transport	Approved with changes / Gazetted
C095mild	09 May 2019	Implements various recommendations of the **Deakin Avenue Urban Design Guidelines (2016),** implements one recommendation of the 2014 Mildura Planning Scheme Review and corrects errors in Schedule 1 to the Rural Living Zone arising from Amendment GC117.	Policy related	Approved with changes / Gazetted
C100 Pt2mild	04 April 2019	Introduces Design and Development Overlay Schedule 14, applies it to land on the south-western side of Sixteenth Street, Mildura and amends Clauses 21.03 and 21.10, to guide development of the **Sixteenth Street Greenway Interface.**	Policy related	Approved with changes / Gazetted

As referred to earlier in this report, further analysis of selected amendments with specific planning issues follows below. The information is current at the date of approval of the amendment.

6.2.2. Issue 1: - Ministerial Amendment C118mild

Evidence

Matter	Response
Amendment No:	**C118mild**
Amendment common name	**Updated Mildura Older Irrigation Area Incorporated Document**
In operation from:	23 November, 2023
Brief description of the amendment:	The amendment replaces the Mildura Older Irrigation Area Incorporated Document (May 2020) with an updated version (October 2023). It deletes the prohibition of dwellings in designated bushfire prone areas where criteria for dwellings abutting existing development are met, updates maximum floor area provisions for dwelling extensions, outbuildings, and buildings used for agriculture, and makes consequential changes throughout the planning scheme.

Matter	Response
Policy matters that were addressed	- **Bushfire Prone Areas:** Consideration of the management of bushfire risks while allowing for dwellings in designated bushfire prone areas where criteria are met. - **Consistency with VC231:** Ensure maximum floor area provisions for dwelling extensions, outbuildings, and agricultural buildings are consistent with Amendment VC231. - **Land Use Conflict:** Address land use conflicts and ensure compatibility between horticultural activities and new dwellings.
Changes to ordinance proposed	- **Clauses 02.03, 11.03, 14.01, 16.01:** Update references to the incorporated document to 'October 2023'. - **Clause 35.06 (Rural Conservation Zone) Schedules 1, 2, 4**: Amend maximum floor area provisions for dwelling extensions, outbuildings, and agricultural buildings. - **Clause 35.07 (Farming Zone):** Update references and amend maximum floor area provisions. - **Clause 45.12 (Specific Controls Overlay):** Update the schedule to reflect the new incorporated document. - **Clause 72.04:** Update the schedule to reference the October 2023 incorporated document.
Further strategic work required:	Yes.

Discussion

The amendment replaced the Mildura Older Irrigation Area Incorporated Document (May 2020) with an updated version (October 2023). It deleted the prohibition of dwellings in designated bushfire prone areas where criteria for dwellings abutting existing development are met, updated maximum floor area provisions for dwelling extensions, outbuildings, and buildings used for agriculture, and made consequential changes throughout the planning scheme.

Council could undertake a **rural land strategy** to consider the role of agricultural, horticultural and farming land more broadly in the municipality. It is noted that some further refinements could be made to the MOIA incorporated document but that any further amendments that impact on the strategic policy directions of the MOIA are very unlikely to be supported by the Victorian Government through a future planning scheme amendment.

6.2.3. Issue 2: Amendment C104mild

Evidence

Matter	Response
Amendment No	**C104mild**
Amendment common name	**Planning Scheme Review Implementation and Planning Policy Framework Translation**
In operation from	24 March 2023
Brief description of the amendment	The amendment implemented the recommendations of a range of adopted strategic work including the Mildura Planning Scheme Review Report (2019); replaced the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 02 and a modified Planning Policy Framework at Clauses 11-19; and updated local schedules to zones, overlays, particular provisions, general provisions and operational provisions in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.

Matter	Response
Policy matters that were addressed	- Rezoning and Overlay Controls: Requests to rezone and amend overlay controls for some land and whether these are within the scope of the Amendment. - Urban Transition Area: How to manage existing dwellings in the urban transition area between Mildura and Irymple. - Minor Edits, Corrections, and Updates: Addressing minor edits, corrections, and updates as proposed by Council.
Changes to ordinance proposed	- **Clause 02.02-1 (Council Plan vision):** Amended to include reference to the Council Plan 2021-2025 and replace the vision statement. - **Clause 02.03:** Include Merbein and Red Cliffs before and after the reference to Ouyen in the second paragraph. - **Clause 11.01-1L:** Correct the spelling of Nicols Point to Nichols Point. - **Clause 18 (Transport):** Amended in consultation with the Department of Environment, Land, Water and Planning prior to approval to ensure consistency with Amendment VC204. - **Schedule 8 to the Design and Development Overlay:** Replace reference to the 2010 version of the Mildura Airport Master Plan with the 2017 version. - **Schedule 8 to the Special Use Zone:** Insert "Dwelling (other than in accordance with Clause 4.0 of this schedule)" in Section 3 of Table 1 and include a cross-reference to Schedule 11 to the Design and Development Overlay at Clause 4.0. - **Schedule 9 to the Special Use Zone:** Include a cross-reference to Schedule 10 to the Design and Development Overlay at Clause 4.0. - **Schedule 10 to the Design and Development Overlay:** Replace the word "different" with "consistent" in the first design objective, refer to a "6 metre separation" in the buildings and works controls at Clause 2.0, and delete the word "native" from the landscaping provisions at Clause 5.0. - **Schedule 11 to the Design and Development Overlay:** Delete the word "native" from the landscaping provisions at Clause 5.0 and insert the words "side and rear" in dot point 3 of Clause 2.0. - **Schedule to Clause 72.08:** Include Hansen Partnership as the author of the Ontario-Flora Land Use Vision and Urban Design Framework (2010).
Further strategic work: required.	Yes.

Discussion

This Amendment was a policy neutral translation of the previous Municipal Strategic Statement and Local Planning Policy Framework into the new Municipal Planning Strategy and integrated Planning Policy Framework from the Victorian Government. Updated local schedules to zones, overlays, particular provisions, general provisions and operational provisions were also implemented in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.

The translation process implemented many recommendations from the 2019 Mildura Planning Scheme Review to standardise and synthesise planning content and make the scheme easier to use and understand.

Existing strategic work being undertaken by Council through the adopted **Irymple Structure Plan 2021-2036** and planning for the Mildura East Growth Area is addressing urban transition and interface issues between Mildura and Irymple that were identified in the previous Mildura Planning Scheme Review, 2019. The current planning scheme review is addressing several other issues that were not previously implemented, most of which require further strategic work.

6.2.4. Issue 3: Amendment C095mild

Evidence

Matter	Response
Amendment No:	**C095mild**
Amendment common name	**Deakin Avenue Urban Design Guidelines Implementation**
In operation from:	9 May 2019
Brief description of the amendment:	The amendment implemented the recommendations of the Deakin Avenue Urban Design Guidelines, 2016. It updated the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF), modified Design and Development Overlay (DDO) schedules, and corrected errors arising from Amendment GC117. The amendment also introduced a maximum leasable floor area for shops on Deakin Avenue in the Commercial 1 Zone (C1Z) Schedule.
Policy matters that were addressed	- **Delete ambiguous references:** Remove Design and Development Overlay references to retailing that are ambiguous or inconsistent with policy and strategies elsewhere in the planning scheme. - **Preferred presentation of buildings:** Add requirements for building articulation, avoidance of large, bulky forms and facades, and reinforcing fine grain presentation along Deakin Avenue. - **Advertising requirements:** Delete reference to the advertising category pursuant to Clause 52.05 from the Design and Development Overlay and revise advertising requirements to recognize reasonable signage needs in commercial zones. - **Consolidate DDO schedules:** Consolidate and edit the six proposed Design and Development Overlay schedules into a single schedule (updated DDO1) applying along the length of Deakin Avenue. - **Exclude specific areas:** Exclude land within the Fifteenth & Deakin Structure Plan Area and Mildura Central Business District Design and Development Overlays (DDO3 and DDO12) from the overlays proposed by the Amendment and augment existing overlays to incorporate further guidance for interfaces with Deakin Avenue. - **Update precinct maps:** Revise the proposed Precinct maps to reflect the depth of precincts more accurately and exclude land within DDO3 and DDO12. - **Review titles:** Review the title of City Gate Precinct.
Changes to ordinance proposed	- **Amend** Clauses 21.02, 21.03, 21.07, 21.10: To include reference to the Deakin Avenue Urban Design Guidelines, 2016 and updates to maps. - **Amend** Clause 22.01: To discourage budget accommodation from locating on Deakin Avenue. - **Amend** the existing boundaries of DDO1: To apply only to lots fronting Deakin Avenue and extend its application from Seventh Street to the junction of Deakin Avenue and the Sturt Highway. - **Replace** existing Design and Development Overlay, Schedule 1 with a new Schedule 1 that applies to lots fronting Deakin Avenue between Seventh Street and the junction of Deakin Avenue and the Sturt Highway. - **Amend** the existing DDO3 boundaries to remove lots fronting Deakin Avenue. - **Replace** the existing Design and Development Overlay, Schedule 3 with a new Schedule 3 that removes references to Deakin Avenue (including on the map in the schedule). - **Amend** the existing C1Z Schedule to insert a maximum leasable floor area requirement for Shop to apply to all lots fronting Deakin Avenue that were contained within the B5Z prior to the gazettal of Amendment VC100. - **Reinstate** a minimum subdivision area of 1 hectare and reinstate a minimum area for which no permit is required to use land for a dwelling of 0.4 hectare in Schedule 1 to the Rural Living Zone, which were introduced by Amendment C89 but unintentionally deleted by Amendment GC117.

Matter	Response
Further strategic work required:	No.

Discussion

The amendment implemented the recommendations of the Deakin Avenue Urban Design Guidelines, 2016. It updated the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF), modified Design and Development Overlay (DDO) schedules, and corrected errors arising from Amendment GC117. The amendment also introduced a maximum leasable floor area for shops on Deakin Avenue in the Commercial 1 Zone (C1Z) Schedule.

This Amendment does not require any further strategic work on these issues.

Findings

Key findings are outlined below:

F8. Monitor land use change across agricultural land in the municipality.

6.3. Environmental Effects Statements

6.3.1. Summary of Environmental Effects Statements

There have been two Environmental Effects Statements (EESs) conducted by the Victorian Government and requiring Council input since the last planning scheme review. A detailed analysis of these has been provided to Council officers and they are discussed below and can be found at: https://www.planning.vic.gov.au/environmental-assessments/environmental-assessment-guides/environment-effects-statements-in-victoria.

6.3.2. EES: Lindsay Island and Wallpolla Island floodplain restoration projects

Aspect	Project: Lindsay Island and Wallpolla Island floodplain restoration projects
Background	Lower Murray Urban and Rural Water Corporation (LMW) proposed to undertake the Victorian Murray Floodplain Restoration Project (VMFRP), which included nine discrete sub-projects. The Lindsay Island Floodplain Restoration Project aimed to return a more natural flood regime to improve the ecological condition across approximately 5,289 hectares of the Murray River Floodplain at Lindsay Island and Lake Wallawalla. The Wallpolla Island Floodplain Restoration Project aimed to return a more natural flood regime to 2,672 hectares.
Reason for EES Requirement	The projects involve significant changes to flood regimes, which could have substantial environmental impacts. As per the Minister's Decision, one Environment Effects Statement (EES) process will be undertaken to assess the potential environmental effects of both the Lindsay Island and Wallpolla Island projects. The EES is required to ensure comprehensive evaluation and community consultation regarding these potential impacts.
Ministerial Decision	On 6 December 2020, the Minister for Planning required LMW to prepare a single Environment Effects Statement (EES) under the Environment Effects Act 1978 to assess the potential environmental effects of both the Lindsay Island and Wallpolla Island projects.
Approval Status	The EES is in preparation, with final scoping requirements issued and the consultation plan in place. The Minister for Planning has mandated an EES to ensure thorough evaluation of potential environmental effects and stakeholder engagement.

Source: www.planning.vic.gov.au

6.3.3. EES: Hattah Lakes North and Belsar-Yungera floodplain restoration projects

Aspect	Project: Hattah Lakes North and Belsar-Yungera floodplain restoration projects
Background	The Hattah Lakes North and Belsar-Yungera floodplain restoration projects are part of the Victorian Murray Floodplain Restoration Project (VMFRP), which aimed to restore natural flood regimes to significant ecological areas along the Murray River. Specifically, the projects target 1,130 hectares at Hattah Lakes North and 2,375 hectares at Belsar-Yungera. The restoration works included the construction of channels, regulators, containment structures, spillways, and access tracks.
Minister's Assessment	The Minister for Planning issued the assessment on July 1, 2023. Key conclusions from the assessment include: - The projects will result in significant impacts during construction but can achieve an overall improvement to biodiversity in the floodplain environments. - Effective mitigation measures and an environmental management regime are required to manage the impacts. - Further detailed hydraulic analysis and implementation of an adaptive management approach are necessary to ensure environmental benefits. - The projects are expected to deliver long-term benefits to floodplain vegetation, aquatic ecosystems, and terrestrial fauna.
Recommendations	The assessment includes several recommendations: - Implementation of an Environmental Management Framework (EMF) and Environmental Delivery Standards (EDS) incorporating amendments recommended by the SIAC. - Additional analysis of hydraulic effects to provide greater certainty on the extent of predicted net benefits to floodplain vegetation communities. - Approval of the projects under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), subject to appropriate offsets for significant impacts on listed species and communities.
Approval Status	The projects have been approved under the Victorian Environment Effects Act 1978, and the assessment will inform the Commonwealth Government Minister for Environment and Water's decisions under the EPBC Act. Amendment GC202 implemented these projects into the Mildura Planning Scheme.

Source: www.planning.vic.gov.au

There are no further implications for the planning scheme review as a result of these two EESs.

6.4. VCAT

6.4.1. VCAT cases reviewed

Council officers included the following list of VCAT cases to review as provided below:

- 483 Deakin Avenue & 858 Fifteenth Street MILDURA (ALDI Stores Pty Ltd v Mildura RCC [2018] VCAT 1087).
- Lot 2 PS605772W Calder Highway, Red Cliffs (Fox v Mildura Rural CC [2022] VCAT 284).
- 315-321 Tenth Street & 126 Riverside Avenue, MILDURA (Mildura Holdings Pty Ltd v Mildura CC [2022] VCAT 591).
- 2787-2799 Fourteenth Street, IRYMPLE (Chapman v Mildura Rural CC [2022] VCAT 1244).
- 765 Benetook Avenue, MILDURA (Hurley v Mildura Rural CC [2023] VCAT 187).
- 44-56 Cureton Avenue, EAST MILDURA (Thomasson v Mildura RCC [2023] VCAT 410).
- Karadoc Avenue, NICHOLS POINT (Roccisano v Mildura RCC [2023] VCAT 545).
- 18 Rodger Street, MILDURA (Jenner v Mildura Rural CC [2023] VCAT 560).
- 221-239 Sandilong Avenue, NICHOLS POINT (Roccisano v Mildura RCC [2023] VCAT 1201).
- Lot 2 on PS420412J, Fifteenth Street, MILDURA (Pica v Mildura RCC [2023] VCAT 1394).
- 52 Seventh Street East, MILDURA (Metcalf v Mildura RCC [2019] VCAT 1465).
- 2800-2816 Eleventh Street, NICHOLS POINT (Lambert v Mildura RCC [2020] VCAT 702).

6.4.2. Policy issues raised at VCAT

The issues raised in VCAT cases over the past four years that have policy implications include:

- **Issue 1:** The adequacy of policy and strategy to guide development for **short stay and backpacker's accommodation** and the response to their neighbourhood context. See analysis in section 6.4.3.
- **Issue 2:** Appropriate land uses in the Farming Zone and particularly additional **dwellings in the MOIA**. See analysis in section 6.4.4.
- **Issue 3:** The role of land use precincts such as the **Fifteenth Street Special Use Zone Precinct**. See analysis in section 6.4.5.
- **Issue 4:** Uses in the farming zone and strengthening industrial land use, development strategy. See analysis in section 6.4.6.

6.4.3. Issue 1: Short Stay and Backpacker's Accommodation

Short stay and backpacker's accommodation

P11563/2021	Address: 315-321 Tenth Street & 126 Riverside Avenue, MILDURA VIC 3500
Council Ref	**005.2014.00000288.002**
Proposal	**Amendment to existing planning permit to include additional land and construct additional accommodation for a backpacker's lodge.**
Date of VCAT Order	**27 May 2022**
VCAT Citation	**Mildura Holdings Pty Ltd v Mildura CC [2022] VCAT 591**
Nature of proceeding	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to amend a permit
Council Decision	Refused
Council Decision Upheld at VCAT	Yes

P11563/2021	Address: 315-321 Tenth Street & 126 Riverside Avenue, MILDURA VIC 3500
Applicable policies and provisions	Clauses 10, 11, 15, 16, 17, 18, 19, 21, 22.01, 32.08, 45.12, 52.06, 55, 65, and 71.02
Zones and Overlays	General Residential Zone (GRZ1), Specific Controls Overlay (SCO1)
Key Issues	The key issues included the appropriateness of expanding the backpacker's lodge into additional land within a General Residential Zone, potential negative impacts on neighbourhood character, and amenity impacts on adjoining properties. The proposal's compliance with local planning policies, particularly concerning car parking, noise, and management of the facility were also significant concerns. Furthermore, there were issues with the proposed built form, the dominance of car parking in the streetscape, and the adequacy of the provided details for the integrated use of the site. Findings: ○ **Use in General Residential Zone:** VCAT found that while the use of 126 Riverside Avenue as part of the existing backpacker's lodge is acceptable due to its location and context, the overall proposal lacked sufficient detail and integration with the existing site. ○ **Neighbourhood Character:** The proposed new buildings were not deemed respectful of the neighbourhood character due to their design, lack of passive surveillance, and the dominance of car parking in the streetscape. ○ **Amenity Impacts:** The proposed boundary wall would create unreasonable visual bulk and overshadowing for adjoining properties, and the overall design did not adequately address potential amenity impacts. ○ **Car Parking:** The layout and design of the proposed car parking spaces were found to be inadequate, creating access issues and a dominance of car parking that would negatively impact the streetscape. ○ **Waste Management:** The proposal did not adequately address waste management requirements, which would need to be resolved in any amended plans.
Changes to ordinance required	N/A
Further strategic work required	Yes

Summary

A permit was refused by Council to amend an existing planning permit to include additional land and construct additional accommodation for a backpacker's lodge. The Tribunal upheld Council's refusal, stating that the proposal was not an appropriate response for the site and the area's context.

Discussion

The key issues for this application included the appropriateness of expanding the backpacker's lodge into additional land within a General Residential Zone, potential negative impacts on neighbourhood character, and amenity impacts on adjoining properties. The proposal's compliance with local planning policies, particularly car parking, noise, and management of the facility were also significant concerns. Furthermore, there were issues with the proposed built form, the dominance of car parking in the streetscape, and the adequacy of the provided details for the integrated use of the site.

This application highlights the ongoing pressures for various forms of housing that are not unique to Mildura. Council should continue to monitor and update policies related to budget accommodation and its integration into residential areas. Further strategic work is needed to develop clear guidelines for managing the interface between residential and non residential uses, particularly in areas where such transitions are likely to occur and issues affecting a range of short stay group accommodation and rural worker accommodation. This has been identified as part of Council's further strategic work program.

6.4.4. Issue 2: Dwellings in the MOIA

P252/2022	Address: Karadoc Avenue, NICHOLS POINT VIC 3501
Council Ref	**005.2021.00000018.001**
Proposal	**Use and development of the land for a dwelling**
Date of VCAT Order	**11 May 2023**
VCAT Citation	**Roccisano v Mildura RCC [2023] VCAT 545**
Nature of proceeding	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit
Council Decision	Refused
Council Decision Upheld at VCAT	No (Permit granted)
Applicable policies and provisions	Clauses 02.02-2, 02.03-1, 02.03-4, 11.01-1L, 11.03-2L, 14.01-1L, 14.01-1L-02, 14.01-1L-03, 14.01-1L-04, 35.07, 45.12, 65, 71.02, and 81.
Zones and Overlays	Farming Zone (FZ), Development Contributions Plan Overlay (DCPO), Specific Controls Overlay (SCO)
Key Issues	The key issues included the appropriateness of constructing a dwelling in the Farming Zone, potential negative impacts on agricultural land, and consistency with local and state planning policies aimed at protecting agricultural land. Concerns were raised about the permanent removal of valuable agricultural land for non-agricultural use, the proposal's impact on the Mildura Older Irrigation Area (MOIA), and whether the proposed dwelling would support or detract from agricultural production. Additionally, the potential for increased concentration of dwellings in a primarily farming area and compliance with the Mildura Planning Scheme were significant points of contention. Findings: ○ **Use in Farming Zone:** VCAT found that the proposed use and development of the land for a dwelling were consistent with the purposes of the Farming Zone, as it supports agricultural activities by allowing the owner to live on the land and manage the vineyard effectively. ○ **Agricultural Impact:** The Tribunal concluded that the proposal would not result in the loss or fragmentation of productive agricultural land, and the dwelling would support ongoing agricultural use by providing on-site management. ○ **Policy Compliance:** The proposal was found to align with the relevant state and local policies, including the Mildura Planning Scheme, which supports appropriate growth in urban areas while protecting agricultural land. ○ **Consistency with MOIA:** VCAT determined that the proposal was consistent with the Mildura Older Irrigation Area (MOIA) policies, as it would not impede the ongoing viability of surrounding agricultural land. ○ **Amenity and Character:** The Tribunal found that the proposed dwelling would not negatively impact the amenity or character of the area, as it would be located towards the front of the property, consistent with existing dwellings on Karadoc Avenue.
Changes to ordinance required	N/A
Further strategic work required	Yes

Summary

A permit was refused by Council for use and development of the land for a dwelling. The Tribunal overturned Council's refusal and issued a permit for the dwelling.

Discussion

The key issues in this appeal included the appropriateness of constructing a dwelling in the Farming Zone, potential negative impacts on agricultural land, and consistency with local and state planning policies aimed at protecting agricultural land. Concerns were raised about the permanent removal of valuable agricultural land for non-agricultural use, the proposal's impact on the MOIA, and whether the proposed dwelling would support or detract from agricultural production.

The Tribunal found that the proposed use and development of the land for a dwelling were consistent with the purposes of the Farming Zone, as it supported agricultural activities by allowing the owner to live on the land and manage the vineyard effectively and would not result in the loss or fragmentation of productive agricultural land. The Tribunal also found that the proposal was consistent with the MOIA policies, as it would not impede the ongoing viability of surrounding agricultural land.

This proposal highlights the ongoing pressures for dwellings in the MOIA and potentially the lack of understanding about the strategic intent.

Council could review and update the Mildura Older Irrigation Area Incorporated Document to provide clearer guidance about where dwellings may be appropriate or not appropriate in agricultural areas, but the document has been significantly reviewed many times by Council before. Ongoing strategic planning work could reinforce balancing the protection of productive agricultural land with the need for residential development in appropriate locations such as within the Mildura East Growth Area.

6.4.5. Issue 3: Land use and development in Fifteenth Street Mildura

P31/2023, P41/2023	**Address: Lot 2 on PS420412J, Fifteenth Street, MILDURA VIC 3500**
Council Ref	**005.2020.00000324.001**
Proposal	**Use and development of the land for retail premises and reduction of bicycle facilities**
Date of VCAT Order	**15 December 2023**
VCAT Citation	**Pica v Mildura RCC [2023] VCAT 1394**
Nature of proceeding	Application under section 82 of the Planning and Environment Act 1987 – to review the decision to grant a permit
Council Decision	Notice of Decision to grant a permit
Council Decision Upheld at VCAT	Yes (with modifications to conditions)
Applicable policies and provisions	Clauses 02.03, 11.01, 11.03, 13.05, 13.07, 15.01, 17.02, 18.02, 19.03, 21.08-3, 21.10-3, 52.06, 52.34, 53.18, and 65
Zones and Overlays	Special Use Zone Schedule 9 (SUZ9), Design and Development Overlay Schedule 10 (DDO10), Public Acquisition Overlay Schedule 1 (PAO1), Specific Controls Overlay Schedule 1 (SCO1), Development Contributions Plan Overlay Schedules 1 to 3 (DCPO1-3)
Key Issues	The key issues included the appropriateness of the proposed use and development in the Special Use Zone, potential negative impacts on traffic and amenity, and the reduction in bicycle facilities. Concerns were raised about noise, traffic, lighting, privacy, buffers, and drainage, particularly the impact on neighbouring residential properties. The suitability of the proposed site layout, including building setbacks and landscaping, and the compliance with the Mildura Planning Scheme were significant points of contention. Findings: o **Consistency with Special Use Zone:** VCAT found that the proposed use and development were consistent with the purposes of the Special Use Zone Schedule 9, which supports the consolidation of peripheral sale retailing and associated opportunities within the Fifteenth Street Precinct.

P31/2023, P41/2023	Address: Lot 2 on PS420412J, Fifteenth Street, MILDURA VIC 3500
	○ **Noise Mitigation**: Conditions were included in the permit to require detailed acoustic assessments and adherence to noise management recommendations, addressing concerns about potential noise impacts from the retail premises. ○ **Traffic and Access:** The proposed access arrangements, including two crossovers to Cowra Avenue and a roundabout at the intersection of Cowra Avenue and Fifteenth Street, were deemed acceptable. Conditions were imposed to ensure safe and efficient traffic management. ○ **Lighting:** Conditions were included to ensure that outdoor lighting would not cause glare or light spill onto adjacent properties, with a lighting report required to be approved by the Responsible Authority. ○ **Buffer and Privacy:** A condition was added to require a 2.6-metre-high Colourbond fence along the common boundary with a neighbouring property to address privacy concerns and the potential height difference due to site elevation. ○ **Drainage**: Conditions were included to address drainage design and ensure that stormwater management would be adequate, preventing any adverse impacts on neighbouring properties.
Changes to ordinance required	N/A
Further strategic work required	Yes

Summary

A Notice of Decision was issued by Council for the use and development of the land for retail premises and reduction of bicycle facilities in the Special Use Zone - Schedule 9 (SUZ9). The Tribunal approved the proposed use and development with some alterations to permit conditions suggested by Council.

Discussion

This key issues in this case included the appropriateness of the proposed use and development in the SUZ9, potential negative impacts on traffic and amenity, and the reduction in bicycle facilities.

The suitability of the proposed site layout, including building setbacks and landscaping, and the compliance with the Mildura Planning Scheme were issues that could be mitigated through permit conditions.

The Tribunal supported Council's decision and found that the proposed use and development were consistent with the purposes of the zone, which supports the consolidation of peripheral sales retailing and associated opportunities within the Fifteenth Street Precinct.

Council could continue to monitor, review and update the strategic framework for the Fifteenth Street Precinct to ensure that future developments align with the overall vision for the area. This includes addressing the interface between commercial and residential zones, improving traffic management strategies, and enhancing public infrastructure to support the growing retail and commercial activities in the precinct.

6.4.6. Issue 4: Uses in the farming zone and strengthening industrial land use, development strategy and policy

P2470/2019	Address: 2800-2816 Eleventh Street, Nichols Point VIC
Council Ref:	**005.2019.00000166.001**
Proposal	**Use of land for a store (equipment hire business overflow storage)**

P2470/2019	Address: 2800-2816 Eleventh Street, Nichols Point VIC
Date of VCAT Order:	**2 July 2020**
VCAT Citation:	**Lambert v Mildura RCC [2020] VCAT 702**
Nature of proceeding:	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit
Council Decision:	Refusal to grant a permit
Council Decision Upheld at VCAT:	Yes
Applicable policies and provisions:	Clauses 14.01, 21.01, 21.02, 21.06-1, 21.08-1
Zones and Overlays	Farming Zone (FZ), Development Contributions Plan Overlay (DCPO2)
Key Issues:	The key issues included the appropriateness of the proposed use in the Farming Zone, potential negative impacts on productive agricultural land, and consistency with the Mildura Older Irrigation Area (MOIA) and Mildura East Growth Area (MEGA) policies. Concerns were raised about the use's impact on agricultural land, the compatibility of non-agricultural uses, and long-term land use planning. Findings: ○ **Conflict with Planning Scheme:** VCAT found that the proposed use of land for a store conflicted with the relevant planning scheme policies aimed at protecting productive agricultural land. ○ **Inappropriate Use:** The use of the land for a store was deemed inappropriate for the Farming Zone, which is focused on agricultural uses and the economic benefits of agricultural productivity. ○ **Lack of Justification:** The applicant's justification for the minimal area of land used for the store and its limited impact was not sufficient to warrant approval given the clear policy intent to protect agricultural land.
Changes to ordinance required:	N/A
Further strategic work required:	Yes

Summary

A permit was refused by Council for the use of land for a store (equipment hire business overflow storage) in the Farming Zone. The Tribunal upheld Council's decision to refuse the application.

