

SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ3**.

MILDURA MARINA**Purpose**

To provide for a mixture of recreational, tourist and community related activities, which take advantage of the location of the land, especially in terms of its proximity to the Murray River and Mildura's City Heart.

To ensure that the density, design, appearance and types of activities that occur will enhance the amenity and character of the area.

To prevent development which by its scale and design would interfere with the natural flow of any flood waters and possibly threaten human life, property and the safety and welfare of the local community.

To provide for the integrated use, development and subdivision of land generally in accordance with the Mildura Marina Resort Development Plan, October 2009.

To protect and enhance the condition of the Murray River by providing an environmentally sound mooring facility that will consolidate boat moorings on the river.

To ensure that any use and development of the land will not be detrimental to the quality of water of the Murray River.

1.0**Table of uses****Section 1 – Permit not required**

Use	Condition
Accommodation (other than a caravan park)	Must be in accordance with Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Food and Drink Premises	Must be in accordance with Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme.
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Office Pleasure boat facility	Must be in accordance with Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme.
Search for stone	Must not be costeaning or bulk sampling.
Shop	Must be in accordance with Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme. The combined leaseable floor area for all shops must not exceed 1500 square metres.

Section 2 – Permit required

Use	Condition
Agriculture	

Use	Condition
Education centre	
Leisure and recreation (other than Motor racing track)	
Place of assembly	
Utility installation (other than Minor utility installation)	

Section 3 – Prohibited

Use
Caravan park
Motor racing track
Pleasure boat facility - if the Section 1 condition is not met.

2.0
25/02/2010
C61

Plans Required

Development of land for the Mildura Marina Resort and associated facilities as described in the Marina Resort Development Plan, October 2009 incorporated in this Scheme must not commence unless the following plans have been approved by the responsible authority:

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

and arrangements put in place to ensure ongoing compliance with them.

Use of the land for any purpose associated with the Mildura Marina Resort and associated facilities as described in the Marina Resort Development Plan, October 2009 incorporated in this Scheme must not commence unless the following plan has been approved by the responsible authority:

- Environmental Management Plan (Operational Phase)

and arrangements put in place to ensure ongoing compliance with it.

3.0
19/01/2006
VC37

Process for approval or modification of plans

3.1
25/02/2010
C61

Approval of plans

Any plan required in accordance with this Schedule must be prepared to the satisfaction of the responsible authority. Before the responsible authority considers whether to approve it, the plan must be publicly displayed at the municipal office for at least 14 days, and notice of this display must be given in a newspaper circulating in the locality, detailing the last date for receipt of public submissions.

The responsible authority may request further information before deciding to display the plan.

In considering any plan required to be submitted and approved under Clause 2, the responsible authority must take into account:

- The purposes of the Special Use Zone No. 3.
- The Local Planning Policy Framework of the Mildura Planning Scheme.
- The Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme.

- The purpose of any overlay applying across the site.
- Any submissions made to the responsible authority in response to the notification of the plan.
- Any issues specifically required to be taken into account in the case of a particular plan, including any submissions received from any person required to be notified of or consulted before approval of a particular plan.

3.2

25/02/2010
C61

Variations to plans

A minor variation to the plans approved under Clause 3.1 (Approval of Plans) which does not:

- change the use or effect of the Mildura Marina Resort Development Plan, October 2009;
- adversely affect the interest of a Government authority or Utility service provider; or
- cause an increase in detriment to any person

may be approved by the responsible authority in accordance with the following procedure:

- The proposed variation must set out in detail the form in which it is proposed that the plan be varied; and
- The proposed variation must be referred to the Advisory Committee established under Clause 6 of this Schedule for its recommendation to the responsible authority:
 - whether the variation should be supported;
 - whether the variation would change the use or effect of the Mildura Marina Resort Development Plan, October 2009, would adversely affect the interest of a Government Authority or Utility service provider, or cause an increase in detriment to any person;
 - whether the variation should be approved by the responsible authority without further consultation.

A variation other than a minor variation may be approved by the responsible authority; however, before it is considered such variation must first be the subject of public notification and referral, as provided in Clause 3.1.