Discussion

This site, in a Farming Zone, was not considered by Council to be the appropriate place for a store and this was upheld by the Tribunal. Better guidance for this type of land use (and development) could be provided through a rural land use strategy, and that is part of Council's future strategic work program.

Council could continue to reinforce policies that protect agricultural land from non-agricultural uses to support the economic base of the municipality. This includes monitoring the strategic framework for the Mildura Older Irrigation Area (MOIA) and the Mildura East Growth Area (MEGA) to ensure alignment with long-term agricultural and urban growth objectives.

Further strategic planning could identify suitable locations for non-agricultural uses, such as commercial or industrial zones, to prevent the encroachment of such uses on productive agricultural land which is currently being addressed through the Mildura Industrial Land Use Strategy (MILUS).

Findings

Key findings are outlined below:

F9. Undertake further strategic work that considers the strengthening of local planning policies and zoning and overlay provisions in the scheme to:

- **Prepare a Short-Stay Budget Accommodation Strategy and associated guidelines for group accommodation with greater guidance for tourist and rural worker housing.**
- **Monitor rural land use and its implications in the municipality and support strategic agricultural land.**
- **Implement the recommendations of the adopted Mildura East Growth Area project.**
- **Finalise and implement the Mildura Industrial Land Use Strategy currently underway to provide clear direction for industrial and commercial land use and provision into the future.**
- **Monitor the strategic framework for the Fifteenth Street Precinct to ensure that future uses and developments align with the overall vision for the area.**

7. Consultation and engagement

This section contains an overview and analysis of consultation and engagement with the community and other key groups that has informed the Planning Scheme Review.

It includes data collected as part of a **Council planner survey**, responses from **key referral agencies** and **external groups** as well as feedback provided by **planning staff, key internal staff, and Councillors** through a series of **workshops**.

There have been three rounds of community engagement undertaken to inform the review. More information related to community engagement is provided later in this document at Section 7.6.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives.

The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Detailed tabulated survey results have been provided separately to Council. Please see Section 7.7 for a themed summary table of matters raised during the engagement process.

7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the Mildura Planning Scheme, prior to any analysis documents or findings being shared. The survey included questions from an officer perspective, about how well the scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

Findings

Key findings are outlined below:

F10. Recommendations included the following matters about the operation of the Scheme :

- **Include a permit trigger for the schedules to the Vegetation Protection Overlay.**
- **Re-map the SCO1 area to only the irrigation district and off urbanised land.**
- **Map the ESO4 correctly to the site and surrounds for Merbein Mushrooms.**
- **Clarify the prescribed information required for applications to inform better council responses and assessments and to reduce the number of requests for further information.**
- **Consider the inclusion of application requirements and improved drafting of decision guidelines for Design and Development Overlay Schedules.**

F11. Recommendations included the following matters about further strategic work and/or implementation to address policy gaps for:

- **Reaffiriming policy around agricultural and horticultural land particularly for the MOIA area.**
- **Undertake a review of public zoned land so that it is not applied to freehold land.**
- **Undertake a housing and neighbourhood character strategy for residential land to improve the residential land framework for infill development.**

- **Review the open space strategy so that outcomes can be improved and implementation can utilise the schedule to Clause 53.01 for open space contributions.**
- **Review IWM and WSUD approaches and guidelines to be Mildura LGA specific.**
- **Implement the Urban Forest Strategy.**
- **Undertake a review of College Leases at Lake Hawthorn.**
- **Review the Development Contributions Plans due to expire in 2030.**
- **Consider application of PAOs to reserves/drainage land.**
- **Advocate for new regional growth plans.**

Summary of Discussion Points Raised via the Planner Survey

Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 6 May 2024. The workshop expanded on the issues raised in the Planners' survey and analysed planning scheme performance more broadly.

In summary, the survey and planners' workshop identified several critical areas needing improvement in local planning processes and are listed below.

Permit applications for dwellings and subdivisions in the Mildura Older Irrigated Area (MOIA) are frequent, indicating a need to review Amendment C118mild (a Ministerial Amendment) and clarify policies to better manage development and support refusals as well as application of the SCO1 to existing and future urban areas.

Applications for **development in Heritage Overlay areas** highlight the importance of preserving rural and industrial heritage, which the ongoing Mildura District Heritage Study and future amendments should address.

Key planning **permit triggers**, such as the **Heritage Overlay and the MOIA incorporated document**, along with **car parking waiver requirements and native vegetation removal**, need review to streamline processes.

The need for **better subdivision designs, public open space contributions, and drainage reserves** was emphasised, as addressing these issues from the outset can lead to quicker and better quality planning approvals.

Implementing **Water Sensitive Urban Design (WSUD) principles** and **improving drainage strategies** are also critical for **sustainable development**.

Applications requiring further information or of poor quality take the longest to determine, so **improving application requirements and combining preliminary assessment with later stages** could reduce delays.

Additionally, there are **gaps in the local planning scheme**, such as **outdated strategic policies and a need for better guidelines on sustainable design**. There are some areas related to **advocacy opportunities** as well.

Specific matters raised in this workshop echoed the survey results and were included in the survey results provided to Council

Please see Section 7.7 for a themed summary table of matters raised during the engagement process.

Statutory Planning Branch – Operational Review and Resourcing

There were also issues raised about the past inadequate resourcing of the planning functions at Council particularly in the statutory planning area, although this has improved recently, now with 14 staff in the statutory planning area.

The current structure consists of a General Manager, supported by a Manager and two principal planners who are supported by four planners. There is an administration supervisor and three administrative staff and three enforcement officers with an administrative officer. Recruitment of qualified statutory planners continues to be a sector-wide challenge for many regional Victorian councils.

Work Load

In May 2024, there were around 171 active permits applications being considered by Council's planners. A reasonable application workload at any one time is that staff should have no more than 25 – 35 applications, depending on their level of complexity.

In addition to planning applications, Council officers also need to attend to phone calls and counter enquiries, secondary consents and extensions of time requests each week in additional to other planning tasks that are outside of the numbers of applications being formally assessed.

There are twice weekly inter-departmental meetings held throughout Council that consider all applications, with applications being triaged at meetings. A form is sent by statutory planning at lodgement to the required internal referrals to minimise delays and ensure that a request for further information is informed from relevant areas of Council and sent as soon as practicable to the applicant.

Strategic Planning Branch – Operational Review and Resourcing

The Strategic Planning Branch is led by a manager supported by four strategic planners and a planning support officer (3 roles currently vacant). These staff manage many existing strategic projects underway and the new projects proposed through future strategic work and emerging priority matters.

This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed, called-in proposals from State Government to be overseen and planning advice to be provided throughout Council.

The funding of strategic projects and their implementation is also a significant issue for Council in a rate capped and inflationary fiscal environment. There are many strategic projects underway and a large list of further strategic projects recommended in the review.

Council **will need** to prioritise funding to these and several other projects to implement this planning scheme review via a planning scheme amendment. To assist with this, Council **should** investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Statutory Planning Fees and Charges

Council fees are not large for its planning function. Many Councils charge significant fees for providing advice about the planning scheme and for tasks such as advertising of applications.

Council could consider increasing fees for particular matters such as letters of advice, advertising, and other matters that are not covered by a current statutory charge through the Planning and Environment Fees Regulations.

Delegation Policy

Council delegations for **statutory planning functions** currently state that any application where seven or more objections have been received or called in (signed by two councillors with a community interest) must be determined by Council.

This results in Council considering approximately 2-5 applications per year. The level of delegation is generally sufficient and consistent with an efficient and well-functioning planning scheme and application process.

The internal **Planning Referral Committee** (PRC) supports the function and processes of the statutory planning branch regarding delegated sign off for applications in areas with an approved Development Plan. Further review of the function of the Planning Referral Committee could be undertaken.

Most planning applications are delegated to officers, where a peer review of a delegate report is undertaken before being countersigned by a planner of equal position or a principal or Manager.

Strategic planning matters and proposals received and progressed are regularly reported to Council.

This enables Councillors to raise any issues with specific strategic planning matters for reporting to Council in Council's role as the planning authority. This is an important part of Council's planning function.

Findings

Key findings are outlined below:

F12. For Councils planning functions:

- **Maintain existing delegations for planning applications and if financially able, complement the existing resources of the statutory planning and strategic planning areas.**
- **As a guide, include a maintain of 25-35 applications per statutory planner at any one time.**
- **Use the planning scheme review process to consider the strategic merits of proponent led planning scheme amendments.**

7.2. Summary of Feedback from Internal staff (Council Officers)

Council staff identified as **having an interaction with the Mildura Planning Scheme, either in an internal referral capacity or as an administrator of its policies**, were asked to participate in a survey. There was a good level of response, with a meeting held on 7 May 2024 to seek further input.

In summary, feedback from internal departments highlighted areas needing some attention in the planning process.

The **Engineering area** stressed the need for automatic pre-notification to involve team members and recommended sending engineering requests for further information directly to applicants, although this is potentially problematic as this needs to be overseen by the planning officer. Organisation of twice weekly *inter-departmental meetings on planning applications* and major proposals is now helping to better coordinate whole of Council positions on planning matters.

The Engineering area proposed incorporating *drainage strategies* to capture future basin areas and changing garage setbacks to a minimum of 6.50 metres to prevent vehicles from encroaching onto

footpaths, although this would be subject to further strategic work such as through a housing and neighbourhood character strategy.

Landscape plans require better guidelines, as they are often drafted by engineers rather than landscape architects, and outdated development plans hamper their effectiveness.

Improved resourcing at Council with the recent employment of a landscape architect should help in this regard.

Difficulties were noted in tracking application status, especially for pre-development submissions. It was suggested that pre-discussions with relevant departments be held before large applications and developer meetings.

Greater work is need on *public open space* (POS) matters and *land acquisition requirements*. Recommendations include setting *POS contribution rates* where a Development Contributions Plan (DCP) is not in place, creating *design guidelines for integrated stormwater management*, and **enforcing a minimum of 10 per cent open space provision in new developments** were considered critical. There was agreement that these matters are important but best addressed through further strategic work.

Concerns were raised about *development practices unsuitable for the harsh Mildura climate*, such as black roofs and houses without eaves, and the need for wider nature strips to accommodate shade trees, although often these factors are more building than planning issues.

The **Property Services team** highlighted issues with *tracking and enforcement of DCP payments*, including the need for better *monitoring of Section 173 agreements for vegetation offsets*.

Issues were also identified with *tracking and enforcement of DCP payments*, including the *monitoring of Section 173 agreements for vegetation offsets*.

The importance of a register to flag issues and ensure follow-up was emphasised, alongside a need for improved communication and a more *structured approach to enforcement and monitoring*. It is understood that a register has now been instituted for these matters.

Specific matters raised in this workshop echoed the survey results and have been included in the survey results for Council.

Recommendations were very similar to those raised by the planners so they have not been repeated here. Please see Section 7.7 for a themed summary table of matters raised during the engagement process.

7.3. Summary of Internal Feedback (Councillors and Executive Leadership Team)

The Executive Leadership Team (ELT) and Councillors were engaged about the planning scheme review during 2024 and a specific briefing was held on 6 May 2024.

At this briefing, the planning scheme review background, an outline of the objectives of planning in Victoria and what the review should achieve, and a summary of analysis findings to date were presented and discussed.

Opportunities were also given for feedback to be provided and this has helped to inform the review.

Workshop Questions for Councillors Consideration and Input

The following questions were discussed:

1. What are the top 3 frustrations you hear from the community and developers regarding planning matters?
2. Based on what you have heard within the community or from developers what do they want to be able to do that they feel planning prevents them from doing?
3. Based on what you hear within the community and from developers what don't they like in terms of development which has been allowed to occur?
4. What do you think the planning scheme could do to support Council's vision for the municipality?
5. What sort of strategic planning needs to be undertaken to better support your community?
6. What parts of the planning scheme would you most like to change?

Feedback from Councillors

In the briefing, Councillors raised the following matters including:

- **Dwellings in farming and agricultural areas** and providing better guidance around high and low value agricultural land and the need to understand this better.
- Concerns about whether the **vision for MOIA** was being realised and that **water and irrigation dependency** are important and more complicated.
- Farmers need **protection of farming land** but need new developments and require a home on farming land, with this being a problem for 15-18 years. There has been little regrowth in some irrigation areas and there are too many dry properties. Houses often have to be demolished to comply with MOIA requirements and many small properties in MOIA are vacant which needs **review to support horticulture and existing families**.
- Concerns about whether there is enough **land for development in Mildura** and whether current **town boundaries** provide at least 15 years of urban land supply.
- Concerns about **industrial areas** being rarely available and impacting on price with a need to expand these areas.
- Benetook Avenue is part of MOIA and part of the **proposed future bypass** for the planned industrial area but there is a land use **conflict** between this and the farming area.
- The **permit application process** is complicated and expensive and many requirements cannot be clearly defined. If the planning process and requirements are clearer it will make things easier.
- Need to improve the face to face **consultation processes** between planners and applicants.
- Many people want to live at Nichols Point but not in Mildura South; similarly, many people want to live in Red Cliffs.
- Need other **options for affordable housing** and to build more cheaply with alternative materials and variable lot sizes in different areas.
- Concerned with **land banking** in multiple peri-urban zones and what can appear as mixed messages - where is the sweet spot between capital and planning regulation and how do we get the best out of what we are doing?
- Need more backyard housing and greater medium housing density.
- Education is critical for awareness about the need for medium to high density housing so there is better **acceptance for an increase in the housing density**.
- Need to have more **dwellings in the Mildura CBD** rather than on fringes.
- **Salinity Management Plans** - what is the cost of these plans?
- Need more details around **housing affordability**, the cost of land and housing - what should the **minimum lot size** to give greater affordability for low income people.
- **College leases and affordable housing** - leasing to build the building / college land fulfilling a different approach for smaller housing.
- Tenth Street age care facility - downsizing and **housing diversity** opportunities.

- People want various things with housing but maintaining communities is expensive for Council. How are new **growth areas** such as Nichols Point serviced with health facilities and infrastructure? New **development and maintaining facilities, services and infrastructure** is costly and consolidation is critical to reducing costs.
- Consider the Mildura LGA demographics and the ageing population – need to encourage **young people** as well for the future of the towns.

The matters raised above are very important for the review and have been considered/incorporated where relevant into the review's recommendations. Please see Section 7.7 for a themed summary table of matters raised during the engagement process.

7.4. Referral and notice agencies

All relevant referral and notice agencies were invited to provide their written comments and feedback regarding the current performance of the Mildura Planning Scheme, in relation to their specific area(s) of responsibility. Referral and notice agency responses were provided to Council and are summarised below.

In summary, there were some good suggestions made by referral authorities for the review currently underway and matters raised about further strategic projects. Department names have recently been updated for most schedules to zones and overlays and for referral or notice requirements in the schedules to Clauses 66.04 or 66.06.

AusNet Transmission Group

AusNet Transmission Group did not have any recommendations or feedback in relation to the policies and provisions in the Mildura Planning Scheme.

Country Fire Authority (CFA)

The CFA noted that its relevant referral triggers are associated with state-based planning provisions, and that they address referral requirements with the Department directly as this ensures a consistent approach is applied across all of the country area of Victoria.

Given the planning scheme review that is underway, CFA recommended that any other potential policy changes are prepared through the lens of Clause 13.02-1S. This will assist in ensuring that the update will not have any undue policy impacts that influences bushfire outcomes, or increase/change bushfire risk, hazards or policy responses.

Department of Transport and Planning (DTP)

The Department of Transport and Planning provided two sets of comments on the planning scheme review from both the Transport Group and the Planning Group.

The Planning Group comments centred around recent housing initiatives and amendments, implementation of the Plan for Victoria and was generally supportive of the planning scheme review. It raised several issues of detail, some of which have been incorporated into the review and the marked up changes to the planning scheme.

The Transport Group comments requested that Council rezone the Principal Freight Network being the freight rail corridor between Ouyen and Panitya to the Transport 1 Zone (TRZ1). No map was provided of the land that requires rezoning. Given the Principal Freight Network is managed by the State Government, it is not considered appropriate that Council undertake this work as part of the

planning scheme review and that mechanisms and processes are available to the State Government to easily progress this work.

Department of Education (DoE)

The Department of Education had no comments on the planning scheme review but stated that they would monitor future programs as they progress.

Environment Protection Authority Victoria (EPA)

The EPA Victoria noted that they were not currently involved as a referral authority under the Schedules outlined (ESO2, ESO3, ESO4, ESO 6, VPO1 and AEO) under clauses 66.04 and 66.06. The EPA is unlikely to request involvement as a referral authority or for notice under these provisions.

There were several other comments made regarding amending other parts of these schedules or the Mildura Planning Scheme, correcting the names of referenced EPAV guidelines and support for the future application of the BAO to identified industrial sites.

Goulburn Murray Water (GMW)

Goulburn Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

In terms of feedback on the planning scheme review, and Clauses 66.04 and 66.06 there were no suggested changes as part of the review. Based on the information provided, GMW had no objection to the planning scheme review.

Lower Murray Water (LMW)

An issue LMW has faced for some time is subdivisions of land with rural water entitlements not being referred to LMW at the planning application stage. When land has irrigation and irrigation drainage, the Victorian Water Register requires updating every time a land parcel is subdivided, realigned or consolidated. If the Water Register is not kept up to date, the owner of the land may be watering illegally and revenue lost to the government.

LMW would like to strengthen the referrals for subdivisions of land in the rural water districts to make it clearer in the scheme for planners when referring applications. This would enable LMW to place permit conditions and to start the subdivision of water entitlement process at a much earlier stage of the subdivision.

This issue is more of a state issue for the Victoria Planning Provisions, rather than a Council issue, although a memorandum of understanding between Council and LMW could explore this issue further.

Mallee Catchment Management Authority (MCMA)

The MCMA raised comments about rural zone template drafting that cannot be changed by Council and the status and responsibility for a range of waterway and flood study projects highlighted in the planning scheme review that is not within the MCMA's purview.

Agencies or organisations with no additional input

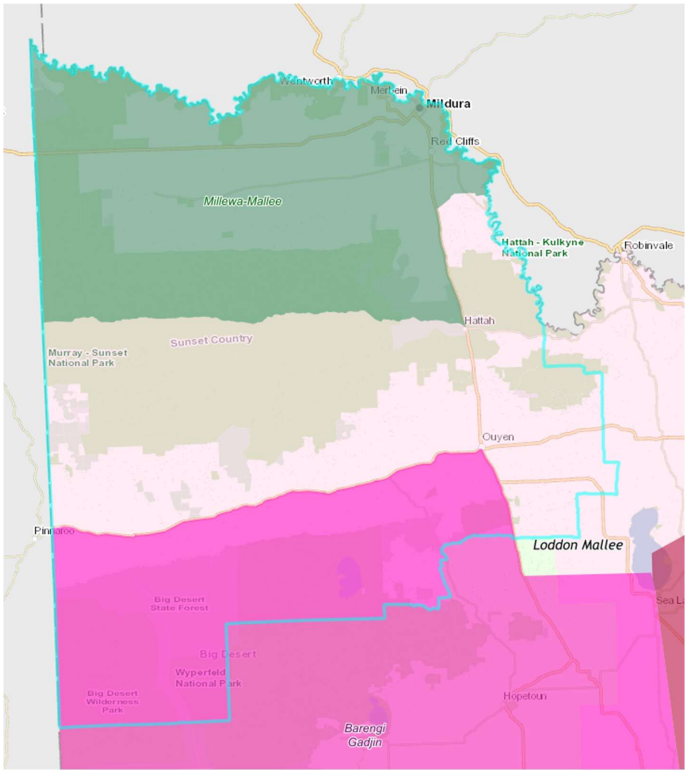
There was no formal response from APA Group, CASA, Department of Energy, Environment and Climate Action (DEECA), DJPR Minerals, Earth Resources Regulation, First Peoples of the Millewa Mallee Aboriginal Corporation, Grampians Wimmera Mallee Water (GWM Water), Heritage Victoria, Mildura Airport, Mildura Police, Minister Administering the Land Act, Powercor, Parks Victoria, Public Transport Victoria, Victorian Commission for Gambling and Liquor Regulation and Victrack.

Meetings were held with some of these organisations to discuss matters related to the planning scheme review including DEECA, Earth Resources Regulation, Lower Murray Water and the Mallee Catchment Management Authority.

7.5. Registered Aboriginal Parties (RAPs)

Traditional Owners in Australia, including those in the Mildura LGA have land use rights recognised through mechanisms like the Native Title Act and agreements with government, allowing them to comment on or consent to certain activities on public land.

Representation of the views of Traditional Owners enhances the inclusiveness aspect of the planning scheme by providing an opportunity for Traditional Owners to reflect their values and aspirations in the planning scheme and in non-planning matters. The two RAPs in the Mildura LGA are the Barengi Gadjin Land Council (BGLC) and the First People of the Millewa Mallee Aboriginal Corporation (FPMMAC). Please see map below which shows the 'country' of each of the RAPs.



The municipality has over 3,800 Aboriginal places of cultural significance and the recent landmark Native Title determination recognises the First Peoples of the Millewa-Mallee's exclusive possession of certain parcels of land (mostly what was known as former Crown land) reserved expressly for the benefit of First Nations people. Three groups of First Nations people now have the right to control access to designated parts of their country spanning thousands of square kilometres of the Mallee between Kings Billabong and Hattah, in the east, and the South Australian border in the west.

The **Registered Aboriginal Parties** (RAPs) in the Mildura LGA were invited to provide their written comments and feedback regarding the current performance of the Mildura Planning Scheme.

Feedback from the Barengi Gadjin Land Council (BGLC)

Discussions with the Barengi Gadjin Land Council (BGLC) highlighted key areas for improving the planning process including:

- Cultural heritage protections, particularly for significant species like Red-tailed Cockatoos.
- The importance of "Caring for Country" emphasised.
- Potential transfer of land from Councils to BGLC and the suitability of zoning controls, such as Special Use Zone and Public Conservation and Resource Zone.
- The need for early RAP involvement in planning, especially for significant sites.
- Accurate acknowledgements of country.
- Better cultural heritage mapping, including scar trees in Heritage Overlays.
- Aligning Council actions with State policies requiring enhanced capacity, understanding, and trust.

There are opportunities to prepare a **Memorandum of Understanding (MOU)** between Council and the Barengi Gadjin Land Council and the First People of the Millewa Mallee Aboriginal Corporation that **clearly and consistently outlines roles and responses for each party across a range of scenarios** in a partnership approach.

This process might assist in strengthening the relationship of Council with the RAPs and in demystifying the planning scheme by showing how the RAPs can participate in the planning process and use the scheme in their work.

First Peoples of the Millewa Mallee Aboriginal Corporation

The First Peoples of the Millewa Mallee Aboriginal Corporation (FPMMAC) were contacted several times for a response but no input was received. Attempts were made at contact during the Round 3 engagement process.

Findings

Key findings are outlined below:

F13. The following changes or initiatives should be undertaken:

- **Update the Schedule 3 to Clause 37.01 to change reference to the "Department of Environment, Land, Water and Planning" to the "Department of Energy, Environment and Climate Action".**
- **Consider the preparation of a Memorandum of Understanding (MOU) between Council and the Barengi Gadjin Land Council and the First Peoples of the Millewa**

Mallee Aboriginal Corporation that clearly and consistently outlines roles and responses for each party across a range of scenarios in a partnership approach.

- **Consider the preparation of a Memorandum of Understanding (MOU) between Council and Lower Murray Water to explore the issue of subdivision in declared irrigation districts.**

7.6. Community and other external groups

Community engagement for the planning scheme review included three rounds of engagement. The staged approach provided multiple opportunities for residents, key community groups and other parties to be involved in the process and are outlined below.

- **Round 1** - The first stage was very broad and designed to gather **community sentiment** on living in the Mildura LGA and no understanding of the planning scheme was required to engage in this stage of consultation. Round 1 in-person consultation was undertaken during 3 – 5 May in Ouyen, Mildura and Red Cliffs and via an online survey.
- **Round 2** - The second stage was more detailed and provided **potential planning responses** to issues that were identified in the Round 1 engagement. Proposed planning scheme changes were included with series of maps, information and questions/propositions as shown in **Appendix 5**. Community members had an opportunity to review proposed responses and provide feedback against Round 1 responses. Round 2 consultation was undertaken during 1 – 5 August in Ouyen, Merbein, Mildura and Red Cliffs. The information was also accessible from Council's website.
- **Round 3** - The third stage was a formal process of making submissions on the exhibited **Draft Planning Scheme Review report** and proposed planning scheme and mapping changes during July and August 2025.

7.6.1. Consultation Outcomes for Rounds 1 and 2 of Engagement

Round 1 Consultation (May 2024)

In Round 1 consultation community members were asked:

- What is valued in the Mildura LGA and should be preserved?
- What could be changed/improved including the biggest challenges?

Online Survey (Summary of Feedback)

The outcomes of the Round 1 consultation are summarised below.

What is Valued in the Mildura LGA

- The size of Mildura City (big enough and small enough).
- The family friendliness.
- The relaxed lifestyle.
- The river (in Mildura city).
- The community.
- Green space and access to nature.
- The weather/ climate.

What should be preserved?

The elements most mentioned were:

- The river and surrounds in Mildura.

- The slower pace of life.
- The family friendly nature of the area.

What could be changed/ improved?

There was a great deal of consistency in relation to what could be improved:

- Access to services – particularly health and education.
- Transport to Melbourne and within the local area.
- Access to smaller (more affordable) housing.
- More/ better tourist offerings and information.
- More business and employment opportunities.

What are the biggest challenges?

There were a range of challenges identified with the most common responses outlined below:

- Access to health and social services.
- Travel costs.
- Access to jobs and business opportunities.
- Access to affordable housing (this includes keeping populations in smaller centres).

Pop Up Sessions in Ouyen Mildura & Red Cliffs (May 2024)

The Round 1 community engagement pop-ups were held in:

- Ouyen outside the Post office.
- Mildura at the Sunraysia Farmers Market.
- Red Cliffs at the Country Market.

These locations provided an opportunity to talk to a wide range of people from across the region. Over **100 people** were engaged in the three Round 1 pop up activities.

Online survey (May 2024)

An online survey was available on the Mildura Council's website and received **34 responses**. Slightly more responses from females (21) than males (13) were received. The age of respondents ranged from 20 years to 79 years. Most respondents were from Mildura (18) with additional responses from Irymple, Koorlong, Red Cliffs, Cardross, Merbein, Ouyen and Underbool.

Round 2 Consultation (August 2024)

The second round of engagement was designed to check back with community about the results of the first round of engagement, confirm the emerging themes and provide some potential planning solutions to the input provided.

This round of engagement generally has fewer participants but involves a longer and deeper conversation about issues.

Planners were available at various drop in locations to discuss issues and how the planning scheme can be used or what other options might be available to address community ideas and concerns.

Emerging Themes from Round 1 Engagement

The themes of the 2024-25 Mildura Planning Scheme review that emerged in Round 1 were:

- Settlement, Housing, Built Environment and Heritage.
- Environment and Landscape Values.

- Environmental Risks and Amenity Management.
- Natural Resources Management.
- Economic Development.
- Transport and infrastructure.