4.0

19/01/2006
VC37

Plans to be submitted

The purpose of the various plans is to specify management action necessary to ensure the sustainable use of the development. The matters to be addressed under each plan must be detailed to include the commitments by the proponent and the requirements of regulatory bodies for management action (whether this be further studies, detailed design, construction issues or ongoing management, and specific programs of regular monitoring and reporting). Progressively as further studies and detailed design allow, for each matter the scope of the work and monitoring parameters and frequency should be specified, responsibility for undertaking the task should be nominated, the relevant standard (where applicable) should be nominated, and ameliorative measures that will be taken if an environmental problem is discovered must be listed. Where environmental problems arise that do not respond to the foreshadowed ameliorative measures, or that were not anticipated, the plans must be amended to provide alternative ameliorative measures.

4.1

25/02/2010
C61

Environmental Management Plan (Construction Phase)

The Environmental Management Plan (Construction Phase) must ensure best practice in planning, construction, maintenance, supervision and monitoring, and is to address the following matters:

Construction Methods and Scheduling

- The overall method for constructing the Marina basin, the entrance to the river, and the other site works.
- The scheduling of the proposed works.

MILDURA PLANNING SCHEME

- Actions to be taken to ensure that negative environmental and amenity impacts, and nuisance are minimised.

Murray River Water Quality

- The water quality of the Murray River and ground water prior to work on the site commencing.
- A detailed hydrological testing program which will demonstrate the salinity, nutrient and cyanobacterial impacts on the river water quality.
- A contingency program to control saline inflow by installing and operating shallow bores extracting from the alluvial aquifer, and for the disposal of water so extracted.
- Hydrological data, including the results of modelling done to test the efficiency of the Marina flushing system.
- Details of the program to treat the pool water prior to breaching the river bank so that impact on the river is minimised.

Floodway levels

- Hydraulic data identifying new flood levels for post development conditions.
- A detailed plan showing the floodway boundaries for post development conditions (the 1% (100 year Annual Recurrence Interval) flood level minus 0.5 metres) to enable the preparation of a new Floodway Overlay.

Sediment and pollution control

- Sedimentation and salinity controls (booms and water curtains) to be installed prior to the breaching of the river bank and other significant earthworks. They must include:
 - Appropriate plans to counteract the effect of salinity leaching from filling on the site to prevent pollution of Marina water and unsightly saline seeps and barren soil.
 - Techniques to prevent and/or intercept sediment movement during construction (booms, water curtains etc.) and to manage stormwater, including intercepting fuel and oil spill, rubbish and litter.
 - The method of monitoring effects of development on stream sedimentation and salinity.
 - The methods for the removal of debris from watercourses and drainage lines arising from the removal of vegetation.
 - Types of construction access to the site, storage methods for building materials, extent of the removal of soil and proposed site clean up works.

Codes of practice

- How all works will be carried out in accordance with:
 - EPA publication No. 272 "Construction Techniques for Sediment Pollution Control".
 - EPA publication No. 480 "Guidelines for Major Construction Sites in Victoria".
 - Guidelines for Minimising Soil Erosion and Sedimentation from Construction Sites in Victoria (Department of Natural Resources and Environment, 1979)
 - Control of Erosion from Construction Sites (Department of Conservation and Natural Resources).
 - New South Wales EPA Pollution Control approval pursuant to section 17k of the Pollution Control Act 1979 (NSW) for the opening of the channel.

Archaeological and Aboriginal relics

- The methods of identification and preservation (where required) of any relics (as defined in the Archaeological and Aboriginal Relics Act, 1972) found on the site.

George Chaffey Bridge and boat ramp

- The staging and construction for the reconstruction of the former George Chaffey Bridge.

Dust and noise impact control

- The proposed methods of dust control during construction.
- Noise abatement to the EPA requirements during construction phase.

Referral of plans

The responsible authority must consult with:

- Environment Protection Authority.
- New South Wales Environment Protection Authority.
- Lower Murray Region Water Authority.
- Department of Sustainability and Environment.
- Department of Primary Industries.
- Mallee Catchment Management Authority.
- New South Wales Department of Land and Water Conservation.
- Advisory Committee (established pursuant to Clause 6 of this Schedule).

before approving or amending (other than by a minor variation) the Environment Management Plan (Construction Phase).