Posters were themed around these six topics (**see Appendix 5**) and these were posted on Council's website and printed in large format (AO size) for public viewing and further discussion at the advertised drop in and pop up locations**.**

Statistics and Data

A total of **115 community members** were engaged at pop up and drop in activities including:

- Merbein 8 people.
- Mildura drop-in 2 people.
- Ouyen drop-in 10 people.
- Sunraysia Farmers Market (Mildura) 48 people.
- Red Cliffs Country Market 47 People.

Additional engagement occurred with **37 people** as shown below:

- Barengi Gadjin Land Council (1 person).
- Mallee CMA (1 person).
- Social and affordable housing taskforce (22 people).
- Planning consultants (2 people).
- Developers (8 people).
- Lower Murray Water (3 people).

Summary of Feedback for Round 2 Consultation

While the **Round 2 engagement** was based around the specific themes advised earlier in this section, a range of discussions were had with community members around planning and council services more generally. Across all engagement opportunities several **strong themes emerged** being:

- **Housing** – a need for increased housing including smaller, more affordable housing and a range of housing types to meet people's needs throughout their life.
- **Transport** – a need for a range of public transport to links around the municipality and to large population centres like Melbourne, Horsham and Adelaide. Access to a train service to Melbourne was particularly important, not only as a public facility but also for economic growth.
- **Walking and cycling** – better routes around towns and better maintenance of those that currently exist to remove tripping hazards and improve the look of the townships.
- The **towns, growth and boundaries** - the potential to expand the town boundaries was considered important to some however maintaining the irrigation zones was also considered important. There was a suggestion that consolidating growth within the current boundaries was important in Mildura, Ouyen, Red Cliffs, Merbein and Irymple. Examples of smaller lot consolidations are needed to help set new rural intensification standards.
- **The Murray River**– the river and riverbanks provide an important role in the municipality, protecting and mitigating risk, which is of high importance.

Within the themes, the largest number of comments related to **settlement, housing, built environment and heritage and transport and infrastructure**.

More detailed comments on each of the themes are included below.

Settlement, Housing, Built Environment and Heritage

- There was strong support to **review existing boundaries** for larger townships and develop new structure plans for the larger towns and smaller communities.
- There was also support to **better plan for affordable and diverse housing**.
- Some suggested that carefully rezoning land near facilities could increase **housing supply**.
- Subdividing and **developing underutilised land** and fragmented farming land near the townships was also of interest.
- New **housing developments** should be in keeping with the current development type and very narrow roads should be avoided (respondents indicated narrow streets made access more difficult).

Conversations in relation to this theme were primarily around housing supply and affordability, town boundaries and the provision of sufficient infrastructure.

Environment and Landscape values

- The place of the Murray River and riverfront is important and there is an opportunity to improve the river frontage.
- Parks and open space throughout the municipality could also be improved.

Environmental Risks and Amenity Management

- **Flooding** was a concern for many people. Ensuring that development is not allowed on the floodplains was considered important.
- The need for newer developments to be built to a quality that mitigates a **changing climate** was also mentioned.
- **Salinity** was also a concern in relation to hindering the growth of different towns.

Natural Resources Management

- **Farming** is still considered important although there were suggestions that the current lot size is no longer viable for farming and that small blocks are being bought up for broad acre farming.
- The use of **river water to irrigate newer crops** was also a concern as crops that require more water are being planted.

Economic Development

- There was a desire to better utilise the region's **tourism potential** by providing more infrastructure, including passenger train services and information.

Transport and infrastructure

- There was a very strong desire for **trains to Melbourne** and for a range of other public transport.
- **Public transport** between and within the towns could also be improved.
- **Cycling and walking tracks** could be improved especially in high use areas.
- The 80 kph and 100 kph roads are not suitable for pedestrians and there needs to be a **reduction in speed limits** or an improvement in facilities to facilitate walking and cycling.
- **New development** should be built in areas where there is existing infrastructure.

Submissions Received

There were **17 submissions** received by Council to the Round 1 and 2 engagement and **31 submissions** to the formal engagement for the planning scheme review. These submissions and proposed responses are included in **Appendix 4**.

Consultation and Engagement Reports

Two reports on the Round 1 and Round 2 engagement are available as separate documents.

Round 3 Consultation (Public Exhibition of the Draft Planning Scheme Review Report)

The Round 3 engagement was undertaken in **July and August 2025** as a more formal type of engagement that enabled the community, key groups and interested parties to respond to the proposed planning scheme changes, maps and the matters, findings and recommendations raised in the draft planning scheme review report.

Formal written submissions made through this stage have been considered by Council and a response prepared addressing the planning matters raised.

7.7. Summary of issues raised through consultation and engagement

The following table themes the various matters raised during three rounds of consultation held in May and August 2024 and July – August 2025 and also from issues raised by stakeholders.

Issue	Officer survey	Planners	Internal staff	Crs and Executive	Referral Agencies	Community and other external stakeholders
Dwellings and subdivision in the MOIA and Rural Zones	✓	✓	✓	✓		
Identification of High and Low Value Agricultural Land through a Rural Land Strategy	✓	✓	✓	✓	✓	✓
Water, Sewerage, Flooding, Stormwater, Drainage and Irrigation	✓	✓	✓	✓	✓	✓
Environment and waterways	✓	✓	✓		✓	
Neighbourhood character	✓	✓	✓	✓		✓
Bushfire and Bushfire Management Overlay		✓			✓	
Affordable housing and housing diversity	✓	✓	✓	✓	✓	✓
Environmentally sustainable development	✓	✓	✓			
Heritage	✓	✓	✓			
Climate change impacts and responses	✓	✓	✓	✓	✓	✓
Improved public transport, walking and cycling	✓	✓	✓	✓	✓	✓
Economic development and tourism	✓	✓	✓	✓	✓	✓
Industrial use and development	✓	✓	✓			✓
Development and infrastructure	✓	✓	✓	✓	✓	✓
Internal processes, communication and delegations	✓	✓	✓	✓		✓

8. New strategic work

New strategic work that has been **adopted by Council** and prepared for the municipality was reviewed to identify whether any policy should be included into the scheme.

The intention of this part of the review process is to include **policy that may have been developed by another part of Council** (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this **does not include significant strategic land use planning projects** such as structure plans for townships, or wider municipal land use and development strategies, which should go through a separate, dedicated planning scheme amendment process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme (for example, the construction of a new wetland or an integrated water management plan).

8.1. Council projects and documents

8.1.1. Documents reviewed

The following documents that have been prepared since the 2019 planning scheme review, were reviewed for relevance to the Mildura Planning Scheme:

- **Asset Plan** (Mildura Rural City Council, 2022-2031) – no planning scheme relevance.
- **Community Climate Response Plan** (Mildura Rural City Council, 2024 - 2029) – to be considered through *further strategic work*.
- **Community Vision** (Mildura Rural City Council, 2021 - 2040) – implemented through Amendment C104mild.
- **COVID-19 Community Impacts Research Report** (Mildura Rural City Council, 2020) – no planning scheme relevance.
- **Domestic Animal Management Plan** (Mildura Rural City Council, 2021-2025) – no planning scheme relevance.
- **Electric Line Clearance Management Plan** (Mildura Rural City Council, 2024-2025) – no planning scheme relevance.
- **Events Strategy** (Mildura Rural City Council, 2025) – has *some planning scheme relevance.*
- **Gender Equality Action Plan** (Mildura Rural City Council, 2022) – no planning scheme relevance.
- **Invasive Plants and Animals Plan** (Mildura Rural City Council, 2020 - 2024) – has *some planning scheme relevance.*
- **Issues Paper Special Use Zones 8 & 9 and DDO 10 & 11** (Mildura Rural City Council, 2018) – implemented through Amendment C104mild.
- **Merbein Pedestrian and Cycling Plan** (Mildura Rural City Council, 2023) – has *some planning scheme relevance.*
- **Mildura Community Health and Wellbeing Plan** (Mildura Rural City Council, 2021) – no planning scheme relevance.
- **Mildura Council Plan** (Mildura Rural City Council, 2021 - 2025) – implemented through Amendment C104mild.
- **Mildura Public Toilet Strategy** (Mildura Rural City Council, 2020) – no planning scheme relevance.
- **Mildura Retail Strategy** (Mildura Rural City Council, 2018) – implemented through Amendment C104mild.

- **Mildura RV, Caravan & Camping Strategy** (Mildura Rural City Council, 2022) – has *some planning scheme relevance.*
- **Municipal Emergency Management Plan** (Mildura Rural City Council, 2021) – has *some planning scheme relevance.*
- **Playground Strategy 2021-2026** (Mildura Rural City Council, 2021) – no planning scheme relevance
- **Public Open Space Strategy 2021-2026** (Mildura Rural City Council, 2021) – to be *considered through further strategic work.*
- **Urban Tree Strategy 2021-2026** (Mildura Rural City Council, 2021) – no planning scheme relevance.
- **Waste and Resource Recovery Strategy** (Mildura Rural City Council, 2022-2026) – has *some planning scheme relevance.*

8.1.2. Documents with policy implications

Events Strategy (Mildura Rural City Council, 2025)

The Events Strategy 2025 aims to position Mildura as a major event destination with a vibrant year-round calendar of events. It focuses on increasing overnight visitor expenditure, showcasing iconic locations, and enhancing the community's cultural and economic profile. The strategy emphasises the importance of professional, iconic events that celebrate the region's culture, lifestyle, and natural appeal while creating a strong return on investment for the community and industry. It has particular implications for local tourism policy in the planning scheme, supporting Clause 17.04-1L (Tourism) and is listed as a background document in the schedule to **Clause 72.08**.

Merbein Pedestrian and Cycling Plan (Mildura Rural City Council, 2023)

The plan aims to improve pedestrian and cycling infrastructure in Merbein. Key objectives include providing additional and improved facilities, ensuring safer crossings, enhancing connectivity, and reducing vehicle-pedestrian/cyclist crashes. The plan emphasises a holistic approach through community consultation and aligns with existing projects like the Merbein Community Plan and speed management strategies. It has particular implications for cycling policy in the planning scheme, supporting Clause 18.02-2L (Cycling in Mildura), and for inclusion as a background document in the schedule to Clause 72.08.

Mildura RV, Caravan & Camping Strategy (Mildura Rural City Council, 2022)

The strategy aims to enhance Mildura's position as a key destination for RV, caravan, and camping travellers. Key objectives include improving infrastructure, ensuring safety and accessibility, promoting sustainable practices, and increasing visitor satisfaction. It has particular implications for local tourism policy in the planning scheme, specifically supporting Clause 17.04-1L (Tourism) and for inclusion as a background document in the schedule to Clause 72.08.

Waste and Resource Recovery Strategy (Mildura Rural City Council, 2022-2026)

The strategy focuses on reducing waste generation, increasing resource recovery, beneficial use of organics, waste and resource recovery education, and sustainable infrastructure. It outlines actions to achieve zero waste to landfill by 2050 and net zero emissions for landfill by 2050, emphasising community engagement, sustainable practices, and infrastructure improvements. The strategy supports the implementation of Clause 19.03-5S (Waste and Resource Recovery) and is proposed for inclusion as a background document in the schedule to Clause 72.08 of the Mildura Planning Scheme.

Findings

Key findings are outlined below:

F14. Reference the Events Strategy (Mildura Rural City Council, 2025) and the Mildura RV, Caravan & Camping Strategy (Mildura Rural City Council, 2022) as background documents at the schedule to Clause 72.08 and in a revised local policy at Clause 17.04-1L.

F15. Reference the Merbein Pedestrian and Cycling Plan (Mildura Rural City Council, 2023) as a background document at the schedule to Clause 72.08 and include a new local policy at Clause 18.02-2L.

F16. Reference the Waste and Resource Recovery Strategy (Mildura Rural City Council, 2022-2026) as a background document at the schedule to Clause 72.08.

8.2. Regional projects and documents

8.2.1. Documents reviewed

The following regional documents were reviewed and are considered to be relevant to the Mildura Planning Scheme:

- Mallee Regional Economic Development Strategy (Victorian Government, March 2022).
- Mallee Regional Catchment Strategy, 2022-2028 (Mallee Catchment Management Authority, 2022).

8.2.2. Documents with policy implications

Mallee Regional Economic Development Strategy (Victorian Government, March 2022)

The strategy provides the region with a consistent socio-economic evidence base, and strategic framing of medium- to long-term directions to activate economic development opportunities. It has particular implications for regional economic and business policy in the planning scheme, supporting Clause 17.01-1R (Diversified economy – Loddon Mallee North), and for inclusion as a background document in the schedule to Clause 72.08.

The inclusion of this document into the planning scheme would ideally be **led by the Victorian Government at a regional level**.

Mallee Regional Catchment Strategy, 2022-2028 (Mallee Catchment Management Authority, 2022)

The Mallee Regional Catchment Strategy, 2022-2028 sets an aspirational vision for the management of natural, cultural and productive landscapes; the delivery of long-term (20-year) and medium-term (6-year) outcomes through management of assets within these landscapes; and the six-year strategic actions required to achieve those outcomes. It provides a six-year framework for strategic actions to support and focus the ongoing coordinated efforts of the region's land managers, Traditional Owners, industry and community groups, and government agencies.

The 2022–28 RCS represents the fourth catchment strategy for the region, building on lessons learnt from the design, implementation and review of preceding documents such as the approach and framework applied by the 2013–19 RCS.

The updated strategy focuses on testing, validating and (where required) updating the existing framework and associated priorities (i.e. rather than establishing a new framework and associated background material).

The strategy supports catchment and landscape planning policy, particularly Clause 14.02-1S (Catchment planning and management) and should be included as a background document in the schedule to Clause 72.08 of the planning scheme.

Findings

Key findings are outlined below:

F17. Advocate to the Victorian Government to include the Mallee Regional Economic Development Strategy (Victorian Government, March 2022) into the planning scheme through a regional approach with other affected Councils.

F18. Include the Mallee Regional Catchment Strategy, 2022-2028 (Mallee Catchment Management Authority, 2022) as a background document in the schedule to Clause 72.08.

9. Work underway (Amendments & Projects)

Planning Scheme Amendments (Completed Post 2019)

Since the last planning scheme review undertaken in 2019, Council has completed 15 Planning Scheme Amendments.

Please refer to Chapter 6 for a list of completed amendments.

Planning Scheme Amendments in Progress

There is one planning scheme amendment currently underway.

Amendment C116mild – Rezoning of 174 Cootamudra Avenue Red Cliffs.

Several other amendments will be required in the next four years to implement planning recommendations from adopted project work.

Project Work (Completed Post 2019)

Since the last planning scheme review undertaken in 2019, Council has undertaken the following 14 projects as listed below.

- **Significant Tree Register** adopted in May 2020.
- **Mildura CBD Plan 2020-2035** adopted by Council on 24 June 2020.
- **Mildura District Heritage Strategy - Part B Stage 1**, adopted by Council on 26 August 2020 (including a Volume 1 - Key Findings and Recommendations and Volume 2 - Thematic Environmental History).
- **McEdward Street Cabarita Development Plan** adopted on 26 August 2020.
- **Mildura Public Open Space Strategy** adopted on 28 April 2021.
- **The Hattah Land Use Plan** adopted on 28 July 2021 (not agreed to by DTP for implementation; now listed as FSW under 'Prepare planning options for Hattah Township').
- **Mildura South Neighbourhood Activity Centre Master Plan** adopted on 25 August 2021.
- **Irymple Structure Plan & Urban Design Framework** 2021-2036 adopted on 22 September 2021.
- **Nichols Point Residential Development Plan** adopted by the Council on 27 October 2021.
- **Mildura CBD Access and Mobility Strategy** adopted on 24 February 2022.
- **Sustainable Subdivisions Framework Trial** - Stage 1 which was completed in March 2022.
- **Mildura East Growth Area Strategic Framework Plan**, Stage 1 Vision and Key Directions adopted on 28 July 2022.
- **Mildura District Heritage Study Part B** Stage 2 adopted 2024
- **Mildura East Growth Area Strategic Framework Plan** adopted 2024.

Project Work In Progress

Strategic Planning is currently undertaking seven strategic projects (mostly identified in the 2019 review report) and providing strategic input into other Council projects including the:

- Mildura Industrial Land Use Strategy.
- Irymple Low Density Residential Development Plan.
- 2025 Mildura Planning Scheme Review.
- CMP for Former Irymple Railway Station Building.
- Review of the 2017 MRCC Stormwater Report for Drainage Basins in Irymple and Mildura.
- Preparation of a Development Plan for Ontario Flora.

- Mildura District Heritage Study - Post Adoption Recommendations.
- Sustainable Subdivisions Framework Trial - Stage 2 (strategic input).
- Mildura Integrated Transport Strategy (strategic input).

These nine projects are a significant challenge to progress at one time even for a larger regional Council such as Mildura with its existing strategic planning resources.

In order to be delivered within the next 4-year review period, these existing and additional projects identified need to be resourced with additional strategic planning staff resources and budget.

Grants and other funding opportunities could also be explored from the Victorian and Commonwealth Governments as well as other avenues.

10. Key policy areas

Many key issues for the municipality have already been discussed. However, to inform the planning scheme review a *Key Issues Report* (September 2025) was prepared for the following seven policy areas:

- Cumbungi.
- Salinity Management Overlay.
- Public Open Space Contributions.
- Gambling.
- Koorlong Landfill.
- Environmental Significance Overlay – Schedule 4.
- Water Sensitive Urban Design and Integrated Water Management.

Details about the policy issue and response are included in that report, with a summary of each issue, along with the findings and key policy recommendations for the planning scheme review provided below.

10.1. Cumbungi

10.1.1. Planning Issue

The abundance of Cumbungi, particularly at Lake Cullulleraine, has been identified as a concern dating back to 2005. Conflicts with recreational use of the lake, such as access for boats and swimmers, along with similar issues at Etiwanda Wetlands and Mildura South Wetlands, have prompted the need for ongoing monitoring and control measures.

10.1.2. Discussion

Cumbungi (Typha spp.), a native emergent plant commonly found across the Murray-Darling basin, plays a crucial ecological role by providing habitat for species such as the Australian Reed Warbler, Australasian Bittern, and Growling Grass Frog. However, its overgrowth, especially in areas like Lake Cullulleraine, Etiwanda Wetlands, and Mildura South Wetlands, has led to conflicts with recreational uses, including access to waterways for boats and swimmers.

Key findings from community feedback indicate that the overabundance of Cumbungi dates back to 2005, where concerns about recreational access to Lake Cullulleraine were raised. Council officers have also identified similar issues at constructed wetlands in Mildura. In cases where water regimes have been altered, Cumbungi can spread rapidly, dominating ecosystems and posing threats to water infrastructure and biodiversity.

The Mildura Planning Scheme (Clause 52.17) mandates the protection of biodiversity by regulating the removal of native vegetation, including Cumbungi. Under this clause, the removal of native Cumbungi species requires a permit for sites larger than 0.4 hectares. Exemptions, such as the regrowth exemption or the utility installations exemption, may apply but are generally restricted to specific contexts and do not cover vegetation removal for recreational purposes. Cumbungi management presents several challenges, particularly its propensity to recolonise cleared areas. While past control efforts, such as herbicide application at Lake Cullulleraine in 2015, have addressed specific areas, ongoing management is necessary. This includes considering ecological studies and the development of a new management plan for Lake Cullulleraine, given that the previous plan dates back to 2004 and lacks current data on fauna values.

Further complicating the issue is the need to balance environmental, recreational, and water management priorities. Effective Cumbungi control measures may include altering water regimes, excavation, herbicide application, or burning. However, the most appropriate approach should be evaluated case by case, based on the local ecological context.

In light of these findings, the planning scheme allows for adaptive management, but further ecological studies are required to justify future permit applications. Council should also explore the utility installation exemption for wetlands used in stormwater treatment and consider applying the conservation works exemption for biodiversity improvements.

Findings

Key findings are outlined below:

F19. Consider the wider application of the "regrowth", "utility installation" and "conservation works" exemptions for the management of Cumbungi in waterways throughout the municipality (as recommended in the Key Issues Report).

F20. Subject to available funding, undertake further strategic work to prepare a new management plan or masterplan for Cumbungi at Lake Cullulleraine and its inclusion in the planning scheme (as recommended in the Key Issues Report).

10.2. Salinity Management Overlay

10.2.1. Planning Issue

Urban salinity poses a significant risk to infrastructure, including housing foundations, roads, and underground services, as well as to vegetation. The Salinity Management Overlay (SMO) is intended to manage these risks by ensuring that new developments and growth areas in Mildura consider and mitigate salinity hazards.

10.2.2. Discussion

Salinity is a known issue in Mildura, with two primary sources contributing to salinity problems: the regional groundwater system within the Parilla Sands aquifer and Perched Groundwater in the Woorinen Formation. Urban salinity can result from land-use changes, including vegetation removal and increased irrigation, which raise groundwater levels, mobilising salts that degrade urban infrastructure. Areas such as Lake Ranfurly and Lake Hawthorn serve as reminders of the ongoing impacts of saline groundwater.

To address this, the Site Salinity Guidelines and SMO were developed between 2004 and 2009, ensuring that urban growth in Mildura is carefully managed to reduce salinity risks. The SMO requires permits for subdivision and buildings or works, and applicants must submit Site Capability Reports and, in areas of moderate to very high salinity risk, Salinity Action Statements. These reports ensure that appropriate salinity management measures are put in place, including landscaping, drainage systems, and monitoring of groundwater conditions.

Key findings from a literature review indicate that there is limited recent research focusing on urban salinity management, though salinity management in agricultural areas has been more widely studied. The Mallee Catchment Management Authority is currently updating groundwater data, which could inform future salinity management decisions in urban areas. Additionally, while current salinity risk mapping is available, it has not been updated since 2009, highlighting a need for further studies to assess salinity trends and risks in the context of climate change, urban growth, and land-use changes.

Findings

Key findings are outlined below:

F21. Subject to available funding, undertake further strategic work that reviews the information, data and mapping to inform responses to salinity and the application of the SMO in the municipality (as recommended in the Key Issues Report).
F22. Prior to further strategic work that reviews the SMO and its application and given the previous serious salinity issues and high costs of the reduced infrastructure life cycle involved with salinity remediation in the urban environment, continue to apply the SMO to new growth areas as a precautionary approach.
F23. Reword the exemptions listed in the SMO schedule so that exemption development can only be constructed in areas of demonstrated low salinity risk and where works are not required as part of remedial works for salt- or high-water table damage.
F24. Correct the typographical error in Schedule 1 to the SMO which states that "A permit application is to address the requirements at Clause 44.02-5, as appropriate" - this should instead refer to Clause 44.02-6.

10.3. Public Open Space Contributions

10.3.1. Planning Issue

The *Mildura Public Open Space Strategy 2021* does not sufficiently establish the nexus required to justify variations in public open space contributions from different types of development. There is a need to strengthen the strategy to ensure that contributions are aligned with the actual public open space needs arising from urban growth and population change.

10.3.2. Discussion

The *Mildura Rural City Council Public Open Space Strategy 2021* provides an overarching framework for the development of public open spaces across the municipality. Its primary goal is to create a cohesive and connected open space network to meet the growing demands of Mildura's communities. While the strategy sets out several objectives and actions to achieve this vision, it lacks the necessary focus on how residential, commercial, and industrial subdivisions contribute to the open space network.

The strategy identifies gaps in the quantity, design, and function of public open spaces, as well as issues with connectivity and distribution. However, it does not delve deeply enough into the specific needs of different towns or localities, nor does it explore how urban changes—such as increased density and population growth—impact public open space requirements.

Clause 53.01 of the Mildura Planning Scheme allows Council to levy open space contributions from developments. This clause could be used more effectively if a clearer nexus between development and public open space provision were established. The strategy should define how specific types of development (residential, commercial, and industrial) affect open space needs and how contributions from these developments can support the provision of new or improved public open spaces.

In addition to Clause 53.01, Clause 45.06, related to Development Contributions Plans (DCPs), allows the Council to specify infrastructure contributions, including open space, for new growth areas. These mechanisms need to be utilised strategically to address the growing demand for public open spaces in areas experiencing urban change.

Findings

Key findings are outlined below:

F25. The MRCC Public Open Space Strategy 2021 should be strengthened to provide a clear nexus between future open space provision and improvements related to subdivision for urban areas of the municipality.

F26. Undertake further strategic work to review the MRCC Public Open Space Strategy 2021 with an addendum to the strategy to provide a clearer nexus established between the future open space needs of the community related to residential, commercial and industrial subdivision (as recommended in the Key Issues Report).

10.4. Gambling

10.4.1. Planning Issue

The Mildura LGA has the third highest losses from electronic gaming machines (EGMs) in Victoria, amounting to $861 per adult per year, significantly above the Victorian average of $543. Despite a municipal limit of 419 EGMs, only 281 machines are currently in operation. The lack of applications for additional machines in recent years contrasts with the increasing losses and raises concerns about the future placement and number of EGMs.

10.4.2. Discussion

Gambling, which includes lotteries, sports betting, and EGMs, has a significant impact on Mildura's residents, particularly in areas with lower socio-economic status. EGMs, in particular, have been identified as contributing to the greatest financial losses. In the financial year 2022-2023, $38,482,548 was lost on EGMs in the Mildura LGA, with much of this occurring in the most disadvantaged areas.

The Mildura Gateway Tavern, Mildura RSL, and the Mildura Working Man's Sport and Social Club account for nearly 90 per cent of the gambling losses in the region. These venues are all located in areas of the municipality with lower SEIFA (Socio-Economic Indexes for Areas) scores, indicating higher disadvantage. The concentration of EGMs in disadvantaged areas exacerbates the harm caused by gambling, affecting family relationships, financial stability, and health.

Interviews with local agencies highlighted the wide-ranging impacts of gambling, including family breakdown, bankruptcy, and the normalisation of gambling for children exposed to high-visibility venues. While EGMs are the most prominent form of gambling in the region, online gambling also presents growing concerns.

Although the Victorian Gaming and Casino Control Commission (VGCCC) regulates the number and placement of EGMs, Mildura Rural City Council can influence the location of gambling venues through its planning scheme. A proactive approach to amending the planning scheme to manage the visibility and location of EGMs could help reduce harm. Additionally, the State Government's planned changes to EGMs in 2024, including limits on load-ups and slower spin speeds, are expected to reduce individual losses but may encourage venues to apply for additional machines to offset reduced profits.

Mildura's Harm Minimisation from Gambling Policy, adopted in December 2023, outlines the Council's commitment to minimising gambling-related harm. However, further strategic work is required to fully realise the policy's objectives. This includes community engagement, collaboration with support agencies, and the development of a planning scheme amendment to control the placement and number of EGMs.

Findings

Key findings are outlined below:

F27. Undertake further strategic work to review the current level of EGMs and their placement in relation to their location in areas of low socio-economic households, including areas where additional EGMs will not be supported or should be reduced (as recommended in the Key Issues Report).
F28. Review the current municipal EGM limits with a view to reducing them, undertaking community and stakeholder consultation and engagement.
F29. Prepare a planning scheme amendment that provides additional controls of the placement and number of EGMs in the Mildura LGA.

10.5. Koorlong Landfill

10.5.1. Planning Issue

The Koorlong Landfill, closed since 2000, presents potential land-use compatibility issues. There is a need to consider the application of a Buffer Area Overlay (BAO) to ensure future developments around the site are managed appropriately, preventing any negative off-site impacts and ensuring continued environmental safety.

10.5.2. Discussion

A review of the Koorlong Landfill was conducted to evaluate interface issues and assess the suitability of the BAO as a planning tool to manage potential land-use conflicts. The review considered relevant reports and guidelines, including Planning Practice Note 92 (PPN92), which provides guidance on managing buffers for land use compatibility, and the *EPAV's Landfill Buffer Guidelines* and new *EPAV Separation Distance Guidelines 2024*.

The landfill has been subject to several environmental assessments, including a Section 53V audit report and ongoing monitoring by Council, with no significant issues detected since its closure. A post-closure pollution abatement notice and a site management order have been issued under the Environment Protection Act 2017. While the site is considered well-managed, the application of a Buffer Area Overlay (BAO) could provide an additional layer of protection to prevent future incompatible developments or land uses within the buffer zone.