4.2

25/02/2010
C61

Landscape plan

The landscape plan must be prepared by a qualified landscape architect and is to address the following matters:

- Minimising obstruction to the floodway, in particular, by minimising filling and tree planting at the western end of the Marina.
- The landscape treatment of all open space areas including the Murray River Permanent Public Purpose Reserve, with the latter planted with indigenous species.
- The landscape treatment of Cureton Avenue.
- The method of shielding houses opposite the main entrance to the development from the glare of car headlights leaving the site.
- The landscape treatment of car parking areas.
- All other landscaping proposed on the land.
- A comprehensive revegetation strategy for the site, including the revegetation of all disturbed sites.
- Protecting the water quality of the Murray River.
- Any necessary actions for the protection and maintenance of the levee bank located partially on the site which provides protection to abutting properties, to the south and east of the site.
- Appropriate interaction with and relationship to the Urban Design Plan.
- Any assessment of the impacts on landscaping from salinity of spoil deposited on the site, and measures to mitigate any such impact.

Referral of plan

The responsible authority must consult with the Department of Sustainability and Environment and the Advisory Committee (established pursuant to Clause 6 of this Schedule) before approving or amending (other than a minor variation) the Landscape Plan.

4.3

25/02/2010
C61

Traffic management plan

The Traffic Management Plan is to address the following matters:

- The location of all vehicular, pedestrian and bicycle access and egress ways within, to and from all buildings and works.
- Location of the bus access, terminal and parking arrangements.
- Necessary traffic controls including those in nearby streets when development is completed.
- The location and layout of areas set aside for the parking of vehicles, which must be setback not less than 40 metres from the Murray River.
- The staged construction of the parking areas so that the supply of parking spaces always exceeds the needs of the development as it is constructed, including but not limited to:
 - provision of a sufficient area for 620 car spaces in total of which up to 200 spaces may be provided off-site;
 - the anticipated car park demand for the individual components of the development;
 - completed construction of not less than 420 on-site car spaces upon completion of all components of the development;
- A compulsory process enabling the future assessment of the need for the balance of 200 car spaces and managing any subsequent construction.
- The loading and unloading of vehicles including the location of rubbish storage and removal facilities.
- A carparking management system which directs Marina patrons to available car spaces and reduces the need to search for spaces.
- Secure parking arrangements for those visitors hiring/using house boats or other water craft overnight or for longer periods.
- Ensuring no vehicle access between the Mildura Marina Resort land and the service road to Cureton Avenue, abutting the resort land at its south east corner;
- Provision for right and left turn access and treatment, into the Mildura Marina Resort land from Cureton Avenue.
- Provision of continuous pedestrian access along the river frontage.
- Provision for vehicle access required for Crown Land management along the river frontage including upstream of the Marina mouth.

Referral of plan

The responsible authority must consult with VicRoads, the Department of Sustainability and Environment and the Advisory Committee (established pursuant to Clause 6 of this Schedule) before approving or amending (other than a minor variation) the Traffic Management Plan.

4.4

25/02/2010
C61

Infrastructure Management Plan

The Infrastructure Management Plan is to address the following matters:-

- The location and nature of utility services to be associated with the development.
- The construction details of the drainage of all buildings and works.

- The drainage system which addresses water quality issues associated with the collection and disposal on-going spoil drainage, of contaminants and litter from the Marina development.
- A stormwater management plan for the whole of the site, including relocation of the existing stormwater infrastructure from the site.
- A system for the positive control of water circulation in the Marina by pumping to a point downstream of the Lower Murray Region Water Authority off-take.

Referral of plan

The responsible authority must consult with:

- Lower Murray Region Water Authority.
- Telstra.
- Powercor.
- Origin Energy.
- Neighbourhood Cable
- Mallee Catchment Management Authority.
- New South Wales Environment Protection Authority.
- Department of Sustainability and Environment.
- Victorian Environment Protection Authority.
- Advisory Committee (established pursuant to Clause 6 of this Schedule)

before approving or amending (other than a minor variation) the Infrastructure Management Plan.