The BAO, introduced into the Victoria Planning Provisions (VPP) at Clause 44.08, is designed to identify buffer areas where there is potential for off-site impacts on human health, safety, or amenity due to industrial uses, including landfills. The BAO can be tailored to specific sites, such as the Koorlong landfill, to ensure that use and development within the buffer area are compatible with the landfill's environmental and safety risks.

The EPAV's Landfill Buffer Guidelines 2024 introduce a risk-based approach for closed landfills, focusing on potential risks such as landfill gas migration. These guidelines support the application of a BAO, incorporating a scoring system to assess the type of development and landfill characteristics. For the Koorlong landfill, this system can ensure that future developments undergo appropriate risk assessments, protecting the community from any latent risks.

Although the landfill poses low environmental risks at this stage, applying the BAO would ensure long-term protection, particularly as new developments or rezoning proposals arise around the site.

Findings

Key findings are outlined below:

F30. Continue to monitor and manage the Koorlong Landfill.
F31. Consider application of the BAO and a specifically tailored schedule into the Mildura Planning Scheme for the Koorlong landfill but not as a high priority due to existing management arrangements.

10.6. Environmental Significance Overlay – Schedule 4 (ESO4)

10.6.1. Planning Issue

The ESO4 is applied to several industrial sites in the Mildura Planning Scheme, but there are opportunities to enhance its coverage and effectiveness by introducing the BAO and specific schedules, especially around sensitive land uses and industries with potential adverse impacts, such as landfills and transfer stations. The mapping of the ESO4 should also be reviewed to ensure that it is correctly applied.

10.6.2. Discussion

The ESO4 is currently applied to specific sites in the Mildura Planning Scheme, including:

- **Merbein Mushrooms** (Lot 2, LP75386, 1210 Sturt Highway, Merbein South).
- **Abattoir** (Lot 1 LP 221865, Gordon Avenue, Mildura South).
- **Concrete Batching Plant** (Part Crown Allotment 19, Sandilong Avenue, Irymple).
- **Asphalt and Crushing Plant** (Crown Allotments 8, 9, and 10, Koorlong).

The purpose of the ESO4 is to minimise land use conflicts by regulating developments within these areas. It requires permits for building, works, subdivision, and vegetation removal, particularly discouraging residential uses. However, some existing facilities, such as landfills and transfer stations in the municipality, lack specific overlay controls like the ESO4, leaving them vulnerable to future land use conflicts. The BAO could be applied to these sites to better manage risks such as odour, dust, noise, and landfill gas emissions, to reduce potential impacts to affected nearby communities. The ESO4 could be expanded to industrial land in Thurla and other industrial land in the municipality.

In areas surrounding the ESO4, such as those along Sandilong Avenue, potential conflicts arise from adjacent General Residential Zone (GRZ) and Farming Zone (FZ) areas. Clause 53.10 also specifies threshold distances for activities near sensitive land uses, such as hospitals, education centres, and residential zones, which must be reviewed for compliance with existing ESO4 provisions.

The new EPAV Publications *Landfill Buffer Guidelines 2024* and *Supporting information for separation distance and landfill buffer guidelines 2024* provide recommended separation distances for industrial residual air emissions, including those from landfills and transfer stations. These guidelines, in conjunction with Clause 53.10 of the Mildura Planning Scheme, outline minimum threshold distances for various industrial uses. The BAO can play a critical role in ensuring that these buffer distances are adhered to, offering greater certainty for landowners and developers. Future strategic work should look to apply the BAO instead of the ESO4 to these sites.

The ESO4 is applied primarily within areas zoned as Farming Zone (FZ), Public Use Zone (PUZ1) and Industrial Zone (INZ1). Along Sandilong Avenue, the ESO4 is surrounded by land designated as General

Residential Zone (GRZ) and Farming Zone (FZ) potentially raising additional concerns related to hazards and land use conflicts.

Land used for existing or former landfills and transfer stations could also be examined for the ESO4 or now more appropriately for the BAO. Zoning for these sites should also be examined, consistent with Council's draft Industrial Land Use Strategy.

The ESO4 is currently listed as being applied to the Merbein Mushrooms site at 1210 Sturt Highway, Merbein South (2\LP75386 on VicPlan). However, the overlay is actually mapped further south of the Sturt Highway at 1471 Meridian Road, Merbein South (6C~C\PP3102) and the associated site at 1435 Sturt Highway, Merbein South (6~C\PP3102). It is understood that composting and the mixing of organic materials to provide soil materials for the growing of the mushrooms is prepared primarily on land south of Sturt Highway and that the growing of the mushrooms and their packing and distribution occurs primarily from the premises at 1210 Sturt Highway.

A radius of 1,500 metres is currently applied to the mapping of the ESO4 for the composting facilities site from the source of potential odour and dust impacts but the ESO4 is not mapped to the site at 1210 Sturt Highway. This should be revised by applying the ESO4 with a 250 metre radius to the site at 1210 Sturt Highway, Merbein South. The ESO4 schedule should also be revised to refer to all sites that are utilised as part of the Merbein Mushrooms business operations to ensure that this industry is adequately protected in the planning scheme.

Findings

Key findings are outlined below

F32. Review and undertake minor updates to the ESO4 provisions through the planning scheme review.
F33. Examine the implications of Clause 53.10 threshold distances for various land uses where the ESO4 is applied and whether the application of the ESO4 is consistent with that clause.
F34. Consider whether existing and former landfills and transfer stations sites should be subject to the ESO4 or the BAO.
F35. Consider zonings of all sites where the ESO4 is applied consistent with Council's draft Industrial Land Use Strategy.
F36. Ensure that mapping for the ESO4 is applied correctly to identified sites.
F37. Consider whether the ESO4 should be translated to a BAO through further strategic work.

10.7. Water Sensitive Urban Design and Integrated Water Management

10.7.1. Planning Issue

The WSUD Guidelines for the Mildura LGA were prepared in 2005 and are outdated. These guidelines do not account for the most recent climatic data or modern WSUD techniques that better fit the Mildura region's unique environmental and hydrological conditions. There is a need for updated guidelines that incorporate recent advances in technology and climate change predictions to manage stormwater more effectively.

10.7.2. Discussion

Integrated Water Management (IWM) promotes a collaborative approach to managing water, land, and related services to maximise economic, social, and environmental benefits. For the Mildura LGA, IWM can improve stormwater management, reduce demand on potable water, and help manage the

impacts of climate change and population growth. By integrating green and blue infrastructure (such as parks, wetlands, and streams), IWM supports the overall resilience and liveability of the region.

Stormwater management is a crucial component of IWM. With increased urban development, more impervious surfaces are created, leading to higher volumes of stormwater runoff. This not only threatens waterways but also increases the risk of flooding and pollution. *The Best Practice Environmental Management (BPEM) Guidelines* provide objectives for stormwater management, which Mildura's planning system incorporates through Clause 53.18 and Clause 56 of the Mildura Planning Scheme.

The 2005 WSUD Guidelines for Mildura focus heavily on engineering-based WSUD measures such as bio-retention basins, sand filters, and constructed wetlands. However, the guidelines are based on Melbourne Water's Draft WSUD Engineering Procedures (2004) and may not fully address the specific environmental needs and challenges of the Mildura region. For example, Mildura's flat terrain and closed water cycle (water being taken from the Murray River, used on land, and discharged back into the river) present unique challenges that differ from those of Melbourne.

As Mildura continues to grow, urban expansion and densification will introduce more impervious surfaces, exacerbating stormwater runoff. Modern stormwater management techniques and WSUD approaches can mitigate these impacts, improving both environmental and public outcomes. In particular, there is a need to update the WSUD Guidelines to reflect post-2005 climatic data, incorporating recent storm events, the Millennium drought, and projected climate change scenarios.

Findings

Key findings are outlined below

F38. Further strategic work be undertaken to prepare updated IWM and WSUD Guidelines for the Mildura LGA to apply to planning applications for subdivision and new buildings to ensure improved integrated water management responses better suited to the municipal context.

11. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and are included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review (post 2029 or budget and resource dependent) and are included in **Appendix 2**.

Council has reviewed this list and removed projects that are no longer required. The list below represents the further strategic work that will have the most positive impact for the Mildura community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at **Appendix 1**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years to implement the strategic directions for land use and development in the municipality.

F39. Undertake the following further strategic work over 2025-2029 and beyond:

FSW1	**Prepare and implement the Mildura Industrial Land Use Strategy.**
FSW2	**Implement the Mildura East Growth Area Strategic Framework and drainage strategy.**
FSW3	**Prepare planning options for Hattah Township.**
FSW4	**Implement the Residual Effects of Spraying on Soil in Horticultural Areas report.**
FSW5	**Prepare a Hydrological Assessment Report for Basins in Mildura and Irymple.**
FSW6	**Implement the Mildura Heritage Study Part B – Stage 2.**
FSW7	**Implement the 2025 Mildura Planning Scheme Review.**
FSW8	**Prepare a Short-Stay Budget Accommodation Strategy.**
FSW9	**Implement the Irymple Town Structure Plan 2021-2036.**
FSW10	**Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen.**
FSW11	**Prepare Development Contributions Plans as required for growth areas.**
FSW12	**Implement the Integrated Transport and Land Use Strategy.**
FSW13	**Implement the Mildura CBD Plan 2020-2035.**

FSW14	**Implement the Sustainable Subdivision Framework – Stage 2.**
FSW15	**Implement the Irymple Low Density Residential Development Plan.**
FSW16	**Prepare and implement new guidelines for integrated water management and water sensitive urban design.**
FSW17	**Investigate strategic options for the low density Lake Hawthorn College Lease land.**
FSW18	**Review Development Contributions Plans Expiring in 2030.**
FSW19	**Review the Mildura Retail Strategy.**
FSW20	**Implement the Old Aerodrome Sporting Complex Master Plan.**
FSW21	**Implement the Mansell Reserve Master Plan 2024.**
FSW22	**Develop a Renewable Energy Strategy.**
FSW23	**Investigate options to apply the Buffer Area Overlay to protect important industries and infrastructure.**
FSW24	**Undertake a Rural Land Use Strategy for the municipality.**
FSW25	**Implement the Urban Forest Strategy.**
FSW26	**Implement the Mildura Airport Master Plan.**
FSW27	**Prepare a Housing and Neighbourhood Infill Study.**
FSW28	**Prepare and implement a gap analysis for the Mildura Public Open Space Strategy to achieve clearer nexus for community open space needs related to residential, commercial and industrial subdivisions.**
FSW29	**Review the Salinity Management Overlay.**
FSW30	**Review the Design and Development Overlay for Fifteenth Street.**
FSW31	**Undertake a Horticultural Sustainability Development Strategy.**
FSW32	**Prepare a planning scheme amendment to assist in the protection of Regent Parrot habitat.**
FSW33	**Investigate locations for the control of Cumbungi at Lake Cullulleraine.**
FSW34	**Investigate the viability of the current framework for the Mildura Marina.**
FSW35	**Implement updated flood modelling for the municipality.**
FSW36	**Review the current level of electronic gaming machines (EGMs) and their placement in relation to areas of low socio-economic households.**

FSW37 **Prepare and implement Urban Design Guidelines for Langtree Mall.**

FSW38 **Review the signage requirements for recreation reserves.**

FSW39 **Investigate Opportunities for Agriculture Related Tourism.**

Appendix 1

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

Provided Under Separate Cover

Appendix 2

Comprehensive list of further strategic work

The following list of work is a comprehensive list of all the further strategic work that has been identified through this planning scheme review.

The highest priorities have been identified and included in Section 11 of the report. The remaining projects on this list need to be prioritised by Council through its usual budget and resourcing roles.

Priority Projects 2025 – 2029 and beyond

Project Name	Project source:
Prepare and implement the Mildura Industrial Land Use Strategy.	Mildura Planning Scheme Review 2025
Implement the Mildura East Growth Area Strategic Framework and drainage strategy.	Clause 74.02
Prepare planning options for Hattah Township.	Clause 74.02
Implement the Residual Effects of Spraying on Soil in Horticultural Areas report.	Clause 74.02
Prepare Hydrological Assessment Report for Basins in Mildura and Irymple.	Mildura Planning Scheme Review 2025
Implement the Mildura Heritage Study Part B – Stage 2.	Mildura Planning Scheme Review 2025
Implement the 2025 Mildura Planning Scheme Review.	Mildura Planning Scheme Review 2025
Prepare a Short-Stay Budget Accommodation Strategy.	Clause 74.02
Implement the Irymple Town Structure Plan 2021-2036.	Clause 74.02
Prepare Small Town Structure Plans for Merbein, Red Cliffs and Ouyen.	Clause 74.02
Prepare Development Contributions Plans as required for growth areas.	Mildura Planning Scheme Review 2025
Implement the Integrated Transport and Land Use Strategy.	Mildura Planning Scheme Review 2025
Implement the Mildura CBD Plan 2020-2035.	Mildura Planning Scheme Review 2025
Implement the Sustainable Subdivision Framework – Stage 2.	Mildura Planning Scheme Review 2025
Implement the Irymple Low Density Residential Development Plan.	Mildura Planning Scheme Review 2025
Prepare and implement new guidelines for integrated water management and water sensitive urban design.	Mildura Planning Scheme Review 2025
Investigate and prepare the Lake Hawthorn College Lease low density strategic area.	Mildura Planning Scheme Review 2025
Review Development Contributions Plans Expiring in 2030.	Mildura Planning Scheme Review 2025
Review the Mildura Retail Strategy.	Mildura Planning Scheme Review 2025
Implement Old Aerodrome Sporting Complex Master Plan.	Mildura Planning Scheme Review 2025

Project Name	Project source:
Implementation of Mansell Reserve Master Plan 2024.	Mildura Planning Scheme Review 2025
Develop a Renewable Energy Strategy.	Clause 74.02
Investigate options to apply the Buffer Area Overlay to protect important industries and infrastructure.	Mildura Planning Scheme Review 2025
Undertake a rural land use strategy for the municipality.	Mildura Planning Scheme Review 2025
Implement the Urban Forest Strategy.	Mildura Planning Scheme Review 2025
Implement the Mildura Airport Master Plan.	Mildura Planning Scheme Review 2025
Prepare a Housing and Neighbourhood Infill Study.	Mildura Planning Scheme Review 2025
Prepare and implement gap analysis for the Mildura Public Open Space Strategy to achieve clearer nexus for community open space needs related to residential, commercial and industrial subdivisions.	Mildura Planning Scheme Review 2025
Review the Salinity Management Overlay.	Mildura Planning Scheme Review 2025
Review of Design and Development Overlay DDOs for Fifteenth Street.	Mildura Planning Scheme Review 2025
Undertake a Horticultural Sustainability Development Strategy.	Clause 74.02
Prepare a planning scheme amendment to assist in the protection of Regent Parrot habitat.	Mildura Planning Scheme Review 2019
Prepare a Surrounds Strategy for areas at the interface of public and private lands.	Mildura Planning Scheme Review 2019
Investigate locations for the control of Cumbungi at Lake Cullulleraine.	Mildura Planning Scheme Review 2025
Investigate the viability of the current framework for the Mildura Marina.	Mildura Planning Scheme Review 2025
Implement updated flood modelling for the municipality.	Mildura Planning Scheme Review 2025
Review current level of electronic gaming machines (EGMs) and their placement in relation to areas of low socio-economic households.	Mildura Planning Scheme Review 2025
Prepare an Integrated Water Management Plan for the Mildura LGA.	Mildura Planning Scheme Review 2025
Prepare and implement Urban Design Guidelines for Langtree Mall.	Clause 74.02
Review the signage requirements for recreation reserves.	Mildura Planning Scheme Review 2025
Investigate Opportunities for Agriculture Related Tourism.	Mildura Planning Scheme Review 2025

Appendix 3

State and regional planning scheme amendments and planning practice notes issued since the last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2019, 111 VC and 6 GC amendments have introduced new policy and provisions into the Mildura Planning Scheme and many are directly relevant to this review as shown in **Table 15**.

Table 15: VC and GC Amendments to Mildura Planning Scheme From 2018

Amendment number	In operation from	Brief description
VC157	15 MAR 2019	Introduced changes to the VPP and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network. **Impact on Mildura Planning Scheme:** May impact on future transmission lines connecting wind farms across the state and existing and proposed facilities across the municipality.
GC122	28 MAR 2019	The Amendment made administrative, format and technical changes to the Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Mildura, Pyrenees, West Wimmera, and Yarriambiack planning schemes in the Grampians region to support the publishing of these planning schemes from the Amendment Tracking System (ATS). **Impact on Mildura Planning Scheme:** Significant but was administrative and policy neutral in effect.
VC156	11 APR 2019	Introduced changes to the VPP and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions. **Impact on Mildura Planning Scheme:** Minimal. This was a policy neutral amendment.
VC159	8 AUG 2019	The Amendment supported Smart Planning and addressed land use terms. **Impact on Mildura Planning Scheme:** Minimal and largely administrative with updated land use definitions used in planning applications.
VC163	16 AUG 2019	Corrected an error in Clause 73.04 (nesting diagrams) **Impact on Mildura Planning Scheme:** Minimal. This was a policy neutral amendment.
VC161	17 SEP 2019	Amended the VPP and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and made an administrative correction in relation to Amendment VC157. **Impact on Mildura Planning Scheme:** Mostly minimal, with some effect on existing and proposed facilities across the municipality.
VC164	26 SEP 2019	The Amendment changed the VPP and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020. **Impact on Mildura Planning Scheme:** Minimal as this Clause has expired.

Amendment number	In operation from	Brief description
VC158	26 NOV 2019	Introduced a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the Building Act 1993. **Impact on Mildura Planning Scheme:** Minimal due to the low rise residential nature of the LGA.
VC165	3 DEC 2019	Amended the VPP and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government primary and secondary schools. **Impact on Mildura Planning Scheme:** Minimal.
VC160	24 JAN 2020	Amended the VPP and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. **Impact on Mildura Planning Scheme:** Minimal but had some impact on the assessment of extractive industries.
VC170	31 JAN 2020	Introduced a new particular provision to facilitate the Level Crossing Removal Project. **Impact on Mildura Planning Scheme:** Minimal.
VC168	11 FEB 2020	Updated the PPF and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduced a new strategy and spatial framework at Clause 11.01-1R Settlement-Metropolitan Melbourne. **Impact on Mildura Planning Scheme:** Minimal.
VC177	11 MAR 2020	The Amendment changed the VPP and all planning schemes in Victoria by inserting a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire. **Impact on Mildura Planning Scheme:** Had ongoing impact on the LGA due to the nature of bushfire risk and ongoing recovery efforts from bushfires.
VC181	6 APR 2020	Changed the VPP and all planning schemes were revised with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV). **Impact on Mildura Planning Scheme:** Had some impact on the municipality but its effect is now negligible.
VC178	9 APR 2020	Changed the VPP and all planning schemes were revised with an amended expiry date for Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to 30 June 2020 as well as changes to the terms 'extractive industry' and 'solar energy system' to align with the intent of Amendment VC160. **Impact on Mildura Planning Scheme:** Had ongoing impact on the municipality but the Clause has expired.
VC179	6 MAY 2020	Inserted a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amended the Schedule to Clause 72.01 in all planning schemes to designate the Council CEO as the responsible authority for Clause 52.10. **Impact on Mildura Planning Scheme:** Had no impact on the municipality.
VC175	26 MAY 2020	Improved the way the planning system addresses buffers for amenity, human health and safety impacts by updating the PPF and Clause 53.10, as well as introducing the Buffer Area Overlay (BAO). **Impact on Mildura Planning Scheme:**

Amendment number	In operation from	Brief description
		Had ongoing impacts on separation distances for industrial and other hazardous land uses to more sensitive land uses and enables the BAO to be applied to uses where risk assessments related to the environmental hazard have been undertaken.
VC176	5 AUG 2020	Changed the VPP and all planning schemes by amending Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, making administrative updates and further clarifies the exemptions for dwellings and defendable space under the BMO. **Impact on Mildura Planning Scheme:** Had ongoing impacts on the municipality and bushfire requirements.
VC186	27 AUG 2020	The amendment inserted a new particular provision at Clause 51.06 (Secondary Dwelling) to facilitate the development of a secondary dwelling in the Greater Bendigo, Kingston, Moreland and Murrindindi Planning Schemes. **Impact on Mildura Planning Scheme:** Had no impact on secondary dwellings in the municipality.
VC183	28 SEP 2020	Introduced a new state planning policy Clause 13.07-3S (Live Music) and made changes to Clause 53.06 (Live Music Entertainment Venues) of the VPP and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music. **Impact on Mildura Planning Scheme:** Had ongoing impacts on live music venues in the municipality.
VC169	9 OCT 2020	Changed the VPP and all planning schemes by changing the PPF to help direct balanced outcomes for housing growth and built form while also clarifying and consolidating housing policy. **Impact on Mildura Planning Scheme:** Had ongoing impacts on residential development in the municipality in townships and settlements.
VC193	21 OCT 2020	Amended clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses. **Impact on Mildura Planning Scheme:** Had some impact on the municipality but its effect is now negligible.
VC191	5 NOV 2020	Clarified permit requirements for rectification works on government buildings related to Clause 52.01 ('Combustible cladding rectification exemptions'). **Impact on Mildura Planning Scheme:** Administrative in nature but has ongoing impacts on development in the municipality.
VC192	16 NOV 2020	Clarified Clause 72.01-1 to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source. **Impact on Mildura Planning Scheme:** Administrative in nature and clarified decision making roles.
VC187	1 DEC 2020	Introduced a new particular provision for 'Housing by or on behalf of the Director of Housing' at Clause 53.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing. **Impact on Mildura Planning Scheme:** Administrative in nature and reflects existing roles for social and affordable housing.

Amendment number	In operation from	Brief description
VC190	1 DEC 2020	Introduced a new particular provision for 'Victoria's Big Housing Build' at Clause 52.20. Clause 52.20 and streamlined the planning permit process for residential development made by or on behalf of the Director of Housing. **Impact on Mildura Planning Scheme:** Administrative in nature and reflected existing roles for social and affordable housing.
VC180	4 DEC 2020	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools. **Impact on Mildura Planning Scheme:** Had an ongoing role for the development of non-government schools.
VC188	14 DEC 2020	Removed Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry. **Impact on Mildura Planning Scheme:** Administrative in nature and removed an expired clause.
GC175	18 FEB 2021	Updated the Schedules to Clause 53.06 and changed the parent provision to reflected scheduled provisions. **Impact on Mildura Planning Scheme:** Administrative in nature and relates to live music venues.
VC195	11 MAR 2021	Modified the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarified consent requirements and simplified review and panel exemptions. **Impact on Mildura Planning Scheme:** Administrative in nature and clarified existing responsibilities.
VC194	25 MAR 2021	The amendment inserted two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects. **Impact on Mildura Planning Scheme:** Reflects the ability to identify state and locally significant projects, exemption and permit requirements.
VC185	30 APR 2021	Modified Clause 72.01-1 to make transitional provisions for an energy generation facility or utility installation to be determined by the council instead of the Minister for Planning if made prior to the approval date of Amendment VC192. **Impact on Mildura Planning Scheme:** Administrative in nature and clarifies existing responsibilities.
VC198	14 MAY 2021	The amendment introduced new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and made other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria. **Impact on Mildura Planning Scheme:** Reflects the ability to identify state significant projects, exemptions and permit requirements.
VC189	3 JUN 2021	Amended Clause 12.04-1S Sustainable development in alpine areas, to reference the *Alpine Resorts Strategic Plan 2020-2025,* a new Municipal Planning Strategy at Clause 02 and local policies within the Planning Policy Framework at Clauses 11-19, and administrative changes. **Impact on Mildura Planning Scheme:** Had no impact on the municipality.
VC203	1 JUL 2021	Implemented a new environment protection framework in the VPP and all planning schemes through updates to the PPF to align with new requirements for contaminated and potentially contaminated land, revised clause 45.03 (Environmental Audit Overlay)

Amendment number	In operation from	Brief description
		and replaced references to State Environment Protection Policies with new content references to related to the *Environment Protection Act 2017*. **Impact on Mildura Planning Scheme:** Has ongoing impacts on land in the municipality.
GC161	08 JUL 2021	Included maps and transfers sites from the Schedule to Clause 51.01 (Specific Sites and Exclusions) into the Schedule to Clause 45.12 (Specific Controls Overlay) or deleted expired documents from the Schedule to Clause 51.01 and made other related consequential changes. **Impact on Mildura Planning Scheme:** Administrative in nature and reflects existing requirements.
VC206	3 AUG 2021	Changed the VPP and all planning schemes by aligning planning provisions for a wind energy facility with the requirements of the *Environment Protection Act 2017* for the regulation of wind turbine noise and updated licencing references in the Port Zone. **Impact on Mildura Planning Scheme:** Administrative in nature but reflects updated requirements.
VC196	19 AUG 2021	Changed the VPP and all planning schemes by providing stronger recognition and protection of existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas. **Impact on Mildura Planning Scheme:** Has ongoing requirements for land identified as strategic extractive resource areas.
VC171	6 SEP 2021	Changed the VPP and all planning schemes to implement the Marine and Coastal Policy, support coastal hazard planning and sea level rise adaptation, and update policy references. **Impact on Mildura Planning Scheme:** Had little impact on the municipality given its inland location.
VC211	14 SEP 2021	Modified clause 67.02 to enable the application of exemptions set out in clause 52.31 and updated clauses 66.05 and 67, consolidates clauses 67.02, 67.03 and 67.04 under clause 67.02, and deletes clauses 67.03 and 67.04. **Impact on Mildura Planning Scheme:** Administrative in nature and has little impact.
VC208	5 OCT 2021	Amended Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies. **Impact on Mildura Planning Scheme:** Administrative in nature and has little impact.
VC202	12 OCT 2021	Introduced a land use term and definition for Rural worker accommodation and modifies clause 35.07 (Farming Zone) to introduce exemptions for use of land for Rural worker accommodation that accommodates no more than 10 persons and introduced a permit requirement for use of land for Rural worker accommodation for more than 10 persons. **Impact on Mildura Planning Scheme:** Has an ongoing impact on Farming Zone land throughout the municipality and enables rural worker accommodation to be more easily provided.
VC212	13 OCT 2021	Made changes to Clause 35.07 (Farming Zone) and to notice requirements to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities. **Impact on Mildura Planning Scheme:** Administrative in nature and has little impact.
VC214	19 NOV 2021	Amended the exemptions at clause 52.18 (State of Emergency and Recovery Exemptions) to apply to a broader range of uses.

Amendment number	In operation from	Brief description
		Impact on Mildura Planning Scheme: Administrative in nature and has little impact.
VC204	9 DEC 2021	Changed the VPP and all planning schemes in Victoria by modifying Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport. **Impact on Mildura Planning Scheme:** Administrative in nature and has little additional impact.
VC174	20 DEC 2021	Changed the VPP and all planning schemes by implementing the Better Apartment Design Standards for all apartment developments. **Impact on Mildura Planning Scheme:** Minimal due to the low rise residential nature of the municipality.
VC207	20 DEC 2021	Changed the VPP and all planning schemes by implementing the revised Better Apartment Design Standards into clauses 52.20 and 53.20. **Impact on Mildura Planning Scheme:** Minimal for the municipality.
VC205	20 JAN 2022	Introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4 with consequential changes. **Impact on Mildura Planning Scheme:** Administrative in nature but affects all transport land.
VC199	3 FEB 2022	Changed the VPP and all planning schemes by aligning existing provisions with current policy, guidelines and legislation, deleted redundant content and corrected clerical errors. **Impact on Mildura Planning Scheme:** Administrative in nature and has little impact.
VC200	17 FEB 2022	Changed the VPP and all planning schemes by introducing planning permit exemptions for specified types of transport projects and specified the Minister for Planning as the responsible authority for transport projects. **Impact on Mildura Planning Scheme:** Administrative in nature and has little impact.
VC209	8 MAR 2022	Changed the VPP and all planning schemes by removing clause 51.06 (Secondary dwelling) from the VPP and the Greater Bendigo, Kingston, Moreland and Murrindindi planning schemes, and updated clause 52.18 (State of emergency and recovery exemptions) to reflect the new pandemic declaration powers under the *Public Health and Wellbeing Act 2008*. **Impact on Mildura Planning Scheme:** Has no impact on land in the municipality.
VC219	22 MAR 2022	Changed the VPP and all planning schemes to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation. **Impact on Mildura Planning Scheme:** Has ongoing requirements for extractive industry and adjoining sensitive uses in the municipality.
GC200	7 APR 2022	The amendment facilitated the East Grampians Rural Pipeline Project by introducing a new incorporated document titled East Grampians Rural Pipeline Project Incorporated Document, December 2021 to the Ararat, Mildura and Pyrenees Planning Schemes and applying Clause 45.12 (Specific Controls Overlay) to the land required for the project. **Impact on Mildura Planning Scheme:** Has ongoing positive impacts for the municipality in providing a reliable potable water supply.

Amendment number	In operation from	Brief description
VC210	4 MAY 2022	Made changes to the VPP and all planning schemes to ensure they are current and correct obvious or technical errors. **Impact on Mildura Planning Scheme:** Administrative in nature.
VC218	18 MAY 2022	Changed the VPP by updating the PPF to further implement the National Airports Safeguarding Framework in Victoria. **Impact on Mildura Planning Scheme:** Had some impact on most land in the municipality, particularly around the Mildura Airport.
VC220	30 MAY 2022	Changed the VPP and all planning schemes by supporting the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms. **Impact on Mildura Planning Scheme:** Has ongoing impact to land in the municipality.
VC216	10 JUN 2022	Changed the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD). **Impact on Mildura Planning Scheme:** Has ongoing impact to land in the municipality around ESD.
VC213	14 JUL 2022	Made changes to the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors. **Impact on Mildura Planning Scheme:** Had no impact on land in the municipality.
VC230	14 JUL 2022	Updated clauses 52.20 (Victoria's Big Housing Build) and 72.01 (Responsible authority for this planning scheme) to replace the Minister for Planning as the responsible authority. **Impact on Mildura Planning Scheme:** Administrative and has little impact on the municipality.
VC221	4 AUG 2022	Facilitated all-electric developments to support implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022* and changed the VPP and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements. **Impact on Mildura Planning Scheme:** Reflected climate change and energy related considerations for land in the municipality.
VC223	12 AUG 2022	Amended Clause 73.01 (General terms) to define Minister for Planning to mean a Minister for the time being administering the *Planning and Environment Act 1987*. **Impact on Mildura Planning Scheme:** Administrative and has little impact on the municipality.
VC225	15 SEP 2022	Made changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. **Impact on Mildura Planning Scheme:** Administrative and has little impact on the municipality.
VC222	29 SEP 2022	Changed to the VPP and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games. **Impact on Mildura Planning Scheme:** Has ongoing and potentially large impacts on the municipality's early childhood education provision and facilities.

Amendment number	In operation from	Brief description
VC224	28 OCT 2022	Changed the VPP and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart. **Impact on Mildura Planning Scheme:** Largely administrative in nature but has ongoing impacts for land in the municipality.
VC226	4 NOV 2022	Made changes to the VPP and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation. **Impact on Mildura Planning Scheme:** Largely administrative in nature.
VC227	14 NOV 2022	Changed the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the *Victorian Government's Recycling Victoria: a new economy policy*. **Impact on Mildura Planning Scheme:** Has ongoing impacts for recycling in the municipality.
VC228	22 NOV 2022	Changed the VPP and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries. **Impact on Mildura Planning Scheme:** Administrative in nature.
VC201	16 DEC 2022	Updated the PPF, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values. **Impact on Mildura Planning Scheme:** Provided updates to waterway policy across the State including for the Mildura LGA.
VC215	3 MAR 2023	Implemented the Melbourne Industrial and Commercial Land Use Plan in the PPF. **Impact on Mildura Planning Scheme:** Had no impact on land in the municipality.
VC229	20 MAR 2023	Made changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. **Impact on Mildura Planning Scheme:** Administrative in nature.
VC231	6 APR 2023	Amended the VPP and 60 planning schemes in Victoria by amending existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone). **Impact on Mildura Planning Scheme:** Reduced permit requirements for some rural zones in the municipality.
VC234	4 JUL 2023	Clarified noise requirements for wind energy facilities and the responsible authority for enforcement matters. Clause 52.32 was revised to refer to Division 5 Part 5.3 of the Environment Protection Regulations 2021. **Impact on Mildura Planning Scheme:** Clarified requirements but has minimal impact on land in the municipality.
VC238	3 AUG 2023	Amended clause 52.13, Victoria's container deposit scheme by revising the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. **Impact on Mildura Planning Scheme:** Administrative in nature.
VC236	14 AUG 2023	Supported renewable hydrogen gas production and distribution and made the Minister for Planning the responsible authority for large-scale production of hydrogen gas.

Amendment number	In operation from	Brief description
		Impact on Mildura Planning Scheme: Supports renewable energy but at this point has minimal impact on land in the municipality.
VC242	20 SEP 2023	Introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23. It also changed the RGZ, GRZ and NRZ to allow retail premises and offices subject to specific land use conditions. **Impact on Mildura Planning Scheme:** Had significant impact on residential and commercial land in the municipality for the provision of affordable and social housing as well as retailing and commercial premises. Made the Minister for Planning the responsible authority for applications subject to these two clauses.
VC243	22 SEP 2023	Supported the delivery of housing in Victoria by codifying residential development standards, implementing the Future Homes project across Victoria, removed permit requirements for single dwellings on lots of 300 square metres or more and introduced VicSmart permits for single dwellings on lots less than 300 square metres. **Impact on Mildura Planning Scheme:** Had significant impact on residential land in the municipality for the provision of all types of housing and their assessment.
VC246	26 SEP 2023	Introduced new land use controls to improve facilitation of Victoria's Container Deposit Scheme by introducing a new land use term, Container deposit scheme centre, nested under Transfer station and corrections to ordinance in clause 52.13. **Impact on Mildura Planning Scheme:** Administrative in nature but supports recycling in the municipality.
VC247	6 OCT 2023	Extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and made corrections to ordinance introduced in VC246 related to Container deposit scheme centres. **Impact on Mildura Planning Scheme:** Administrative in nature and had minimal impact on land in the municipality.
VC241	17 OCT 2023	The amendment removed prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply. **Impact on Mildura Planning Scheme:** Had some impact on signage at Freeway service centres, service states and open sports grounds in the municipality by removing the prohibitions on signage where Category 4 signage controls apply.
VC217	1 DEC 2023	The amendment changed the VPP and all planning schemes to implement the decriminalisation of sex work. **Impact on Mildura Planning Scheme:** Had some impact on land use in the municipality by removing the regulation of brothels and sex work and categorising them as businesses for the purposes of the planning scheme.
VC253	14 DEC 2023	The amendment introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the VPP and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling. **Impact on Mildura Planning Scheme:** Significant and will have a large impact on land in the municipality for the provision of small second dwellings.

Amendment number	In operation from	Brief description
VC250	1 JAN 2024	The amendment supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required. **Impact on Mildura Planning Scheme:** Will have ongoing impact for the municipality.
VC249	15 JAN 2024	Revised the VPP and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC254	12 FEB 2024	Revised the VPP and all planning schemes related to the Birrarung-Bolin Framework Plan, proof of continuous use, signs in the Transport Zone and State projects. **Impact on Mildura Planning Scheme:** Impacted signs in the Transport Zone and made changes to proof of continuous use requirements in the municipality.
VC256	15 MAR 2024	Revised the VPP and all planning schemes to ensure provisions are current and accurate by correcting obvious or technical errors to ensure consistency with current formatting, numbering and naming conventions, legislation, policy documents and guidelines. **Impact on Mildura Planning Scheme:** Administrative in nature and had minimal impact.
GC222	27 MAR 2024	The amendment removed reference to the superseded incorporated document titled Goulburn-Murray Water Native Vegetation Code of Practice (February 2011) from the Schedule to Clause 72.04 of 26 planning schemes. **Impact on Mildura Planning Scheme:** Administrative in nature and removed an outdated document from the Mildura Planning Scheme, relying instead on the conditional agreement for the utility installations exemption within Clauses 52.16 and 52.17 which superseded the Code of Practice.
VC259	28 MAR 2024	Changed the VPP and all planning schemes in Victoria by extending the transitional arrangements for a dependent person's unit for a period of 12 months. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC261	4 APR 2024	Expanded the operation of the existing Development Facilitation Program (DFP) planning provisions that fast-track the assessment of significant economic development by enabling an application for renewable energy facility, utility installation and associated subdivision to be assessed. **Impact on Mildura Planning Scheme:** Potentially has ongoing impact for applications in the municipality.
VC252	26 APR 2024	Changed the VPP and 64 planning schemes in Victoria by correcting obvious or technical errors and by making consequential changes to local schedules to align with Amendment VC243 and Amendment VC253. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC255	3 MAY 2024	Changed the VPP and 52 planning schemes in Victoria by correcting obvious or technical errors and made consequential changes to local schedules to align with Amendment VC243 and Amendment VC253. **Impact on Mildura Planning Scheme:** Administrative in nature and had minimal impact.

Amendment number	In operation from	Brief description
VC262	16 AUG 2024	Exempted applications to remove, destroy or lop vegetation that comply if a fire prevention notice has been issued under the Fire Rescue Victoria Act 1958. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC270	11 OCT 2024	Extended the outdoor dining planning exemptions under clause 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) for a further 12 months. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC263	22 NOV 2024	Made changes to state policy relating to special water supply catchments and water quality, as well as improving references to the Catchment and Land Protection Act 1994 and updating references to policy documents. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC269	3 DEC 2024	Made changes to the VPP and all planning schemes to improve the operation of clause 53.24 Future Homes. **Impact on Mildura Planning Scheme:** Administrative in nature and had minimal impact on residential land in the municipality.
GC202	5 DEC 2024	Applied the Specific Controls Overlay to land approximately 30 kilometres upstream of the Euston Weir near Robinvale and approximately 75 kilometres south of Mildura in north-west Victoria to facilitate the use and development of land for the Belsar-Yungera Floodplain Restoration Project and the Hattah Lakes North Floodplain Restoration Project. **Impact on Mildura Planning Scheme:** Implemented greater protections for environmentally significant land in the Murray River floodplain with a second SCO area (SCO2) in the municipality.
VC272	18 DEC 2024	Modified the timeframes at clause 52.10 (Reconstruction After an Emergency) from 5 to 7 years. **Impact on Mildura Planning Scheme:** Administrative in nature and had minimal impact.
VC273	19 DEC 2024	Made changes to clause 52.20 to apply to housing development that are wholly or partly funded by the Victorian or Commonwealth governments. **Impact on Mildura Planning Scheme:** Administrative in nature and has minimal impact.
VC237	14 JAN 2025	Made changes to the VPP and all planning schemes in Victoria by introducing a permit exemption for a remote sellers packaged liquor licence under Clause 52.27, replaced references to EPAs Recommended Separation Distances for Industrial Residual Air Emissions document with the new Separation Distance Guideline and Landfill Buffer Guideline, replaced existing references to superseded state and regional waste and resource recovery plans with the new Victorian Recycling Infrastructure Plan, corrected typographical errors, updated formatting and ensured language and references are accurate and up to date. **Impact on Mildura Planning Scheme:** Administrative in nature and updated references to EPA guidelines and waste policy documents without affecting local planning policy.
VC257	25 FEB 2025	Introduced changes to the VPP and all planning schemes to introduce Clause 32.10 Housing Choice and Transport Zone (HCTZ) and Clause 43.06 Built Form Overlay (BFO) to support housing growth in and around activity centres and other well-serviced locations in line with Victorias Housing Statement, The Decade Ahead 2024-2034. **Impact on Mildura Planning Scheme:**

Amendment number	In operation from	Brief description
		Introduced new zone and overlay tools to support housing in activity centres, but has no immediate effect as the new provisions are not currently applied in the LGA.
VC274	28 FEB 2025	Introduced the Precinct Zone (PRZ) at Clause 37.10 to support housing and economic growth in priority precincts across Victoria in line with Victoria's Housing Statement, The Decade Ahead 2024-2034 and the Victorian Government's vision for priority precincts, including Suburban Rail Loop precincts. **Impact on Mildura Planning Scheme:** Administrative in nature and has no immediate impact, as the Precinct Zone is not currently applied in the LGA.
VC266	03 MAR 2025	Extended the timeframe for the temporary planning provisions that allow for the use and development of land for a Dependent person's unit (DPU) by one year to 28 March 2026. The amendment also updated the permit requirements for DPU proposals affected by particular overlays. **Impact on Mildura Planning Scheme:** Extended existing temporary provisions for dependent person's units and may affect permit requirements in residential and rural areas.
VC219	22 MAR 2025	The Amendment changes the VPP and all planning schemes in Victoria to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation. **Impact on Mildura Planning Scheme:** Has an impact on land used for extractive industry and land used for sensitive uses surrounding extractive industry.
VC267	31 MAR 2025	Implemented new residential development planning assessment provisions to boost housing construction to meet the housing needs of Victorians. **Impact on Mildura Planning Scheme:** Introduced a deemed-to-comply assessment pathway at Clause 55 that limits third-party review rights for eligible medium-density housing. Will have a large effect on the assessment of residential multi-dwelling applications.
VC276	02 APR 2025	Introduced changes to the VPP and all planning schemes to amend all residential zone schedules and Neighbourhood Character Overlay schedules to implement the new residential development planning assessment provisions and correct technical errors resulting from Amendment VC267. **Impact on Mildura Planning Scheme:** Updated residential zone and Neighbourhood Character Overlay schedules and corrected technical errors resulting from Amendment VC267.
VC280	07 APR 2025	Introduced the Great Design Fast Track into the VPP and all planning schemes in Victoria. The Great Design Fast Track implements a new planning assessment pathway to facilitate the delivery of high-quality townhouse and apartment developments. **Impact on Mildura Planning Scheme:** Introduced a fast-track assessment process for high-quality townhouse and apartment developments in suitable urban locations and could improve design outcomes in the LGA.
VC281	14 April 2025	Revised the VPP and 34 planning schemes by amending clause 12.03-1R (Yarra River protection) to implement stage one of Burndap Birrarung burndap umarkoo, the Yarra Strategic Plan 2022-2032, February 2022. The amendment also introduced clause 51.06 to ensure responsible public entities have regard to the principles specified in the Yarra River Protection (Wilip-gin Birrarung murron) Act 2017. **Impact on Mildura Planning Scheme:** Had no impact on land in the municipality.
VC251	17 APR 2025	The amendment changed the VPP, Melbourne and Yarra planning schemes by implementing the recommendations of the World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Transport and Planning, 2024) through policy and built form controls to improve the protection and

Amendment number	In operation from	Brief description
		management of the World Heritage listed Royal Exhibition Building and Carlton Gardens. **Impact on Mildura Planning Scheme:** Had no impact on land in the municipality.
VC275	27 JUN2025	The amendment introduced a planning exemption for outdoor dining on public land. **Impact on Mildura Planning Scheme:** Had a minimal impact on land in the municipality.
VC286	1 JUL 2025	The Amendment changes the VPP and all planning schemes in Victoria by removing the requirement for a planning permit for licensed premises. **Impact on Mildura Planning Scheme:** Will have a significant impact on land used for licensed premises in the municipality.
VC258	4 JUL 2025	The amendment improves the operation of the existing Development Facilitation Program (DFP) planning provisions at clauses 53.22 and 53.23 and expands the program eligibility to include gas projects and saleyards. **Impact on Mildura Planning Scheme:** Potentially could have a significant impact on applications in the municipality not being determined by Council as the responsible authority.
VC290	15 AUG 2025	The Amendment changes the VPP and 63 planning schemes in Victoria by making Abattoir a section 1 use in the Table of Uses where specified siting, design and amenity conditions are met in clause 35.04 Green Wedge Zone, clause 35.07 Farming Zone and clause 35.08 Rural Activity Zone. **Impact on Mildura Planning Scheme:** Largely administrative in nature. May reduce the need for some permits if conditions are met.
VC279	21 AUG 2025	The amendment makes changes to the land use definition of Minor utility installation in the Victoria Planning Provisions and all planning schemes to ensure the appropriate planning assessment of large battery storage systems. **Impact on Mildura Planning Scheme:** Introduced a new definition but is administrative in nature and has minimal impact.
VC283	2 SEP 2025	The Amendment changes the Victoria Planning Provisions and all planning schemes in Victoria to implement Plan for Victoria (Department of Transport and Planning, 2025), update and introduce policy, remove reference to Plan Melbourne 2017-2050: Metropolitan Planning Strategy and make general drafting improvements and clarifications. **Impact on Mildura Planning Scheme:** Is significant as introduced a housing target for Mildura into the scheme and references to settlement boundaries as well as removal of Loddon Mallee North Regional Growth Plan from Clause 11.01-1R.
VC268	5 SEP 2025	Amendment VC268 is required to give effect to the Victorian Transmission Plan and update strategies to facilitate renewable energy development in declared renewable energy zones. Changes to references to the Climate Action Act 2017 are required to ensure that planning schemes are accurate. **Impact on Mildura Planning Scheme:** Administrative in nature giving effect to the Victorian Transmission Plan in clause 19.01-1S (Energy supply) and clause 19.01-2S (Renewable energy) and updated strategies to facilitate renewable energy development in declared renewable energy zones. Mildura is not currently in a renewable energy zone. Is administrative in nature and has minimal impact.
VC282	8 SEP 2025	The amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by introducing a new clause 54 (One dwelling on a lot or a small second dwelling on a lot), making consequential changes to give effect to the new residential

Amendment number	In operation from	Brief description
		development planning assessment provision and correcting technical errors made by Amendment VC267. **Impact on Mildura Planning Scheme:** Corrected errors from Amendment VC276.
VC292	11 SEP 2025	Amendment VC292 makes changes to the Victoria Planning Provisions (VPP) and all planning schemes to include reference to the Neighbourhood Character Overlay (NCO) in the 'Application' section of clause 54 that was inadvertently omitted by Amendment VC282. **Impact on Mildura Planning Scheme:** Corrected errors from Amendment VC282.
VC289	15 SEP 2025	Amendment VC289 introduces a planning permit requirement to remove, destroy or lop a canopy tree in residential areas at clause 52.37 (Canopy trees) into the Victoria Planning Provisions (VPP) and all planning schemes. Minimum canopy tree replacement requirements will apply to an application to remove a canopy tree. The amendment is required to implement Action 12 of Plan for Victoria to protect and enhance canopy trees. **Impact on Mildura Planning Scheme:** Administrative in nature but could have a positive cumulative impact.

11.1.1. New Planning Practice Notes and Guidance Materials

Since the last planning scheme review in 2019, several Planning Practice Notes (PPNs) and guidance materials have been introduced which impact the strategic directions and drafting of the Mildura Planning Scheme and there are others that have ongoing effect as shown in **Table 16**.

Table 16: New or Updated Ministerial Directions and Planning Practice Notes From 2019

Resource	Summary of Document	Implications for Mildura Planning Scheme
A Practitioner's Guide to Victorian Planning Schemes, August 2025 (Version 6) Practitioners Guide	The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains: • The principles that should underpin the creation, selection and application of a planning scheme provision. • How a planning scheme relates to the VPP. • Rules and advice about how the various components of a planning scheme operate. • How to select, write and apply various elements of a planning scheme.	This guide establishes the VPP principles and good drafting conventions and examples. It must be followed when preparing a planning scheme policy or provision and has been updated and in operation since the last review.
Managing buffers for land use compatibility (Planning Practice Note 92) Planning-Practice-Notes	The PPN provides guidance about planning for land use compatibility and the PPF and planning requirements relating to the management of buffers such as Clause 53.10 - Uses and activities with potential adverse impacts and Clause 44.08 - Buffer Area Overlay (BAO). The BAO supports implementation of the objective and strategies in Clause 13.07-1S - Land use compatibility. The BAO complements Clause 53.10 to help ensure that industry establishes appropriately and addresses the	This PPN relates to Amendment VC175 which was prepared after the last review in 2019. It provides clearer guidance for industrial uses and maintaining separation distances to sensitive uses and how to apply

Resource	Summary of Document	Implications for Mildura Planning Scheme
	reverse situation so that land use and development around existing industry is appropriate. Buffers can be used to manage both land use and development and should be applied to address different issues of risk and land use compatibility.	the BAO to industrial facilities.
Ministerial Direction on the Form and Content of Planning Schemes, Am VC282, 11 August 2025 Ministerial directions (planning.vic.gov.au)	This Direction provides the schedule template for zone, overlay, particular provision and general provision schedules and how local planning schemes are to be prepared based on the VPP. It includes requirements and parameters about how State provisions can be applied at the local level and how local provisions can be given effect.	These templates can change from time to time and have been used as the basis for the preparation of schedules in the planning scheme.
Strategic Assessment Guidelines (Planning Practice Note 46) Planning-Practice-Notes	Planning Practice Note 46 – *Strategic Assessment Guidelines*, requires a planning authority to evaluate and determine how an amendment addresses strategic considerations and what should be considered as part of the Ministerial Direction 11. The PPN outlines a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes. The appropriate application of these outcomes is a requirement of the authorisation process for a planning scheme amendment.	This PPN is critical in terms of determining the strategic basis for an amendment and the level of strategic justification and information requirements for a planning scheme amendment.
Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health October 2018 The role of the Minister (planning.vic.gov.au)	This Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction applies to any strategic plan or its review that forms the basis of a planning scheme amendment relating to the use or development of land within a buffer area or separation distance of industry and specified industrial uses.	This Direction is triggered for any planning scheme amendment or a planning scheme review.
Ministerial Direction 20 – Major Hazard Facilities October 2018 The role of the Minister (planning.vic.gov.au)	This Direction aims to minimise potential human and property exposure from the risk of incidents that may occur at a major hazard facility and ensure their ongoing viability. The Direction requires planning authorities to seek and have regard to the views of WorkSafe Victoria and the Minister for Economic Development when preparing a planning scheme amendment which rezones land for, or is within the threshold distance of, a major hazard facility.	This Direction is triggered for any planning scheme amendment that relates to a threshold distance for a major hazard facility.
Activity Centre Zone Mapping Style Guide Activity Centre Zone and boundaries (planning.vic.gov.au)	The guidelines assist in the production of Framework Plans and Precinct Maps to be included in an Activity Centre Zone Schedule. It explains what needs to be shown on the maps, how to best represent this, the importance of accuracy, cartography and legibility and the relationship to planning scheme provisions. The principles can be applied universally to mapping preparation.	The mapping style guide provides useful tips in the preparation of maps for planning scheme strategic framework plans and schedules.

Resource	Summary of Document	Implications for Mildura Planning Scheme
Structure Planning for Activity Centres (Planning Practice Note 58) Planning-Practice-Notes	Structure plans define a council's preferred direction of future growth within an activity centre or regional centre. They are a tool to help manage, influence and facilitate change within an individual centre and articulate how this will be managed. This PPN has also been used for township planning, although new tools have recently been developed for smaller towns that are more suitable. The practice note provides the methodology for preparing a structure plan and includes the reasons for structure planning in activity centres, the policy context, and possible inputs and outputs of the process.	This PPN is tailored to metropolitan Melbourne activity centres and regional cities with a CBD type function. The PPN has previously been used for townships and regional centres. It provides a useful methodology for regional centres such as Mildura but the recently developed Emerald Town Structure Plan now provides a more useful approach for smaller townships.
Role of Mandatory Provisions in Planning Schemes (Planning Practice Note 59) Planning-Practice-Notes	This PPN outlines the role of mandatory provisions in planning schemes where mandatory provisions are to provide certainty and ensure a preferable and efficient outcome with an overall net community benefit. It outlines the principle of the performance based approach of the VPP and that good planning outcomes should not be compromised by a mandatory planning scheme control. The PPN provides criteria for the assessment of whether a provision should be mandatory or not and how to draft a mandatory provision if that is included.	This PPN provides guidance for the use of mandatory provisions and in the drafting of mandatory controls such as built form controls. Mandatory controls should be based on achieving a clear strategic outcome that are unable to be achieved with discretionary controls.
Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91) July 2023 Planning-Practice-Notes	In the last decade, the Victorian Government has revised housing and residential zone resources and approaches with extensive changes and improvements to residential zones, overlays and guidelines through Planning Practice Notes (PPN) 90 and 91. A residential development framework is required to be prepared usually at a municipal level that identifies residential changes areas and implementation mechanisms. Built form outcomes are driven by the application of specific types of residential zones. In 2017 changes to residential zones restricted building height to 9 metres in the Neighbourhood Residential Zone and 11 metres in the General Residential Zone with a garden area requirement. Application of the Residential Growth Zone encourages four storey development and Mixed Use Zones have no height limit unless specified in a schedule to the zone. Low Density Residential Zones are applied to low density areas usually between 0.2 and 0.4 hectares (minimum) with no minimum height requirement in the zone. Township	The principles established through these PPNs are sound and need to be nuanced to settlement hierarchies based on a housing and settlement strategy and the preferred neighbourhood character for residential areas. These PPNs have been in operation since the last review and provide different guidance to previous documentation.

Resource	Summary of Document	Implications for Mildura Planning Scheme
	Zones continue to apply in smaller townships with a minimum height requirement only if specified in a schedule to the zone and allow a wide range of commercial, residential, industrial and community uses.	
EPA Landfill Buffer Guidelines 2024 Separation distance and landfill buffer guidelines | Environment Protection Authority Victoria	These guidelines provide advice on recommended separation distances between industrial land uses that emit odour or dust and sensitive land uses. They include new separation distances and risk management approaches for a range of uses, including landfills.	Guidelines provide buffer distances for industries (including landfills and transfer stations) to avoid conflicting land uses.
EPA Supporting information for separation distance and landfill buffer guidelines 2024 Separation distance and landfill buffer guidelines | Environment Protection Authority Victoria	This information outlines the Separation Distance and Landfill Buffer Guidelines, providing a comparison of separation distances with other jurisdictions, methods for measuring odour and dust impacts, and data from EPA investigations on priority areas. It also summarises key changes to separation distances, offering clear information on the basis for these guidelines and ensuring they align with current environmental management practices.	Information supports the landfill buffer guidelines and buffer distances for industries to avoid conflicting land uses.
Ministerial Direction 22 – Climate Change Consideration The role of the Minister (planning.vic.gov.au)	This Direction aims to ensure that climate change considerations are formally undertaken by a planning authority having regard to requirements for minimising greenhouse gas emissions and increasing resilience to climate change risks through the preparation of a planning scheme or amendment to a planning scheme. Such considerations should inform future directions or measures relevant to strategic or precinct-scale responses. This must aim for the minimisation of greenhouse gas emissions and increasing resilience to climate change risks that respond appropriately to sections 5a) to d) and 6 a) to c) of the Ministerial Direction.	This Direction is triggered for the preparation of a planning scheme or any planning scheme amendment (including a planning scheme review) and specifies the matters relating to climate change considerations for a planning authority

Appendix 4

Summary of Submissions Received to Draft Planning Scheme Review and Proposed Responses

Round 3 Submissions - Summary Response to Submissions Table

Submissions received to the exhibited Draft 2025 Planning Scheme Review Report

Please see below for a summary of submissions received to the exhibited Draft 2025 Mildura Planning Scheme Review Report in July 2025. A total of 31 submissions were received throughout the exhibition period. These submissions are summarised below and a proposed response provided.

Council received 31 submissions to Round 3 of consultation with only minor changes to the exhibited document recommended in response.

A further 17 Submissions were received during the information gathering, formative rounds of community consultation and stakeholder engagement activities (Rounds 1 and 2 consultation) undertaken mid-2024 to early 2025. Submissions to Round 1 and Round 2 consultation were previously summarised and exhibited in the Draft 2025 Mildura Planning Scheme Review Report and are provided again at the end of the Round 3 submissions to the exhibition of the draft report.