4.5

25/02/2010
C61

Urban Design Plan

The Urban Design Plan is to address the following matters:

- enhancing important features of the site and its surrounds which include:
 - a gateway to the City of Mildura
 - the Murray River and its riverine environment including river red gums
 - the linear public open space along the Murray River which includes a bike path
 - the George Chaffey bridge
- the protection and enhancement of views from the elevated George Chaffey bridge and from the City of Mildura towards the Murray River.
- consistency with any Design Framework prepared by the for wider area around the Marina, downstream to Lock 11.
- creation of an integrated comprehensive development with a sense of place
- improvement and promotion of public access to the area.
- future development must not intrude to the skyline to an unacceptable degree when viewed from the river or its banks, and the banks are to be landscaped to prevent visual dominance.
- the creation of opportunities for recreational activities along the Murray River.
- the linking of public open space areas within the site to other open space along the Murray and to ensure the public open space areas are accessible to the general public.
- the improvement of the landscape quality of public open spaces.

- the opportunity for views from the site to the Murray River and to the public open space to the west of the site.
- limits to traffic speed and optimising pedestrian safety through carefully designed traffic access and movement arrangements.
- the promotion of design that will optimise residential amenity, including privacy and security.
- the promotion of contemporary architecture that is complementary to the surrounding areas.
- the integration of the Marina with surrounding commercial and residential development.

The Urban Design Plan must also address the following specific design elements:

- setbacks and any height limits set out in the Marina Resort Development Plan, October 2009 incorporated in this scheme
- building form, materials and colour
- orientation, overshadowing and overlooking
- streetscape and landscape
- views and vistas
- the treatment of parking areas and vehicle access ways
- open space
- pedestrian movement and security
- advertising signs

Each element must contain a set of design objectives and detailed guidelines.

Referral of plan

The responsible authority must consult with:

- Department of Sustainability and Environment.
- New South Wales Department of Land and Water Conservation.
- Shire of Wentworth.
- Advisory Committee (established via clause 6 of this Schedule).

before approving or amending (other than a minor variation) the Urban Design Plan.

4.6

25/02/2010
C61

Environmental Management Plan (Operational Phase)

The objectives of the Environmental Management Plan (Operational Phase) are to set out:

- Environmental Performance Measures.
- Responsibilities for Environmental Management.
- Emergency Response Procedures.
- Reporting and Notification Procedures.
- Relevant Authorities, Agencies and Stakeholders.
- ISO 14001 Environmental Management Systems including review mechanisms, provision for contingencies and remedial measures.

The Environmental Management Plan (Operational Phase) must ensure best practice in planning, maintenance, supervision and monitoring and is to address the following matters:

- The establishment, maintenance and staffing of a Marina Resort Development Management and Maintenance Office, to provide a point of contact for the community and facilitate appropriate response to any management and maintenance issues.

MILDURA PLANNING SCHEME

- The control and minimisation of nuisance, particularly those caused by noise emanating from the loading and unloading of goods, the collection and removal of wastes, the use of car parks and marina water traffic.
- The division management and financial of responsibility in relation to the various components of the Mildura Marina Resort Development.
- The method for the compulsory review of this plan, and its timing.
- The storage and collection of waste and rubbish.
- The location of silt traps and litter traps within drainage systems.
- Mechanisms to deal with "first flush" pollutants from impervious areas to protect the water quality of the Murray River.
- The management, control, maintenance and cleaning of the Marina basin, jetties and banks, and all parts of the site including car parks and open areas which are available for general use.
- The provision and maintenance of public toilets.
- The maintenance of the buildings and works.
- The contribution of the owner of the Marina Site to the maintenance and upkeep of the Murray River Permanent Public Purpose Reserve on and adjacent to the site.
- A scour protection system to protect the Marina entrance.
- The use and maintenance of landscaped areas.
- The provision of a system for the ongoing monitoring and reporting of water quality resulting from the development in terms of salinity, nutrients and cyanobacterial blooms as required by Environment Protection Authority, New South Wales Environment Protection Authority, New South Wales Department of Land and Water Conservation and Lower Murray Region Water Authority.
- The provision of a long term monitoring scheme for ground water and surface water impacts of salt inflows to the satisfaction of the Murray Darling Basin Commission.
- A contingency program to control saline flow by installing and operating shallow bores extracting from the alluvial aquifer and for the disposal of water so extracted.
- Contingency plans to develop wetlands, or introduce other nutrient or salt removal mechanisms including appropriate performance criteria as triggers, in the event that:
 - nutrient discharge increases above a level that will affect river water quality; or
 - salinity discharge increases above a level that will affect river water quality.
- Management arrangements to deal with blue green algal outbreaks in the Marina basin.
- A method of maintaining and servicing water and sewer connections in floating buildings.
- A maintenance plan for the river embankment at the site and the fortifications at the Marina entrance.
- The use of all boating facilities.
- General and Marina hours of operation.
- The prohibition of anti-fouling paints.
- The procedures for discharging sullage and sewerage from houseboats.
- The actions to be undertaken in the event of an accidental spill, including the notification of spillage incidents to Lower Murray Region Water Authority, Environment Protection Authority New South Wales Environment Protection Authority and the responsible authority.
- The provision of equipment to contain and collect spillages.