A persistent theme arising through the three-round submission process involved several requests for spot rezoning of specific sites. These requests sit outside the scope of the Planning Scheme Review unless they reference an agreed planning anomaly or error in the planning scheme.

These submissions are summarised in **Tables 17**.

Table 17: Summary of Submissions Received in Round 3 to Draft Mildura Planning Scheme Review 2024-25 and Proposed Responses

Sub No.	*Submission Overview*	*Submission Summary*	*Proposed Response and Recommendations*
1	Request for further information about applicability to Ministerial Direction 19 to guide an EPA response.	• Confirm if any of the following aspects related to Ministerial Direction 19 are triggered by the Planning Scheme Review: - Allowing the use or development of contaminated land; - Allowing use or development that result in pollution impacts and allowing the use or development of land within a buffer separation from industry, and - industries that engage in recycling or refuse disposal.	There are no implications for Ministerial Direction 19. The ESO4 is being moved to the correct position for Merbein Mushrooms which is a clerical correction and there are no other policy changes or implications from the PSR. Further strategic work proposes that a BAO be investigated for the Koorlong landfill and the EPA will be consulted at a future point about this work. **Recommendation:** No changes are required to the planning scheme review as a result of the issues raised by the EPA.
2	Cabarita is an ideal location for residential growth due to its location and land should be	• Land Demand and Housing Affordability: - There is increasing demand for residential land in Cabarita, especially for smaller lots (0.2 hectares) to	Includes information from a submission to an earlier round of community engagement. The subject land is not suitable for rezoning based on Clause 11.01-1L-01 – Mildura Main Urban Area, which aims to 'Maintain Seventeenth Street as the southern boundary

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
	rezoned to allow for strategic residential development.	address housing affordability and provide homes for families wanting to live close to schools and other amenities. While some of the vacant land in the area has already been zoned as residential and subdivided, the land closest to the school remains underutilised, with the Piscitelli family proposing that this be rezoned to meet housing demand. • Historical Context and Pervious Planning Decisions: - In 2008, the Mildura Council approved a subdivision permit for part of this land. However, Amendment C65 halted the subdivision process. Since then, the Piscitelli family has continued to lobby for rezoning. - The submission refers to multiple strategic documents and reports, such as the 2009 Mildura Planning Taskforce Report, 2013 Mildura Housing and Settlement Strategy, and the 2015 Mildura Planning Scheme C89 Panel Report, all of which highlighted the development potential in Cabarita. - The Mildura Planning Scheme C89 Panel Report even recommended rezoning the area between Riverside Avenue and Flora Avenue for Low-Density Residential development, yet no significant actions have been taken. • Impact of College Lease Land: - College Lease Land around Lake Hawthorn and Riverside Avenue skews the available residential land figures, as this land is under long-term lease agreements and cannot be developed until 2035. - The Piscitelli family asserts that this land should not be	of the city to protect the operations of Mildura Airport.' Clause 11.01-1L-01 offers a strong strategic framework in consideration of the future expansion of Mildura Airport and the current strategic framework for terminal building expansion. The purpose of the Airport Environs Overlay (AEO) is to identify areas subject to high levels of aircraft noise, shield residents from the impact of such noise, and limit residential development in areas likely to experience significant levels of noise. Mildura Airport is approaching 270,000 passengers per year with a projected growth rate of 3%. With a Compound Annual Growth Rate (CAGR) of 2%, the airport is expected to reach 81,727 movements per annum over the next 20 years (P. 33 -Mildura Airport Master Plan 2024). In consideration of the Airport Environs Overlay (AEO1, AEO2) and Clause 18.02-7L – Mildura Airport and Environs, it is important to discourage development surrounding the airport inconsistent with the Mildura Airport Master Plan (2017) and future masterplans, particularly regarding noise and height restrictions. Future growth is likely to necessitate changes to the existing Design and Development Overlays (DDO). Currently, DDO6 and DDO7 apply to land adjacent to the subject site. All existing dwellings on land adjacent to the subject site are within the Farming Zone, as per Clause 35.07-2, not as Low Density Residential Zone (LDRZ). The existing developed area in North Cabarita and the east side of 17th Street is within the Urban Growth Boundary, providing a strong strategic framework for the current development. Given these considerations, the Mildura South Growth Area offers a more suitable location for future development. The current limitations to growth and the Seventeenth Street Airport Buffer Boundary are strongly justified through the existing strategic framework. **Recommendation:** That the land not be rezoned as requested by the submitter and that it remain in the existing C1Z and FZ.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		counted towards available residential land as it does not contribute to immediate housing supply, making the need for rezoning their land even more urgent. • Mildura Airport and Seventeenth Street Boundary: - Seventeenth Street has been designated as the southern boundary for urban growth to protect the operations of the Mildura Airport. However, the Piscitelli family argues that their land, situated north of Seventeenth Street, will not affect airport operations. - They reference the Mildura Airport Master Plan (2024) and accompanying noise and development overlays (Airport Environs Overlay) to argue that residential development of their land will not interfere with flight paths or airport expansion. - The 2015 C89 Panel Report also supported limited development along Seventeenth Street, provided it is restricted to one lot depth from the road. • Planning objectives: - The submission aligns with key state and local planning strategies, such as the 2023 Victoria Housing Statement, which aims to build 800,000 homes in the next decade. The submission argues that rezoning the land will support this target, providing housing close to essential services such as schools and public transport. - The Piscitelli family emphasises that both the Mildura Housing & Settlement Strategy (MHSS) and Amendment C89 highlighted the need for additional land for low-density residential	

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		development, particularly in areas like Cabarita, which already accommodates some of Mildura's most desirable low-density housing.	
3	Rezoning request from G1Z to C1Z	• Requests rezoning from G1Z to C1Z. • Strategic Location: Located in the Mildura CBD (Eastern Mixed Use Precinct), and is currently used for commercial premises (office) and a motel. • Economic Growth: Rezoning would support commercial development and support existing the existing office and motel on the land. • Alignment with Strategic Planning: Identified as suitable for commercial use in the Mildura CBD Plan, which aims to enhance the CBD's vibrancy and economic activity.	The land is currently used for a motel and an office with an associated car park. The rezoning to a C1Z is supported due to the site's existing office and commercial accommodation land uses. There is also a strategic basis from Clause 11.03-1L with the site being located within the area identified as 'eastern mixed use'. The rezoning of the land is supported in the CBD Plan but should be considered wholistically with other sites as part of the implementation of the CBD Plan. **Recommendation:** The planning scheme review should not undertake rezoning of the land at 89-91, 93-95 and 97 Seventh Street, Mildura from the GRZ1 to the C1Z.
4	Heritage planning anomaly/ removal	• Removal of Heritage Overlay from land due to the land being vacant for at least the last decade.	Recent aerial images (June 2025) confirm that the site is vacant. The HO on the site was also identified as an anomaly in the Mildura Heritage Study Part B Stage 1 (p.11). It is more appropriate to remove the HO for this land through ongoing implementation of the Mildura Heritage Study Part B which is proposed in the near future **Recommendation** The planning scheme review should not remove the HO from the site and it should be considered through further strategic work as part of the Mildura Heritage Study Part B Stage 1 implementation.
5	Rezone land from FZ to LDRZ	• Existing residential development is already occurring around Wentworth Road, Sawmill Road and Sylvia Street. • Many houses have been approved by Council in the area. • Rezoning would allow residential development which aligns with State Government and Council settlement strategies.	The subject land is located well outside the existing Merbein township boundary and is currently used for horticulture but was previously used as a sawmill. The land is also affected by the SCO1 for the MOIA and protection of farming and horticultural uses are important for this area. Low density residential development in Yelta does not align with the settlement policy for Merbein which supports low-density residential growth immediately south-east of the township but not the subject land. There are existing housing alternatives in Merbein that do not rely on rezoning of the site.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			There is no strategic basis to support the rezoning of the land from the FZ to the LDRZ. **Recommendation:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.
6	Rezone lot from FZ to GRZ1	• Rezoning would provide community benefit by providing residential housing adjacent to Red Cliffs Primary School. • Preventing development on the west side of the Calder Freeway is restrictive given the presence of the primary school next to the site. • The lot is adjacent to an existing GRZ area to the north; has access to reticulated services; and is walking distance from school facilities. • Rezoning would limit sprawl in new areas and facilitate the growth of Mildura as a regional city.	The subject land is located outside the existing Red Cliffs township boundary and is used for horticulture. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/horticultural land outside of the township boundary. There is no strategic basis for rezoning to be pursued through the PSR. This request should be considered as appropriate through further strategic work and the proposed future Red Cliffs Structure Plan (if this is funded by Council). **Recommendation:** The subject land should not be rezoned from FZ to GRZ through the planning scheme review.
7	Rezone from FZ to LDRZ2	• Rezoning the land would create additional housing that would support the nearby Lake Primary School • The lot is not appropriate for horticultural production due to the adjacent school. • The lot already has reticulated services.	Clause 11.01-1L-01 – Mildura Main Urban Area establishes Seventeenth Street as the southern urban growth boundary to protect the airport and manage urban expansion. The site remains outside the Urban Growth Boundary (UGB), meaning rezoning at this stage is not aligned with the current strategic planning framework. Proximity to Airport: While the site is outside the Airport Environs Overlay (AEO), further planning assessment is required to determine potential noise impacts. Future Expansion of Mildura Airport and the strategic framework for terminal building expansion must also be considered when assessing the appropriateness of development near this corridor. Drainage & Infrastructure: The proposed stormwater management approach should be assessed further to ensure it does not impact

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			surrounding areas, particularly the golf course greenbelt. **Recommendation:** That the land remains in the Farming Zone (FZ), as rezoning would be inconsistent with strategic planning policies, the future growth of Mildura Airport and growth boundary limitations.
8	Rezone from GR1Z to C2Z	• The lot is surrounded by C2Z on one side, and GR1Z on all other sides. • The client needs additional land to expand their car dealership business, and the lot is the only site available. • All adjacent residential properties surrounding the lot faces the site with rear fences. • The property was not included in the development of the surrounding residential estate.	The land is part of a residential area on the edge of the C2Z area along Fifteenth Street. It is not logically part of this commercial area. This request should be considered through the implementation of the Mildura Industrial Land Use Strategy and not the PSR. **Recommendation:** The subject land should not be rezoned from GRZ1 to C2Z through the planning scheme review.
9	General planning matters regarding the incorporation of the Mildura Older Irrigation Area (MOIA) document into the Mildura Planning Scheme	• Raises planning policy issues with the MOIA and the incorporated document. • Many permit applicants have not been able to obtain a permit for a dwelling on land within the MOIA, particularly affecting owners of small allotments. • It is recommended that the requirements for dwellings abutting existing development be altered from being mandatory to discretionary.	The MOIA is an incorporated document in the Mildura Planning Scheme. It is of state, regional and local significance and has had a long, documented history as discussed in the PSR report. The strategic basis to the MOIA remains and there is no strategic planning basis to reconsider it. The submission raises philosophical arguments that oppose the application and implementation of the MOIA. The MOIA is not being reconsidered through the PSR and its existing settings should remain intact to support the importance of this horticultural and farming area. **Recommendation:** The strategic basis for the MOIA remains and there should be no change to the MOIA incorporated document through the planning scheme review.
10	Rezone from FZ to IN3Z	• Seeks rezoning of land from the FZ to the IN3Z. • Benetook Avenue is a bypass for heavy goods traffic, and the area between Fifteenth and Sixteenth Avenues is identified by Council as a future industrial area (Clause 17.03-1L-01).	There is currently no basis for the proposed rezoning of the land at this stage to the IN3Z. The proposed rezoning is more a matter of staging and timing. This request should not be considered through the planning scheme review but through further strategic work through the implementation of the Mildura Industrial Land Use Strategy and as part of

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			implementation of the Integrated Transport and Land Use Strategy. **Recommendation:** The request should not be pursued through the planning scheme review but through implementation of the Mildura Industrial Land Use Strategy.
11	Rezone from FZ to LDRZ	• The lot is surrounded by Red Cliff's recreational facilities and educational facilities, which could be accessible by walking from the newly zoned residential area. • Rezoning would limit sprawl in new areas and facilitate the growth of Red Cliffs and Mildura's surrounds as a regional city. • The proposal would also provide a supply of residential land around Red Cliffs to people seeking an alternative to living in Mildura.	The subject land is located outside the existing Red Cliffs township boundary and is used for horticulture. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/horticultural land outside of the township boundary. There is no strategic basis for rezoning to be pursued through the PSR. This request should be considered as appropriate through further strategic work and the proposed future Red Cliffs Structure Plan (if this is funded by Council). **Recommendation:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.
12	Rezone the listed properties to a residential zone	• There is an insufficient supply of land reserved for housing development in Merbein. • The listed properties are suitable for rezoning due to them being under one large holding. • There are no other options for residential land to be expanded in Merbein. • The land has proximity to Merbein's town centre. • Rezoning would allow residential development which aligns with the State Government and Council settlement strategies.	The subject land is located outside the existing Merbein township boundary and is currently used for horticulture. The land is also affected by the SCO1 for the MOIA and protection of farming and horticultural uses are important for this area. Residential development in this area does not align with the settlement policy for Merbein which supports low-density residential growth immediately south-east of the township but not the subject land. There are existing housing alternatives in Merbein that do not rely on rezoning of the site. There is no strategic basis to support the rezoning of the land from the FZ to a residential zone. **Recommendation:**

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			The subject land should not be rezoned from the FZ to a residential zone through the planning scheme review.
13	Remove Public Acquisition Overlay Schedule 1 (POA1) from the two properties	• The PAO was added to provide a service road to better enable the entry and egress of cars onto properties. • The properties along the PAO are now under the ownership of one owner who is seeking to construct one major building upon the entire site. The owner proposes that only one entryway is provided in place of the service road on Fifteenth Street. • VicRoads (or DTP) has stated that they no longer require the PAO if a feasible alternative is proposed. • This type of proposal has been implemented along other commercial developments along Fifteenth Street.	The submitter has requested that the PAO be removed from the subject land. However, no letter has been provided by VicRoads (or DTP) as the acquiring authority under the overlay. The DDO on the land requires certain setbacks and this works in tandem with the PAO control along this transport corridor. There is an ability through the overlay to seek the advice of the acquiring authority in relation to a use/development application and to obtain their consent. On this basis, it is preliminary to remove the PAO1 from the land through the planning scheme review. **Recommendation:** The PAO1 should be not removed from the subject land through the planning scheme review.
14	Rezone from FZ to LDRZ	• The GRZ exists east of the site and the redevelopment of the site would maintain the existing character of the area. • The site should be rezoned to the LDRZ.	The subject land is located outside the existing Red Cliffs township boundary and is used for horticulture. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/horticultural land outside of the township boundary. There is no strategic basis for rezoning to be pursued through the PSR. This request should be considered as appropriate through further strategic work and the proposed future Red Cliffs Structure Plan (if this is funded by Council). **Recommendation:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
15	Rezone PCRZ to FZ	• The property has been privately owned for many years, and the existing zoning is an anomaly. • The submitter argues that a non-public land zone should be applied to the land.	The submitter has a valid argument that the land is freehold land in private ownership that should not be included in a public land zone such as the PCRZ. Council has unsuccessfully pursued authorisation of an amendment to rezone privately owned land in Hattah from the PCRZ to the Rural Conservation Zone. The planning scheme review includes this project as further strategic work. **Recommendation:** Rezoning of the land from the PCRZ to the FZ should not be progressed through the planning scheme review.
16	Rezone from RCZ4 to RCZ1	• The objective of RCZ4 is to retain and protect remnant native vegetation alongside the general purpose of the zone. • The native vegetation on the site is not remnant and all vegetation are planted by landowners. • The surrounding area is an established residential hamlet, so the land should be zoned in a way where its subdivision into 4x1-hectare allotments is possible.	The subject land is located well outside the existing Merbein township boundary and is rural land affected by the Rural Conservation Zone. The land is also affected by the SCO1 for the MOIA and protection of farming and horticultural uses are important for this area. Low density residential development in Yelta does not align with the settlement policy for Merbein. There are existing housing alternatives in Merbein that do not rely on rezoning of the site. Aerial imagery shows that native vegetation on the site forms a continuous part of the bushland north of Sylvia Street, as part of the Murray Bushland Reserve. The Murray Bushland Reserve is also affected by the ESO1. There is no strategic basis to support the rezoning of the land to facilitate 1 hectare lots in the RCZ or through an alternative zone such as the LDRZ. **Recommendation:** The subject land should not be rezoned to a zone that allows 1 hectare lots through the planning scheme review.
17	Rezone from SUZ8 to SUZ1	• The land is currently zoned as Special Use Zone 8 (SUZ8). • Request to rezone the land from SUZ8 to SUZ1, which is specific to private education and religious establishments. • Henderson College provides an important educational service to the Mildura district and seeks alignment with the zoning used for other private education facilities in the municipality.	Henderson College is located on Cowra Avenue within the Urban Transition Area between Mildura and Irymple. The land is zoned Special Use Zone – Schedule 8 (SUZ8) and affected by Design and Development Overlay – Schedule 11 (DDO11), which applies setback and landscaping requirements to preserve character and separation along Fifteenth Street and Sandilong Avenue. The submitter advised that a master plan is being prepared to guide the future development of the site and requested rezoning from SUZ8 to SUZ – Schedule 1

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		• The College is preparing a school master plan for future development, and the proposed rezoning would facilitate this process by aligning with the zone's purpose. • The current zoning (SUZ8) does not allow for streamlined development in accordance with a master plan, while SUZ1 would enable construction without requiring additional planning permits once the master plan is approved.	(SUZ1), which applies more broadly to private education and religious institutions elsewhere in the municipality. While SUZ1 may offer some administrative simplification, SUZ8 remains the most appropriate zone for this site given: - The strategic sensitivity of the Urban Transition Area. - The need to manage built form, setbacks and interface conditions. - The existing institutional function of the site being already accommodated under SUZ8. **Recommendation:** It is recommended that SUZ8 be retained on the land. Once the Henderson College Master Plan is finalised and endorsed, future changes to the SUZ8 schedule could be considered through a Planning Scheme Amendment to reference the master plan directly within the zone if required.
18	Rezone to LDRZ2 from FZ	• Proposes rezoning the subject properties to Low Density Residential Zone 2 (LDRZ2). • Highlights that rezoning would align with the current development plan for adjacent LDRZ2 land and support orderly planning by providing additional low-density residential housing in proximity to educational and commercial facilities. • Emphasises that the rezoning would prevent urban sprawl by directing growth adjacent to existing development.	Future strategic work is required to determine the need for any township boundary expansion based on housing demand, supply data and the availability of residential land within the existing boundary. This should be undertaken as part of the implementation of the Mildura East Growth Area Structure Plan or another strategic review as it has not be satisfactorily demonstrated in this submission. **Recommendation:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.
19	Request for additional time	• The submission requested additional time for the landowner to lodge a submission.	Adequate time was provided for the submitter to provide a detailed submission and it has subsequently been withdrawn. **Recommendation:** No further action is required in relation to this submission.
20	Zoning inappropriate for the Ouyen to Panitya railway corridor	• The Ouyen to Panitya railway corridor is a part of Victoria's Principal Freight Network. The Railway corridor is currently covered by zones that overlap adjacent land (mostly the FZ), rather than the Transport 1 Zone (TRZ1).	The TRZ1 is applied to facilitating state transport infrastructure detailed in Clause 36.04 (TRZ). State provisions identify the rail corridor as part of Victoria's Principal Freight Network (Clause 18.01-2S) and changes to this policy and implementation of transport zones was undertaken by the State Government through Amendment VC204.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		• The submitter requests that the entire rail corridor be rezoned to TRZ1, but no maps have been provided to Council detailing what land needs to be zoned TRZ1.	No maps of the rezoning to TRZ1 have been provided as part of the submission. Zoning of the railway corridor to TRZ1 is a State Government responsibility and should not by shifted onto Council. If the state wish to undertake this work they can do so. **Recommendation:** No changes are required to the planning scheme review as a result of the issues raised by DTP.
21	Rezone from GRZ1 to C1Z or IN1Z	• Rezoning an undeveloped plot of residentially zoned land into industrial land. The site is located in between industrial and residential land, and the landowner would like the land to be rezoned to build a warehouse. •	The proposed rezoning is not consistent with the local settlement policy for Red Cliffs and the Red Cliffs Structure Plan (11.01-1L-05), particularly the strategy that states: *'Locate industrial uses with no off-site impacts or need for buffers in the industrial estate west of the Calder Highway'* The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the need for additional industrial or commercial land through that process. **Recommendation:** No changes are required to the planning scheme review as a result of the issues raised.
22	Rezone the land to the LDRZ1	• The subject land is situated at the southwestern corner of Eleventh Street and Cureton Avenue, directly opposite the fully developed Kings Billabong residential estate. • The area along Eleventh Street is popular for low-density residential development, with no additional land available for expansion within the existing LDRZ1 area. • The request argues that the land is ideal for LDRZ1 due to its proximity to Kings Billabong, the existing road networks including Eleventh Street, and available services, making it suitable for immediate development upon rezoning. • It emphasises that rezoning would prevent urban sprawl, support sustainable growth, and provide additional housing	The land is located on FZ land that is part of the Mildura Old Irrigation Area. The lot is about 11 hectares in area and has been used for horticulture. There has not been sufficient strategic argument to remove the land from the MOIA and include it as LDRZ land. The MOIA is an incorporated document in the Mildura Planning Scheme. It is of state, regional and local significance and has had a long, documented history as discussed in the PSR report. The strategic basis to the MOIA remains and there is no strategic planning basis to reconsider it. This proposal should not be incorporated into the planning scheme review and could be progressed separately by the landowner/consultant independently of the review. **Recommendation:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		allotments near Kings Billabong, consistent with the Mildura Planning Scheme.	
23	Rezoning of 36 Nursery Ridge Road, Red Cliffs to LDRZ1	• Zoned as Farming Zone and located 1.2 km east of Red Cliffs CBD and 1 km west of Red Cliffs East Primary School, on the northern side of Nursery Ridge Road. • Highlights proximity to existing low-density residential areas and developed General Residential Zone land. • Emphasises the property's suitability for sustainable residential growth, particularly benefiting young families near educational facilities. • Suggests amending the Red Cliffs Town Structure Plan to include the subject property, noting its current restrictions on housing in the area near Red Cliffs East Primary School.	Future strategic work is required to expand the township boundary based on housing demand and supply data and the availability of the residential land inside the township boundary. The subject land is located outside the existing Red Cliffs township boundary and currently has an active winery. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. Some vacant land within the township is already zoned as General Residential Zone (GRZ). The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/horticultural land outside of the township boundary. **Recommendations:** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review. Future strategic work is required to determine the need for any township boundary expansion based on housing demand, supply data and the availability of residential land within the existing boundary. This should be undertaken as part of an updated Red Cliffs Structure Plan.
24	Rezone from SUZ8 to SUZ1	• Follow up on response to the round 2 submission, where the same request was made and rejected (see submission # 9). • SUZ1 is the most appropriate zoning of the land, given that it is specifically for the purposes of private education and religious establishments.	See the response to submission # 9. **Recommendation:** No change to recommendation to previous submission. It is recommended that SUZ8 be retained on the land.
25	ESO4 over Merbein Mushrooms and	• The current ESO4 mapping does not reflect the actual site where the uses are being undertaken and needs to be remapped for	The ESO4 for the Mildura Abattoir is mapped at approximately 500 metres from the edges of the triangular site. This mapping does not need to contain all of their landholdings and

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
	Mildura Abattoir	the Abattoir site and Merbein Mushrooms.	is mapped from the source of the industrial activity that needs protection. This mapping appears to be correct and does not require an adjustment. In relation to the ESO4 for the Merbein Mushrooms site, the application of this overlay was further reviewed after meeting with the landowner's representative. The current location of the ESO4 is at 1471 Meridian Road, Merbein South (6C~C\PP3102) which is situated on land where operations for composting and the mixing of organic materials occur to provide soil materials for the growing of the mushrooms. The growing of the mushrooms and their packing and distribution occurs primarily from the premises at 1210 Sturt Highway. A radius of 1,500 metres is currently applied to the mapping of the ESO4 for the composting facilities site from the source of potential odour and dust impacts but the ESO4 is not mapped to the site at 1210 Sturt Highway. This should be revised by applying the ESO4 with a 250 metre radius to the site at 1210 Sturt Highway, Merbein South. The ESO4 schedule should also be revised to refer to all sites that are utilised as part of the Merbein Mushrooms business operations to ensure that this industry is adequately protected in the planning scheme. **Recommendation:** Apply the ESO4 to the site at 1210 Sturt Highway, Merbein South as a result of the issues raised in the submission.
26	Acknowledging Planning Scheme Review	• They noted that the Planning Scheme Review is being undertaken and they do not have any submissions at this time.	Acknowledged.
27	Minor changes	• Correction needed: U12 Urban Floodway and U25 flood mapping are not underway. • More clarity needed for Clause 35.07 Farming Zone and Clause 35.08 Rural Activity Zone: '*minimum setback from a waterway, wetland or designated floodplain'*. Submitter questions whether 'waterway' refers to a Designated Waterway and	Advice was received from the Mallee CMA in August 2024 that flood studies and mapping had been undertaken by WaterTech on behalf of the CMA. It was advised that the Mid Mallee flood study had been completed and checked off by the CMA (Swan Hill to South Australian Border) but that an amendment for implementation of the flood studies needs to be initiated by Council. This is seen as more of the responsibility of the CMA rather than Council due to resourcing and other constraints.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		whether 'designated floodplains' are defined in the Planning Scheme. • Correction needed: With regards to the works being carried out by MCMA mentioned in Clause 44.03 S1 and Clause 44.01 S1, they are not being carried out by the MCMA but by the DTP.	Based on the above information, it is considered that no change is required to the identified work that has been documented as underway, although other partners such as DTP have also been included. In relation to the rural zone provisions related to minimum setbacks from a waterway, wetland or designated floodplain, this is standard drafting required in the drafting of zone schedules and is specified in the Ministerial Direction on the Form and Content of Planning Schemes. A correction can be made to the identified works being carried out by the MCMA relating to Clause 44.03 – Schedule 1 and Clause 44.01 – Schedule 1. These are not being carried out by the MCMA but by DTP. **Recommendation** Identify that works relating to Clause 44.03 – Schedule 1 and Clause 44.01 – Schedule 1 are being carried out by DTP and not the MCMA.
28	Rezoning of land from Special Use Zone - Schedule 10 (SUZ10) to FZ at Carwarp Road, Carwarp	• The land is currently partly zoned as FZ and Special Use Zone - Schedule 10 (SUZ10). • SUZ10 was initially intended to support electricity generation for an almond processing plant, including a 66kV transmission line and substation. • The Waste to Energy project under SUZ10 is no longer being pursued. A new Biochar facility has gained planning approval and is currently pending EPA approval. • It is proposed to partial rezone the site from SUZ10 to FZ and the deletion of the incorporated "Bioenergy Power Plant Concept Master Plan, Carwarp" document.	A renewable energy facility and a range of other rural industry associated uses can be considered through a permit process if the site is rezoned to the FZ. **Recommendation:** Given that the proposed Bioenergy Power Plant is not progressing on the site, it is appropriate to remove the SUZ10 and incorporated document "Bioenergy Power Plant Concept Master Plan, Carwarp" from the subject land. An FZ would be appropriate on the land.
29	General planning matters regarding the incorporation of the Mildura Older Irrigation Area (MOIA) document into	• Submitter is a fourth-generation irrigation farmer and is concerned about the state of the irrigation area. There are vacant plots not used for agriculture scattered around the irrigation area that are a burden to landholders, the LMW, ratepayers and neighboring farmers. The submitter raises	The MOIA is an incorporated document in the Mildura Planning Scheme. It is of state, regional and local significance and has had a long, documented history as discussed in the PSR report. The strategic basis to the MOIA remains and there is no strategic planning basis to reconsider it. The submission raises philosophical arguments that oppose the application and implementation of the MOIA.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
	the Planning Scheme	how this does not align with Council's strategic intentions. • Submitter raises how the SCO within the MOIA, which prevents subdivision of land, applies to agricultural land that is not currently productive. • Submitter recommends that the PSR should take steps to reinvigorate the MOIA. • Submitter highlights how the summary of key developments affecting the MOIA in the report (table 3) missed important initiatives such as the Sunraysia Salinity Management Plan (1990), introduction of Water Use Licenses, the Millenium Drought and the Basin Plan.	The MOIA is not being reconsidered through the PSR and its existing settings should remain intact to support the importance of this horticultural and farming area. **Recommendation:** The strategic basis for the MOIA remains and there should be no change to the MOIA incorporated document through the planning scheme review.
30	Rezone from FZ to GRZ1	• Submitter highlights a series of broad potential benefits that can be delivered through the rezoning of his land. • Submitter notes that his land is close to existing schools and is walking distance from the town centre.	The subject land is located outside the existing Red Cliffs township boundary and is used for horticulture. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/horticultural land outside of the township boundary. There is no strategic basis for rezoning to be pursued through the PSR. This request should be considered as appropriate through further strategic work and the proposed future Red Cliffs Structure Plan (if this is funded by Council). **Recommendation:** The subject land should not be rezoned from FZ to GRZ through the planning scheme review.
31	Comments on Planning Scheme Review Report and recent VC Amendments	• The submitter requests Council to provide a marked-up version of the Planning Scheme to be reviewed.	The marked up planning scheme ordinance and maps will be provided to DTP for their review. The planning scheme review includes recent VC Amendments prior to the Round 3 consultation period and updates from more

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		• The submitter highlights key amendments that have occurred since the draft report was released, including VC282 and VC283, which are gazetted on August 11th and September 2nd 2025respectively. • The submitter reminds that Council is eligible for planning assistance from the Regional Planning Hub; and the need to consolidate, refine and prioritise projects in the strategic work program. • The submitter suggests that changes to SCO1 should only reflect the changes to the MOIA boundary. • Minor changes and further matters identified.	recent amendments will be included in the final planning scheme review report. Any minor matters will also be considered in the review report and marked up ordinance. The reminder about the Regional Planning Hub being available to assist Council with projects and implementation is noted and appreciated. The changes to the mapping of the SCO1 are detailed in the planning scheme review report and will improve administration of the planning scheme without affecting the strategic basis or application of the MOIA and SCO1. **Recommendation:** Updates from recent planning scheme amendments will be included in the planning scheme review as a result of the issues raised by DTP.

Round 1 & 2 Submissions - Summary Response to Submissions Table (As Exhibited July 2025)

Please see below for a summary of submissions received to the planning scheme review process during the information gathering, formative rounds of community and stakeholder engagement (Round 1 and Round 2 consultation) as previously exhibited July 2025 in the Draft 2025 Mildura Planning Scheme Review Report. Seventeen submissions were received throughout the community consultation and stakeholder engagement activities during mid-2024 to early 2025. These submissions are summarised below in **Table 18** and a proposed response provided.

Table 18: Summary of Submissions Received in Rounds 1 and 2 to Draft Mildura Planning Scheme Review 2024-25 and Proposed Responses

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
1	Rezoning of Farming Zone land to a residential/ urban zone	• Focuses on rezoning land in Cabarita, between Mildura and Merbein, to support community growth around existing facilities like the school. • Development in the northern part of Cabarita has been prioritised, while areas near the primary school and west of 17th Street have been overlooked. The area is highlighted for its potential to enhance community	The subject land is not suitable for rezoning based on Clause 11.01-1L-01 – Mildura Main Urban Area, which aims to 'Maintain Seventeenth Street as the southern boundary of the city to protect the operations of Mildura Airport.' Clause 11.01-1L-01 offers a strong strategic framework in consideration of the future expansion of Mildura Airport and the current strategic framework for terminal building expansion. The purpose of the Airport Environs Overlay (AEO) is to identify areas subject to high levels of aircraft noise, shield residents from

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		connectivity around existing facilities. • Land adjacent to the subject land is zoned Commercial 1 (C1Z) with active permits. The subject land for rezoning is currently zoned as Farming Zone (FZ), and it is argued that it is unsuitable for farming and has adjacent land with salinity issues. • References the objectives of the Mildura Planning Taskforce Report (2009), Mildura Housing and Settlement Strategy Background Report (2013), and Amendment C89, which suggested rezoning this land for low-density residential use. •	the impact of such noise, and limit residential development in areas likely to experience significant levels of noise. Mildura Airport is approaching 270,000 passengers per year with a projected growth rate of 3%. With a Compound Annual Growth Rate (CAGR) of 2%, the airport is expected to reach 81,727 movements per annum over the next 20 years (p. 33 -Mildura Airport Master Plan 2024). In consideration of the Airport Environs Overlay (AEO1, AEO2) and Clause 18.02-7L – Mildura Airport and Environs, it is important to discourage development surrounding the airport inconsistent with the Mildura Airport Master Plan (2017) and future masterplans, particularly regarding noise and height restrictions. Future growth is likely to necessitate changes to the existing Design and Development Overlays (DDO). Currently, DDO6 and DDO7 apply to land adjacent to the subject site/area. All existing dwellings on land adjacent to the subject site are within the Farming Zone, as per Clause 35.07-2, not as Low Density Residential Zone (LDRZ). The existing developed area in North Cabarita and the east side of 17th Street is within the Urban Growth Boundary, providing a strong strategic framework for the current development. Given these considerations, the Mildura South Growth Area offers a more suitable location for future development. The current limitations to growth and the Seventeenth Street Airport Buffer Boundary are strongly justified through the existing strategic framework. **Recommendation** That the land not be rezoned as requested by the submitter and that it remain in the existing C1Z and FZ.
2	Change of schedule from LDRZ2 to LDRZ1. Potential for rezoning to General Residential Zone (GRZ)	• The land is currently zoned as Low Density Residential Zone (LDRZ2) with 4,000 sqm subdivision provisions, but a 2,000 sqm subdivision is desired. • Amendment VC100 revised the LDRZ to allow a lot to be subdivided to 2,000 sqm if	**Recommendation Part 1:** Clause 11.01-1L-03 – Irymple discourages expansion beyond the established settlement boundary and maintains a focus on consolidating growth to the north, as per the Irymple Structure Plan. While the subject land is located within the Irymple Structure Plan Boundary and Urban Growth Boundary, it is positioned adjacent to the Urban Transition Area identified in Clause 11.01-1L-02, which

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		connected or capable of being sewered. • The subject land is considered near the transition area between FZ land and urban land, although not part of the urban transition area according to the Structure Plan. • Sewerage connection is possible as the adjoining lot is sewered, and the land is surrounded by residential land on three sides. • There is a desire for a schedule change instead of rezoning, with a preference for 2,000 sqm subdivisions to address the lack of diversity in lot sizes in the area. • The owner has incurred sewerage costs and seeks clarity on strategic direction for the land.	reinforces the Fifteenth Street corridor as a strategic non-urban buffer between Mildura and Irymple. The subject land is identified as part of the 'Southwestern Residential Neighbourhood' in the adopted Structure Plan, designated for medium- to long-term growth. However, strategic sequencing for this area is contingent upon infrastructure planning, and it is currently not prioritised for rezoning under Council's growth delivery program. That the land should not be rezoned as requested by the submitter and it should remain in the existing LDRZ2. **Recommendation Part 2:** The strategic vision reinforced through Amendment C104mild and supported by the Panel highlights the long-standing commitment to a non-urban break between Mildura and Irymple. This includes the application of Design and Development Overlay Schedule 11 (DDO11) to manage built form, setbacks, and landscape character along Sandilong Avenue and in proximity to Irymple Primary School. The Panel explicitly supported the retention of DDO11 in this location to uphold visual consistency and development controls aligned with the strategic vision for this area. Although the west side of Sandilong Avenue has experienced incremental subdivision not strictly aligned with the built form objectives of DDO11, this inconsistency does not justify further zone changes at this time. Rather, it signals the need for future strategic work to review the application of DDO11 in areas where subdivision activity is progressing or planned. This review should focus on ensuring consistent and appropriate urban design outcomes that align with long-term policy directions.
3	Rezone the land to the LDRZ1	• The subject land is situated at the southwestern corner of Eleventh Street and Cureton Avenue, directly opposite the fully developed Kings Billabong residential estate. • The area along Eleventh Street is popular for low-density residential development, with no additional land available for	The land is located on FZ land that is part of the Mildura Old Irrigation Area. The lot is about 11 hectares in area and has been used for horticulture. There has not been a sufficient strategic argument to remove the land from the MOIA and include it as LDRZ land. This proposal should not be incorporated into the planning scheme review. **Recommendation**

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		expansion within the existing LDRZ1 area. • The request argues that the land is ideal for LDRZ1 due to its proximity to Kings Billabong, the existing road networks including Eleventh Street, and available services, making it suitable for immediate development upon rezoning. • It emphasises that rezoning would prevent urban sprawl, support sustainable growth, and provide additional housing allotments near Kings Billabong, consistent with the Mildura Planning Scheme.	The subject land should not be rezoned from FZ to LDRZ through the planning scheme review.
4	Rezoning of 36 Nursery Ridge Road, Red Cliffs to LDRZ1	• Zoned as Farming Zone and located 1.2 km east of Red Cliffs CBD and 1 km west of Red Cliffs East Primary School, on the northern side of Nursery Ridge Road. • Highlights proximity to existing low-density residential areas and developed General Residential Zone land. • Emphasises the property's suitability for sustainable residential growth, particularly benefiting young families near educational facilities. • Suggests amending the Red Cliffs Town Structure Plan to include the subject property, noting its current restrictions on housing in the area near Red Cliffs East Primary School.	Future strategic work is required to underpin any expansion of the township boundary based on housing demand and supply data and the availability of the residential land inside the township boundary. The subject land is located outside the existing Red Cliffs township boundary and currently has an active winery. Clause 11.01-1L-05 – Red Cliffs supports infill residential development in established areas and promotes the horticulture and wine industry. Some vacant land within the township is already zoned as General Residential Zone (GRZ). The proposal should be considered as part of future strategic work, including demand and supply data, that would form part of an updated Red Cliffs Structure Plan and consideration of the township boundary through that process. This would also need to consider any impacts on agricultural/ horticultural land outside of the township boundary. **Recommendations** The subject land should not be rezoned from FZ to LDRZ through the planning scheme review. Future strategic work is required to determine the need for any township boundary expansion based on housing demand, supply data and the availability of residential land within the existing boundary.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			This should be undertaken as part of an updated Red Cliffs Structure Plan.
5	Rezoning of land from Special Use Zone - Schedule 10 (SUZ10) to FZ at Carwarp Road, Carwarp	• The land is currently partly zoned as FZ and Special Use Zone - Schedule 10 (SUZ10). • SUZ10 was initially intended to support electricity generation for an almond processing plant, including a 66kV transmission line and substation. • The Waste to Energy project under SUZ10 is no longer being pursued. A new Biochar facility has gained planning approval and is currently pending EPA approval. • It is proposed to partial rezone the site from SUZ10 to FZ and the deletion of the incorporated "Bioenergy Power Plant Concept Master Plan, Carwarp" document.	A renewable energy facility and a range of other rural industry associated uses can be considered through a permit process if the site is rezoned to the FZ. Recommendation Given that the proposed Bioenergy Power Plant is not progressing on the site, it is appropriate to remove the SUZ10 and incorporated document "Bioenergy Power Plant Concept Master Plan, Carwarp" from the subject land. The FZ would be appropriate on the land and this should be pursued through the planning scheme review.
6	Proposes rezoning of the land from the Urban Floodway Zone (UFZ) to the LDRZ	• Current Zoning and Issues - The subject site is located on the eastern side of Cureton Avenue, Mildura, and is currently zoned as "Urban Floodway Zone (UFZ)," which imposes significant restrictions on development, particularly residential use. - The UFZ designation does not accurately reflect the present conditions or future flood risk projections, resulting in undue restrictions on the land's development potential. • Site Characteristics - The site covers approximately 4,587 square metres, with 81 metres of frontage along Cureton Avenue. It is currently undeveloped, predominantly cleared of vegetation, and enclosed by post and wire fencing. - The surrounding area to the south and west includes residential properties, with double-storey dwellings that	The MCMA is currently undertaking new flood studies which could impact on this property. It is too preliminary to rezone the land at this stage, pending the outcomes of that flood study and the location of the site near the waste water treatment plant as well as other overlays applying such as the Bushfire Management Overlay (BMO). **Recommendation** The planning scheme review should not undertake rezoning of the land from the UFZ to the LDRZ.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		take advantage of river views and broader single-storey detached dwellings. • Key Reasons for Rezoning • Flooding Assessment - The site levels, surveyed by a licensed land surveyor, show that the property is at a similar or higher elevation compared to surrounding properties, many of which have been developed despite being in the UFZ. - The most recent significant flood event in 2022 recorded a river flood peak at 38.4 metres AHD. The subject property is currently at 39.00 metres AHD. - Adjacent properties have the following site levels: 305 Cureton Avenue – 38.63 metres (UFZ), 308 Cureton Avenue – 38.59 metres (UFZ), 1 Riverview Way – 39.23 metres (GRZ), and 307-313 Cureton Avenue – 38.44 metres (UFZ). - Flood level advice from the MCMA indicates that the declared 1% flood level for the subject property is 39.01 metres AHD, based on data from the Victorian Flood Database. The property shows a mitigatable risk related to a 1% AEP, supported by site levels, surrounding properties, and the road, which are both above and below the declared flood levels. Additionally, the levee bank adjoining the east boundary of the property to the Murray River offers further mitigation, with its top ranging from 39.10 metres to 39.38 metres. • Impact on Property Development:	

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		- The restrictive UFZ zoning has significantly limited the development potential of the site, affecting its economic viability and potential contribution to the community through residential development. The submitter notes that nearby properties with similar zoning have been developed without experiencing flooding, suggesting that the subject site could also support residential development without negative impacts. • Odour Buffer from Wastewater Treatment Plant: - The site is located near the Lower Murray Water Treatment Plant, which is governed by the Environmental Significance Overlay – Schedule 2 (ESO2). The submitter asserts that the site's distance from the treatment plant (approximately 450 metres) and its compliance with current EPA separation distance guidelines suggest that rezoning would not jeopardize the operation of the plant or cause adverse amenity impacts.	
7	Remove the 4 metre mandatory setback on one side in the General Residential Zone	• Proposal: Client proposes to construct a shed. • Previous Wording of the 2022 Scheme: Previously, the planning scheme allowed works on lots larger than 1ha to encroach into side setbacks. However, the current wording states, "Buildings must be set back a minimum of 4 metres from at least one other side boundary." • Impact on Subject Site: This change affects the subject site at 791 Sandilong Avenue, requiring all development to be set back 4 metres from the boundary. While this is reasonable for	DDO11 resulting from the Tract Review: It was recommended that the provisions for 4-metre side setbacks should only apply to 15th Street and not to side streets (e.g. Sandilong Ave.) for residential development. The implementation of new subdivisions and DDO11 has become unclear, especially for land zoned GRZ, leading to confusion in planning controls. There is no exemption from the 4 metre mandatory side setback on one boundary for land in the GRZ or C1Z. The Tract review recommended that "DDO11 should be removed from land that exists within a Commercial 1 / General Residential Zone to better align with the land use intent of land." There is a mismatch between planning controls and subdivision requirements under

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		developments on larger lots over 1ha, it is not practical for smaller GRZ lots that do not even front Fifteenth Street.	DDO11, particularly for land in the urban transition area. Therefore, more strategic work is needed to determine the urban transition area, appropriate subdivisions, and any new relevant DDO for subdivided land on Sandilong Avenue. **Recommendation** DDO11 should be amended to include the phrase "unless the land is within a General Residential Zone or a Commercial 1 Zone" after "Buildings must be set back a minimum of 4 metres from at least one other side boundary." This amendment would allow for flexibility with setbacks in the DDO11 for GRZ and C1Z land but not compromise the strategic intent of DDO11. This change should be progressed through the planning scheme review.
8	Rezone Lot 5 LP19102 from GRZ1 to SUZ1	• The subject land is in the common ownership of Mildura Baptist Church, owner of 254-258 Deakin Avenue. • The land has been used as a 'Place of Worship' for at least 30 years, with two lots zoned as Special Use Zone – Schedule 1 (SUZ1) and one lot zoned as General Residential Zone (GRZ1). • Highlights a zoning anomaly where Lot 5 LP19102, currently zoned as GRZ1, should be rezoned to SUZ1 to align with the adjacent lots under common ownership and land use.	The Mildura Baptist Church is zoned a combination of SUZ1 (Lot 3 LP19102 and Lot 4 LP19102) and GRZ1 (Lot 5 LP19102). The whole of the site should be located in the SUZ1 to reflect its existing use and the controls from the SUZ1 which relate to private education and religious establishments. **Recommendation** The site (Lot 5 LP19102) should be rezoned from GRZ1 to SUZ1 so that the whole site is subject to the SUZ1 as part of the planning scheme review.
9	Rezone from SUZ8 to SUZ1	• The land is currently zoned as Special Use Zone 8 (SUZ8). • Requests rezoning the land from SUZ8 to SUZ1, which is specific to private education and religious establishments. • Henderson College provides an important educational service to the Mildura district and seeks alignment with the zoning used for other private education facilities in the municipality. • The College is preparing a school master plan for future development, and the proposed rezoning would facilitate this	Henderson College is located on Cowra Avenue within the Urban Transition Area between Mildura and Irymple. The land is zoned Special Use Zone – Schedule 8 (SUZ8) and affected by Design and Development Overlay – Schedule 11 (DDO11), which applies setback and landscaping requirements to preserve character and separation along Fifteenth Street and Sandilong Avenue. The submitter advised that a master plan is being prepared to guide the future development of the site and requested rezoning from SUZ8 to SUZ1, which applies more broadly to private education and religious institutions elsewhere in the municipality.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		process by aligning with the zone's purpose. • The current zoning (SUZ8) does not allow for streamlined development in accordance with a master plan, while SUZ1 would enable construction without requiring additional planning permits once the master plan is approved.	While SUZ1 may offer some administrative simplification, SUZ8 remains the most appropriate zone for this site given: The strategic sensitivity of the Urban Transition Area. The need to manage built form, setbacks and interface conditions., The existing institutional function of the site being already accommodated under SUZ8. **Recommendation** It is recommended that SUZ8 be retained on the land. Once the Henderson College Master Plan is finalised and endorsed, future changes to the SUZ8 schedule could be considered through a Planning Scheme Amendment to reference the master plan directly within the zone if required.
10	Rezone to LDRZ2 from FZ	• Proposes rezoning the subject properties from FZ to Low Density Residential Zone 2 (LDRZ2). • Highlights that rezoning would align with the current development plan for adjacent LDRZ2 land and support orderly planning by providing additional low-density residential housing in proximity to educational and commercial facilities. • Emphasises that the rezoning would prevent urban sprawl by directing growth adjacent to existing development.	Future strategic work is required to determine the need for any township boundary expansion based on housing demand, supply data and the availability of residential land within the existing boundary. This should be undertaken as part of the implementation of the Mildura East Growth Area Structure Plan or another strategic review as it has not been satisfactorily demonstrated in this submission. **Recommendation** The subject land should not be rezoned from FZ to LDRZ2 through the planning scheme review.
11	Cabarita is an ideal location for residential growth due to its location and land should be rezoned to allow for strategic residential development.	• Land Demand and Housing Affordability: - There is increasing demand for residential land in Cabarita, especially for smaller lots (0.2 hectares) to address housing affordability and provide homes for families wanting to live close to schools and other amenities. While some of the vacant land in the area has already been zoned as residential and subdivided, the land closest to the school remains underutilised, with	The subject land is not suitable for rezoning based on Clause 11.01-1L-01 – Mildura Main Urban Area, which aims to 'Maintain Seventeenth Street as the southern boundary of the city to protect the operations of Mildura Airport.' Clause 11.01-1L-01 offers a strong strategic framework in consideration of the future expansion of Mildura Airport and the current strategic framework for terminal building expansion. The purpose of the Airport Environs Overlay (AEO) is to identify areas subject to high levels of aircraft noise, shield residents from the impact of such noise, and limit residential

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		the Piscitelli family proposing that this be rezoned to meet housing demand. • Historical Context and Pervious Planning Decisions: - In 2008, the Mildura Council approved a subdivision permit for part of this land. However, Amendment C65 halted the subdivision process. Since then, lobbying for rezoning has continued. - The submission refers to multiple strategic documents and reports, such as the 2009 Mildura Planning Taskforce Report, 2013 Mildura Housing and Settlement Strategy, and the 2015 Mildura Planning Scheme C89 Panel Report, all of which highlighted the development potential in Cabarita. - The Mildura Planning Scheme C89 Panel Report even recommended rezoning the area between Riverside Avenue and Flora Avenue for Low-Density Residential development, yet no significant actions have been taken. • Impact of College Lease Land: - College Lease Land around Lake Hawthorn and Riverside Avenue skews the available residential land figures, as this land is under long-term lease agreements and cannot be developed until 2035. - The submitter asserts that this land should not be counted towards available residential land as it does not contribute to immediate housing supply, making the need for rezoning their land even more urgent. • Mildura Airport and Seventeenth Street Boundary: - Seventeenth Street has been designated as the southern	development in areas likely to experience significant levels of noise. Mildura Airport is approaching 270,000 passengers per year with a projected growth rate of 3%. With a Compound Annual Growth Rate (CAGR) of 2%, the airport is expected to reach 81,727 movements per annum over the next 20 years (p. 33 -Mildura Airport Master Plan 2024). In consideration of the Airport Environs Overlay (AEO1, AEO2) and Clause 18.02-7L – Mildura Airport and Environs, it is important to discourage development surrounding the airport inconsistent with the Mildura Airport Master Plan (2017) and future masterplans, particularly regarding noise and height restrictions. Future growth is likely to necessitate changes to the existing Design and Development Overlays (DDO). Currently, DDO6 and DDO7 apply to land adjacent to the subject site. All existing dwellings on land adjacent to the subject site are within the Farming Zone, as per Clause 35.07-2, not as Low Density Residential Zone (LDRZ). The existing developed area in North Cabarita and the east side of 17th Street is within the Urban Growth Boundary, providing a strong strategic framework for the current development. Given these considerations, the Mildura South Growth Area offers a more suitable location for future development. The current limitations to growth and the Seventeenth Street Airport Buffer Boundary are strongly justified through the existing strategic framework. **Recommendation** That the land not be rezoned as requested by the submitter and that it remain in the existing C1Z and FZ.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		boundary for urban growth to protect the operations of the Mildura Airport. However, the Piscitelli family argues that their land, situated north of Seventeenth Street, will not affect airport operations. - They reference the Mildura Airport Master Plan (2024) and accompanying noise and development overlays (Airport Environs Overlay) to argue that residential development of their land will not interfere with flight paths or airport expansion. - The 2015 C89 Panel Report also supported limited development along Seventeenth Street, provided it is restricted to one lot depth from the road. • Planning objectives: - The submission aligns with key state and local planning strategies, such as the 2023 Victoria Housing Statement, which aims to build 800,000 homes in the next decade. The submission argues that rezoning the land will support this target, providing housing close to essential services such as schools and public transport. - The submitter emphasises that both the Mildura Housing & Settlement Strategy (MHSS) and Amendment C89 highlighted the need for additional land for low-density residential development, particularly in areas like Cabarita, which already accommodates some of Mildura's most desirable low-density housing.	
12	Cemeteries in Rural towns	• N/A	N/A
13	Request for Council to review strategic policy and	• Request for Review: Landowners request that the Council advance a review of the strategic policy direction and statutory planning	The subject land was zoned as Special Use Zone 8 (SUZ8) and Design and Development Overlay Schedule 11 (DDO11) by Amendment C38 in 2008.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
	statutory controls over land in the Mildura-Irymple Interface Area. Current controls (Special Use Zone 9 and DDO11) negatively affect the usability and development opportunities of their land.	controls over their land in the Mildura-Irymple Interface Area. • Negative Impact of Current Controls: They argue that the current zoning (Special Use Zone 9 and DDO11) hinders development opportunities and economic growth. • Desire for Zoning Change: Propose replacing current zoning with a more facilitative zone to encourage diverse development uses beyond community-focused activities for which there is no demand. • Historical Context: The Interface Area was established to separate Mildura and Irymple, but landowners feel it now acts as a barrier to development ("black hand"). • Acknowledgement of Differing Views: Recognise legitimate opposing opinions on township separation. • Expectation from Previous Panel Report: Refer to Amendment C104 Panel Report, expecting the issues to be addressed in the next planning scheme review. • Timeliness and Current Work: Emphasise that the request aligns with current work on the MEGA strategy and express disappointment that their concerns are not addressed. • Call for Targeted Review: Specifically request a targeted review of current controls, feeling this is missing in the MEGA strategy.	Related issues led to the 2014 Mildura Planning Scheme (MPS) Review recommending a Retail Strategy Review. The 2018 Retail Strategy Review did not support rezoning additional business land or significant changes to SUZ8 and DDO11. Minor changes supported by previous reviews have been implemented through Amendment C104mild in the previous year. The SUZ8 area is considered a transitional area between Mildura and Irymple. The MEGA strategy did not identify an alternative outcome to justify changes to the current zoning. **Recommendation** That the current SUZ8 and DDO11 controls not be significantly revised as part of the planning scheme review.
14	Proposes rezoning of the land from the Urban Floodway Zone (UFZ) to a residential zone	• Current Zoning and Issues: The site is currently zoned UFZ, which restricts development despite urban characteristics and nearby residential uses. • Site Characteristics: 3,813 sqm with 62m frontage. Contains a	The MCMA is currently undertaking new flood studies which could impact on this property. It is considered premature to rezone the land at this stage, pending the outcomes of that flood study and the location of the site near the waste water treatment plant as well as other overlays applying such as the Bushfire Management Overlay (BMO).

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
		dwelling, outbuildings, and landscaping. • Flood Risk Assessments: Flood advice shows a mitigatable risk based on site levels and levee protections. Dwelling floor level is 39.32m AHD compared to the 1% flood level of 39.01m AHD. • Impact on Property Development: The restrictive UFZ zoning limits development potential, despite urban amenities and established residential areas nearby. • Odour Buffer: Located 465m from the wastewater treatment plant, exceeding the EPA-recommended separation distance of 50m.	**Recommendation** The planning scheme review should not undertake rezoning of the land from the UFZ to the LDRZ.
15	Proposes rezoning of the land from General Residential Zone – Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z)	• Strategic Location: Located in the Mildura CBD, the site is surrounded by commercially zoned land and has road frontage on Madden Avenue and Risby Lane. • Economic Growth: Rezoning would support commercial development and address demand for retail, service, and office spaces. • Alignment with Strategic Planning: Identified as suitable for commercial use in the Mildura CBD Plan, which aims to enhance the CBD's vibrancy and economic activity.	The rezoning to a C1Z is not supported at this stage. This matter should be considered strategically for the entire office precinct as part of the implementation of the Mildura CBD strategy. **Recommendation:** The planning scheme review should not undertake rezoning of the land from GRZ1 to the C1Z.
16	Rezoning from Farming Zone (FZ) to Low Density Residential Zone (LDRZ) or Commercial 1 Zone (C1Z).	• Strategic Location: Located in close proximity to existing C1Z and LDRZ land. • Land would complement the Seventeenth Street corridor's strategic vision. • Services: Water, power, NBN and sewer options are available.	The subject land remains outside the Urban Growth Boundary (UGB), which directs where urban growth is supported. Clause 11.01-1L-01 – Mildura Main Urban Area establishes Seventeenth Street as the southern boundary for urban growth, reinforcing that areas beyond this should not be considered for rezoning. Proximity to Airport: While the site is outside the Airport Environs Overlay (AEO), further planning assessment is required to determine potential noise impacts.