- The provision of above flood level storage for all fuels, together with appropriate bunding.
- The provision of a fuel interception chamber adjacent to the fuelling point to facilitate the pump out of spills and bilges.
- A Flood Management Plan developed in conjunction with the Department of Sustainability and Environment, Bureau of Meteorology and the State Emergency Service. This plan shall identify procedures and actions for:
 - The notification of flood warnings.
 - Actions for:
 - the effective tying up of boats;
 - the making safe of assets;
 - the prevention of accidental leakages;
 - evacuation; and
 - restoration.
- A fire plan for the marina area to respond to both on-shore fires and boat fires.

Referral of plan

The responsible authority must consult with the:

- Environment Protection Authority.
 - New South Wales Environment Protection Authority.
 - Lower Murray Region Water Authority.
 - Department of Sustainability and Environment.
 - Mallee Catchment Management Authority.
 - New South Wales Department of Land and Water Conservation .
 - Advisory Committee (established via Clause 6 of this Schedule).
- before approving or amending the Environmental Management Plan (Operational Phase).

5.0

19/01/2006
VC37

Town water supply – protective measures

5.1

25/02/2010
C61

Protective options for the development

Prior to the commencement of the development or any part of the development the developer and the owner of the land must have satisfied the requirements of in respect of Town Water Supply – Protective Measures as detailed in the Mildura Marina Resort Development Plan, October 2009 incorporated in the Scheme.

5.2

25/02/2010
C61

Preconditions to Commencement

Until such time as the necessary works described in the Mildura Marina Resort Development Plan, October 2009 have been completed so that the system adopted for the protection of the town water supply has been completed, the Marina mouth may not be breached nor may any water be discharged from the Marina (during construction) without the written consent of Lower Murray Region Water Authority.

6.0

25/02/2010
C61

Mildura Marina Resort Advisory Committee

The responsible authority shall establish an Advisory Committee which shall be constituted by the responsible authority with membership in that Committee offered to:

- Environment Protection Authority.
- New South Wales Environment Protection Authority.
- Lower Murray Region Water Authority.
- Department of Sustainability and Environment.
- New South Wales Department of Land and Water Conservation.
- A representative of landowners and occupiers of the Mildura Marina Resort Development.
- Two representatives of the Mildura community, selected in a manner to the satisfaction of the responsible authority.
- A representative of the Rural City of Mildura.

The responsible authority shall establish an appropriate written document detailing the method for the establishment, membership and operation of the Advisory Committee prior to the approval of any of the plans (other than the Mildura Marina Resort Development Plan, October 2009 itself) referred to this Schedule.

7.0

19/01/2006
VC37

Emergency Work in case of major flood events

A permit is not required for the modification and/or temporary relocation of buildings and works required to prevent damage from a major flood event.

8.0

19/01/2006
VC37

Subdivision application requirements

Any application must state the intended outcome of the proposed subdivision and its impact on the operation of the Mildura Marina Resort, particularly the methods for securing the ongoing obligations of subsequent owners or occupiers, to comply with the various plans approved through this Schedule.

9.0

19/01/2006
VC37

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

10.0

25/02/2010
C61

Decision guidelines

In determining an application, the responsible authority must have regard to:

- The purposes of the zone and overlays that apply to this site.
- The effect of the proposed use, buildings or works on the amenity of the neighbourhood including the visual amenity of this major gateway to the city across the George Chaffey Bridge.
- The effect of any use or development on land of conservation significance.
- The effect of any use or development on the Murray River and its environs.
- The following plans:
 - Mildura Marina Resort Development Plan, October 2009 incorporated in this Scheme.
 - Environmental Management Plan (Construction Phase).
 - Landscape Plan.
 - Traffic Management Plan.
 - Infrastructure Management Plan.
 - Environmental Management Plan (Operational Phase).
 - Urban Design Plan.