Sub No.	Submission Overview	Submission Summary	Proposed Response and Recommendations
			The future expansion of Mildura Airport and the current strategic framework for terminal building expansion further reinforce the need to limit urban encroachment in this area. Given current planning strategies, land use constraints, and the defined UGB, rezoning is not supported at this time. **Recommendation** That the land remains in the Farming Zone (FZ), as rezoning would be inconsistent with strategic planning policies, the future growth of Mildura Airport and growth boundary limitations.
17	Rezoning from Farming Zone (FZ) to Low Density Residential Zone 2 (LDRZ2).	• Strategic Location: The submission highlights the demand for housing and the site's proximity to schools, public transport, commercial zones, and infrastructure services. • LDRZ2 zoned land is adjacent to the north and east, making the request consistent with the existing land use pattern. • The proposal suggests that rezoning the 30-hectare site from FZ to LDRZ2 would accommodate larger residential lots (4,000 sqm blocks) to meet growing demand.	Clause 11.01-1L-01 – Mildura Main Urban Area establishes Seventeenth Street as the southern urban growth boundary to protect the airport and manage urban expansion. The site remains outside the Urban Growth Boundary (UGB), meaning rezoning at this stage is not aligned with the current strategic planning framework. Proximity to Airport: While the site is outside the Airport Environs Overlay (AEO), further planning assessment is required to determine potential noise impacts. Future Expansion of Mildura Airport and the strategic framework for terminal building expansion must also be considered when assessing the appropriateness of development near this corridor. Drainage & Infrastructure: The proposed stormwater management approach should be assessed further to ensure it does not impact surrounding areas, particularly the golf course greenbelt. **Recommendations:** That the land remains in the Farming Zone (FZ), as rezoning would be inconsistent with strategic planning policies, the future growth of Mildura Airport and growth boundary limitations.

Appendix 5

Round 2 Engagement Posters

Mildura Rural City Council

Settlement, Housing, Built Environment and Heritage

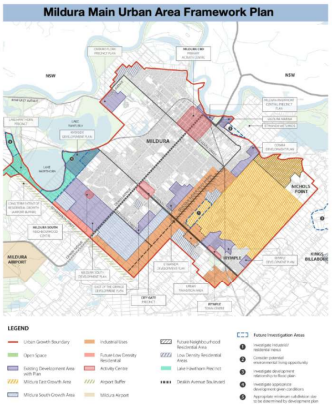
What we heard you say

Some development within Mildura Rural City Council is necessary to provide housing and services for residents and visitors. This development should be carefully considered, in keeping with the heritage and rural feel of the area and should protect farming land. You told us that:

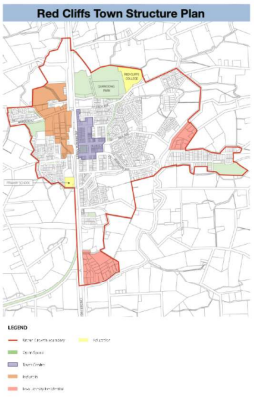
- You like the distinct character of our towns
- You are concerned about the lack of good linkages between our towns
- You would like a greater access to a range of housing types including smaller less expensive and accessible housing
- You would like more affordable housing including affordable rental housing
- You would like the opportunity to subdivide blocks in some places to reduce housing costs and consolidate the built environment
- You like the country town feel of Mildura City – big enough to access services and shops, small enough to feel like a country town

Key Information

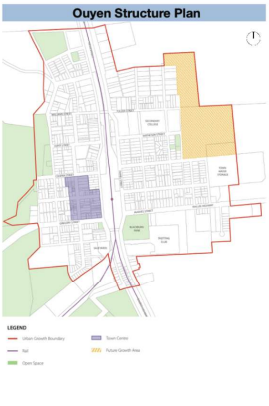
Mildura Main Urban Area Framework Plan



Red Cliffs Town Structure Plan



Ouyen Structure Plan



Mildura Main Urban Area (34,565 population, ABS 2021): It is predicted that Mildura South and Mildura East will develop as the primary urban growth areas. Higher density residential development along the Mildura riverfront outside the floodplain is proposed, protecting the Murray River's values. Seventeenth Street is maintained as the city's southern boundary to protect the operations of Mildura Airport. Unplanned urban expansion into the Mildura Older Irrigation Areas (MOIA) is discouraged. Large landscaped lot sizes are maintained in Nichols Point's northern part, transitioning to rural areas adjoining the Murray River floodplain.

Merbein (2,077 population, ABS 2021): Sequential residential development is promoted north of Chaffey Street and in the southeast of the township. Low-density residential development and long-term growth to the south of Channel Road are supported. Retail development along Commercial Street is proposed to be consolidated, and the eastern gateway's presentation improved. The growth and consolidation of existing industries and the retention of palm trees adjacent to the Lower Murray Water open channel are encouraged.

Ouyen (1,170 population, ABS 2021): Residential growth east of Ritchie Street is to be facilitated once sewerage is provided. Infill residential development and medium-density housing are encouraged to increase housing diversity. Retail and commercial activity in Oke Street should be consolidated, and aged care and retirement living opportunities supported to facilitate ageing in place.

Irymple (7,700 population, ABS 2021): Expansion beyond the identified boundaries is discouraged, with residential growth predicted primarily north of the town. The town centre is proposed to be consolidated, and industrial uses located in the southern part. The growth of existing industries and development that meets the horticultural industry's needs is supported.

Red Cliffs (3,070 population, ABS 2021): The role of Red Cliffs as a service centre for the horticultural and wine industry is supported. Infill residential development and sequential development in the southern part and surrounding Tambo Road estate are encouraged. Industrial uses with no off-site impacts are proposed to be located in the industrial estate west of the Calder Highway.

Cabarita (504 population, ABS 2021): Low-density residential development between McEdward Street and Lake Hawthorn is supported. New development is proposed to integrate with existing ones, avoiding negative environmental impacts on Lake Hawthorn. The planting of indigenous flora and connection of developments to existing walking tracks are encouraged.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Settlement, Housing, Economic Development and Infrastructure themes with strategic directions and a Strategic Framework Plan.
- Structure plan maps and local planning policies include a future growth and development framework with an urban growth boundary for the major townships and direction on some smaller townships.
- Bushfire, flooding, environmental significance and salinity overlays can restrict development in mitigating risks to life, property and community infrastructure.
- Other overlays such as Design and Development and Development Plan Overlays (DDO1-DDO15 and DPO1-DPO6) provide guidance on township growth and development.
- Zones in townships define the locations and provide direction on the amount and type of development allowed or support development in the following zones:
  - Low Density Residential Zone (LDRZ1 and 2), Mixed Use Zone (MUZ1, 2, 3 and 4), Township Zone (TZ1), Residential Growth Zone (RGZ1), General Residential Zone (GRZ1), Neighbourhood Residential Zone (NRZ1), Industrial 1 Zone (IN1Z), Industrial 3 Zone (IN3Z), Commercial 1 Zone (C1Z), Commercial 2 Zone (C2Z), Special Use Zone (SUZ1, 2, 3, 4, 5, 6, 7, 8 and 9), Comprehensive Development Zone (CDZ1), Urban Growth Zone (UGZ1), Public Use Zone (PUZ1, 2, 3, 5, 6, 7), Public Park and Recreation Zone (PPRZ).

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Strengthen and clarify growth and development requirements in the MPS.

Limit urban development to large/key townships within urban boundaries to retain the "country feel".

Review zones within townships to enable growth based on infrastructure provision.

Review existing structure plans and boundaries for large townships.

Prepare new structure plans for smaller townships.

Better plan for more affordable and diverse housing in townships.

Provide greater heritage and urban design guidance with new local policies.

Prepare municipal or township housing and neighbourhood character studies and appropriate built form controls.

PLAN2PLACE wayfarer PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council

Mildura Rural City Council

Environment and Landscape Values

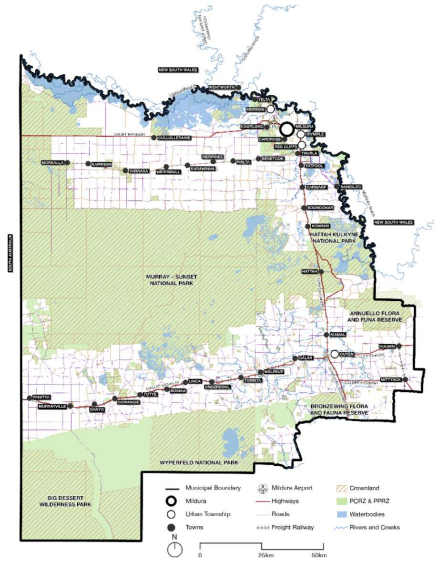
What we heard you say

The landscape of Mildura Rural City Council is loved and is a key asset of the Council. Protecting the landscape from development or major change is important. You told us that:

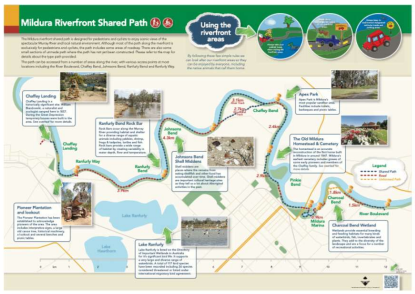
- You love the Murray River and the riverfront in Mildura City
- You appreciate the access to open space, trees and nature in the Mildura LGA
- You love the parks but would like to see them better maintained

Key Information

Mildura LGA National Parks and Reserves



Mildura Riverfront



Lake Cullulleraine (Cumbungi)



- The municipality includes around 40 per cent of Victorian Parks system and most large areas of remaining native vegetation are on public land.
- Scattered remnant vegetation pockets exist on freehold land, roadsides and smaller conservation reserves.
- Roadside vegetation often forms linear corridors that act as important biolinks between substantial areas of vegetation especially between the river and inland environs.
- The extent of agricultural clearing and development over 150 years has threatened, degraded and fragmented remnant vegetation.
- The Murray River Reserve includes a 60 metre wide permanent public reserve along the river's southern bank.
- Extensive development along the Murray River has many wider community benefits but has also introduced problems including the loss of habitats and flora and fauna species and water quality and availability issues.
- Cumbungi is a protected native vegetation species and needs careful management in waterways such as Lake Cullulleraine. green algae, river pollution and reduced climate change resilience.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Strategic Framework Plan and environmental and landscape values theme with strategic directions - recognises the importance of areas of environmental and vegetation significance.
- Zones include the:
  - Public Park and Recreation Zone (PPRZ) for areas of passive and recreational open space.
  - Public Conservation and Resource Zone (PCRZ) and for National Parks and State Reserves and Parks.
  - Rural Conservation Zone (RCZ) for mixed areas of farming and conservation values.
- Overlays include the Environmental Significance Overlay (ESO1), Vegetation Protection Overlay (VPO1 and 2) as well as the native vegetation management provisions at Clause 52.17.
- Relevant local planning policies include Clauses:
  - 12.03-1L River corridors, waterways, lakes and wetlands which aims to improve river and wetland health.
  - 12.05-1L Environmentally sensitive public land areas which seeks to protect the environmental, landscape, cultural heritage and archaeological values of public land.

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Strengthen and better protect areas of environmental significance and values, the natural landscape, rivers and National Parks in the MPS.

Recognise the importance of areas containing Cumbungi and improved vegetation management that balances environmental protection and multiple waterway uses.

Investigate application of the Rural Conservation Zone to freehold land that is currently zoned for a public purpose.

Undertake a review of native vegetation throughout the municipality or in particular 'hot spot' areas.

Improve the management and quality of open space reserves.

PLAN2PLACE waufarer CONSULTING PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council

Mildura Rural City Council

Environmental Risks and Amenity Management

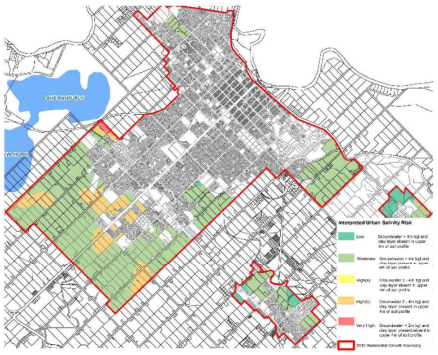
What we heard you say

Mildura Rural City Council is impacted by various environmental risks. You told us that:

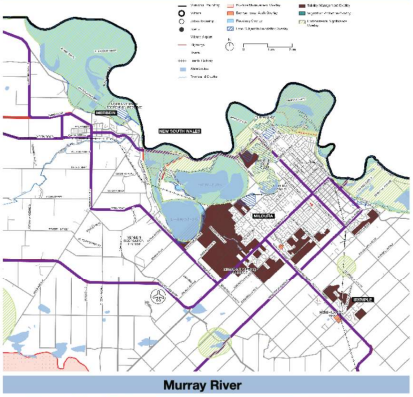
- You are concerned about the impact of climate change on agriculture, the natural environment and people
- You would like to see greater access to shade particularly from trees
- You are concerned about the drying climate, drought and water issues
- You are concerned about the health of the river systems
- You are concerned about the impact of climate change on natural resources
- You are concerned about maintaining access to water and river health

Key Information

Urban Salinity Risk



Environmental Overlays



Koorlong Landfill



Murray River



- Extensive development along the Murray River has led to issues such as increased salinity and nutrient levels, reduced downstream water availability, outbreaks of blue-green algae, river pollution, changes to flood regimes, the threat of flood waters overtopping levees, and the loss of habitats and flora and fauna species.
- The Murray River has a history of flooding of low lying areas with the potential to cause significant property and agricultural damage but has significant environmental benefits for the redgum forests and fauna that rely upon it.
- Arresting rising salinity and nutrient levels in the Murray River requires control of the water table and the drainage of saline and nutrient rich water from the irrigation and urban areas, particularly new urban growth areas.
- There is high demand on river and stored water to sustain horticulture and domestic needs, particularly in the summer months.
- Rainfall in the municipality is insufficient to fully sustain horticultural, stock and domestic demand and is reducing from climate change.
- Climate changes (resulting in droughts and floods) and the deregulation of the water industry have resulted in the removal of land from intensive horticulture, underutilisation of irrigated land and increased pressure for non-agricultural uses.
- There is the potential for land use conflicts in and around the major urban areas of Mildura, Merbein, Irymple and Red Cliffs arising from the proximity of dwellings to industrial and rural land uses/activities.
- Land use separation distances have been placed around Mildura Airport, the Merbein Mushrooms plant, the Mildura Wastewater Treatment Plant, Abattoir and agricultural activities surrounding these towns.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Strategic Framework Plan and environmental risks and amenity theme with strategic directions - recognises the importance of managing environmental risks and maintaining sustainable natural resources for future generations.
- Relevant local planning policy includes Clause 13.07-1L Land use conflicts which aims to discourage sensitive land uses near industries and rural activities so that those industries and activities may continue unrestricted.
- Overlays apply to land that that aim to restrict or guide development so that people, property and infrastructure are protected from environmental risks. These include the: Bushfire Management Overlay (BMO), Flooding Overlay (FO), Land Subject to Inundation Overlay (LSIO), Salinity Management Overlay (SMO), Environmental Audit Overlay (EAO) and Environmental Significance Overlay (ESO2 and 4).
- Particular provisions including Clause 53.10 provide for separation distances between sensitive uses and industries and rural activities.

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Provide better reference in the MPS to bushfire risk, reducing environmental pollution and contamination, minimising amenity impacts on sensitive uses and increasing climate change resilience.

Review the ESO4 and its mapping and consider whether a Buffer Area Overlay (BAO) should be applied in its place.

Consider applying the BAO around former and existing landfills and transfer stations.

Better recognise and respond to the challenges of climate change with improved resilience measures and stronger directions and policies for environmentally sustainable development.

PLAN2PLACE wayfarer PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council

Mildura Rural City Council

Natural Resource Management

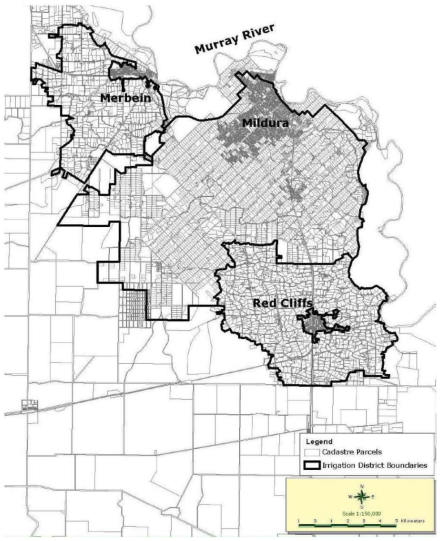
What we heard you say

Natural resource management encompasses agricultural and horticultural land, water, irrigation, extractive industries, and timber production. Irrigation, the Murray River, water, and horticultural activities have historically been integral to the region and will continue to play a crucial role in its future economy, providing jobs and opportunities. To remain sustainable, you told us that:

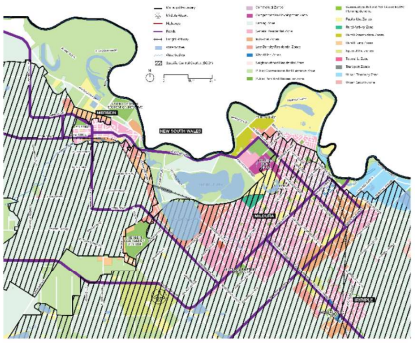
- You are concerned about the impact of climate change on natural resources
- You are concerned about maintaining access to water and river health
- You are interested in opportunities to diversify industries such as horticulture and agriculture

Key Information

Older Irrigaton Area



Special Controls Overlay



Horticulture



- Horticulture underpins the Mildura Rural City's economy directly with products for the local, national and international markets.
- Horticulture supports a significant agricultural services industry and food processing, packaging and manufacturing sector based on products grown within the Municipality and from the wider region.
- It is estimated that agriculture from the Mildura Old Irrigation Area (MOIA) generates about $200M per annum to the local economy.
- Reductions in the amount of land used for horticulture or the introduction of dwellings on irrigated land can negatively impact on the local economy and the structure of employment in the region.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Strategic Framework Plan and natural resources theme with strategic directions that recognise the importance of farming and agriculture to:
- Expand agricultural and horticultural production throughout the municipality.
- Protect irrigated horticultural land for agriculture particularly in the Mildura Older Irrigation Area (MOIA) and the Newer Irrigated Areas (NIA).
- Avoid the use of rural land for purposes other than agriculture, horticulture, extractive industry, leisure and recreation, mining or natural systems.
- Relevant local planning policies includes Clauses:
  - 14.01-1L-01 Sustainable agricultural land use
  - 14.01-1L-02 Use and development in the Farming Zone
  - 14.01-1L-03 Dwellings and subdivision in the MOIA
  - 14.01-1L-04 Dwellings in future growth areas in the Farming Zone
- Avoid unplanned small lot subdivision and 'rural lifestyle' development in the MOIA that could undermine irrigated horticulture.
- Allow applications for dwellings in the MOIA in locations abutting existing development where there is likely to be minimal impact on horticulture or the irrigation footprint.
- Zones include the:
  - Rural living Zone (RLZ) with a schedule for a minimum lot size of 1ha
  - Farming Zone (FZ) with a schedule for minimum lot sizes of between 40ha and 100ha
  - Rural Conservation Zone (RCZ) with schedules for minimum lot sizes of 1ha, 4ha, 40ha and 100ha
  - Rural Activity Zone (RAZ) with a schedule for minimum lot sizes of 1ha
- Overlays include the Special Controls Overlay (SCO1).

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Continue to support the municipality's farming and agricultural area for their economic and employment contributions.

Protect farming and agricultural areas from fragmentation by non-agricultural uses.

Remove the SCO1 from the urban areas of town (non-horticulture areas) as these areas are not in the Farming Zone.

Align the Farming Zone minimum lot size (40ha minimum for an irrigation district) to reflect the Mildura Older Irrigation Area Incorporated document that allows a lower minimum lot size.

Create a new schedule to the Farming Zone, to separate the Farming Zone (100Ha minimum) for broad acre farming from the irrigation districts with lower minimum lot sizes.

PLAN2PLACE wayfarer PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council

Mildura Rural City Council

Economic Development

What we heard you say

To manage economic development, you told us that:

- You like agriculture, produce and winery industries
- You appreciate the markets and tourism and see opportunities for this to increase (for eg. services for RVs, EV charging points)
- You would like to see greater economic and job opportunities in the region including professional employment opportunities

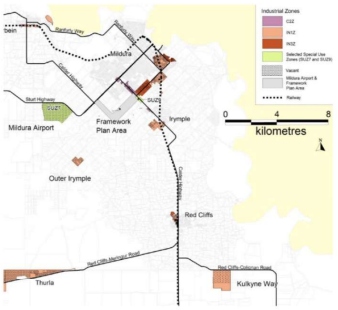
Key Information

Mildura CBD Precincts Plan



MILDURA CBD PRECINCTS PLAN

Industrial Land



Mildura CBD



- The local and regional economy is driven by nationally significant horticultural industries and value added activities such as packaging and processing.
- Dryland farming provides economic diversity and important regional income.
- Economic opportunities include the solar industry; limestone, gypsum and salt extraction; mineral sands mining; apiculture; tourism and the Murray River.
- Mildura central business district is the primary activity centre in the municipality (LGA) supported by City Gate activity centre and Fifteenth Street precinct.
- The Mildura LGA is a key attraction in the Mallee tourism sub-region.
- The Mildura Retail Strategy anticipates 33,000 sqm additional retail floor space needed in Mildura, Irymple, Merbein and Red Cliffs to 2035.
- Major concentrations of industrial activity are located at the Mildura industrial estate, the Irymple industrial area, Merbein and the Thurla greenfield precinct.
- An Industrial Land Use Strategy is currently being prepared that will inform the amount, type and locations of future industrial land in the LGA.
- Major tourist assets include National and state parks; the World Heritage listed Willandra Lakes System; the Murray and Darling Rivers; Aboriginal and non-Aboriginal cultural heritage; the region's climate; high quality recreation features; accommodation; wineries; horticulture; and, major events and festivals.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Strategic Framework Plan and economic development theme with strategic directions - recognising the importance of economic development to the region.
- Relevant local planning policies include Clauses:
  - 17.03-1L-01 Mildura Rural City industrial land supply which supports industrial development in Mildura.
  - 17.03-1L-02 Thurla industrial land supply which supports industrial development in Thurla.
  - 17.03-1L-03 Kulkyne Way industrial land supply which supports industrial development in Kulkyne Way.
  - 17.04-1L Facilitating tourism in Mildura which supports tourism enterprises in Mildura, the Mildura Marina and seasonal worker accommodation.
- Zones include the:
  - Commercial 1 Zone (C1Z) for convenience retailing areas and town or activity centres/central business districts.
  - Commercial 2 Zone (C2Z) for large format restricted retailing and employment areas.
  - Industrial 1 Zone (IN1Z) for intensive areas of industrial activity.
  - Industrial 3 Zone (IN3Z) for areas between more intensive industrial activity and sensitive uses (including dwellings, schools and hospitals).
  - Special Use Zone – Schedule 3 (SUZ3) that supports the Mildura marina.
  - Special Use Zone – Schedule 7 (SUZ7) that protects the area around the Mildura Airport from sensitive uses.
  - Special Use Zone – Schedule 9 (SUZ9) for the Mildura–Irymple Urban Transition Area, designated to reinforce Fifteenth Street as part of the gateway to Mildura for smaller-scale restricted retailing and business services.
  - Special Use Zone – Schedule 10 (SUZ10) that supports the bioenergy power plan at Carwarp.
- Overlays include the Environmental Significance Overlay (ESO4) to protect important industrial areas for the region.

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Strengthen and better support areas of commercial and industrial activity in the MPS.

Recognise specific tourism opportunities in the MPS and draw linkages to environmental attractions, accommodation and commerce particularly in townships.

Review zoning and overlays to facilitate tourism expansion in the right locations.

Provide more industrial land for suitable industries to support economic diversity and create more job opportunities.

Implement the Industrial Land Use Strategy once finalised.

Support a new masterplan for the Murray River waterfront.

PLAN2PLACE · wayfarer consulting · PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council

Mildura Rural City Council

Transport and Infrastructure

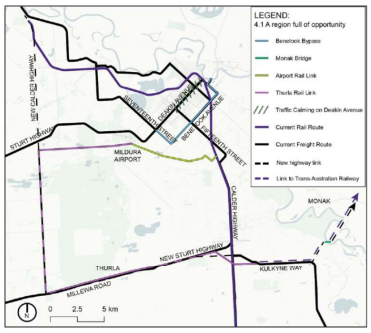
What we heard you say

Mildura Rural City Council covers a large area and requires good infrastructure to provide for its community. You told us that:

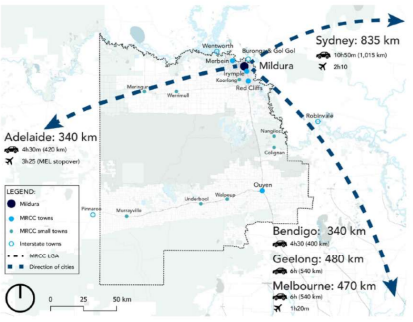
- You would like to see more public transport both long distance and local
- You would like the option of a fast train to Melbourne
- You appreciate the easy access to the Mildura Airport
- You would like better pedestrian and cycling facilities
- You appreciate the community infrastructure but would like better access to health, education and a range of other services
- You would like to see more activities for all age groups (and infrastructure to support this)
- You would like better access to WiFi

Key Information

Main Roads



Proximity



Ouyen Town Centre



Mildura Train Station



- The municipality has a range of transport infrastructure including highways, railways, Mildura Airport and limited public transport.
- Extensive rail infrastructure that is primarily utilised to move grain to ports is currently under-utilised. There is currently no passenger rail service to Mildura.
- The Mildura Transport Plan for Long Term Regional Development provides a staged program of highway and rail upgrades to address passenger and freight needs. Some rail upgrades are currently being undertaken.
- Local transport issues include the Benetook Avenue bypass of Mildura; traffic flow for domestic and commercial traffic; alleviating truck congestion and improving pedestrian safety on Deakin Avenue; bicycle links; and the upgrade of several major transport arteries.
- Mildura Airport is the largest and busiest regional airport in Victoria and is an important contributor to the regional economy. The Mildura Airport Master Plan a framework for development associated with the airport precinct.
- Infrastructure provision in urban growth areas supported by development contribution plans is a key issue.
- Urban land release coordination with Council's infrastructure program is important, particularly for stormwater management.
- Extensive irrigation infrastructure is located within the horticultural districts.

How the planning scheme responds now

- Municipal Planning Strategy (MPS) Vision, Strategic Framework Plan and transport and infrastructure themes with strategic directions - recognises the importance of transport and infrastructure for the municipality.
- Relevant local planning policies include Clauses:
  - 18.02-2L Cycling in Mildura which encourages safe bicycle infrastructure.
  - 18.02-2L Mildura road network which provides for the evolving road network and services in road reserves.
  - 18.02-7L Mildura airport and environs which provides for development in and around the airport.
  - 19.03-2L Infrastructure design and provision which aims to coordinate infrastructure and urban growth.
  - 19.03-3L Integrated water management which aims to support the Mildura LGA water cycle including water sensitive urban design and water reuse and recycling.
- Relevant zones such as the Transport Zone (TRZ1 and TRZ2).
- Relevant overlays include the Development Contributions Plan Overlay – Schedules 1, 2 and 3 (DCPO1, 2 and 3).

How the planning scheme review could respond for the future:

We are keen to understand your views on the following ideas. Place a dot next to those ideas you agree with.

Strengthen transport network initiatives in the MPS.

Strengthen integrated land use and transport development directions in the MPS.

Support the preparation of greater guidance for development and subdivision that encourages walking and cycling infrastructure.

Continue to support Council partnership work with infrastructure providers to ensure that infrastructure meets the demands of the community and municipality.

Undertake further work to review Water Sensitive Urban Design guidelines for new development.

Undertake additional guidance for open space contributions related to residential, commercial and industrial developments.

Support Council advocacy for increased public transport services to meet community needs.

Include a strategic direction for resumption of passenger rail services to Mildura via Ouyen to support other planning objectives for the LGA.

PLAN2PLACE wayfarer PRACTICAL ECOLOGY ecological restoration & consulting

Mildura Rural City Council