

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

---

**Application Number**

005.2018.00000385.001

---

**Received Date**

7 January 2019

---

**Applicant**

Roy Costa Planning & Development

---

**Subject property (Parcel No/s 1496, 1500)**

303 Deakin Avenue MILDURA, 305 Deakin Avenue MILDURA  
(Lot: 1 Sec: 17 Blk: E TP: 738757L, Lot: 1 Sec: 17 Blk: E TP: 217576W)

---

**Proposal**

Building & works (drive-thru associated with a convenience restaurant) and alter access to Road Zone Category 1

---

**Zones/Overlays**

Commercial 1 Zone
Road Zone Category 1
Design & Development Overlay Schedule 1

---

**Relevant Provisions**

Clause 15.01-1S Urban design  
Clause 15.01-2S Building design  
Clause 17.02-1S Business  
Clause 21.08-3 Retail/Commercial  
Clause 34.01 Commercial 1 zone  
Clause 34.01-4 Buildings and Works  
Clause 34.01-8 Decision Guidelines  
Clause 43.02 Design and Development Overlay  
Clause 43.02-1 Design Objectives  
Clause 43.02-2 Buildings and Works  
Clause 43.02-6 Decision Guidelines  
Clause 52.06 Car Parking  
Clause 52.06-1 Scope  
Clause 52.06-2 Provision of car parking spaces  
Clause 52.06-5 Number of car parking spaces required under Table 1  
Clause 52.06-8 Requirement for a car parking plan  
Clause 52.06-9 Design standards for car parking  
Clause 52.06-10 Decision guidelines  
Clause 52.06-11 Construction of car parking

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

Clause 52.29	Land adjacent to a Road Zone Category 1, or a public acquisition overlay for a category 1 road.
Clause 52.29-1	Application
Clause 52.29-2	Permit required
Clause 52.29-6	Decision guidelines
Clause 65	Decision Guidelines
Clause 65.01	Approval of an Application or Plan
Clause 66	Referral and Notice Provisions

---

### Permit Triggers

Clause 34.01-4	A permit is required to construct a building or construct or carry out works.
Clause 43.02-2	A permit is required to construct a building or construct or carry out works.
Clause 52.29-2	A permit is required to Create or alter access to a road in a Road Zone, Category 1.

---

### Statutory Days

The application has been in progress 62 days (in Council's hands)

---

### Benchmark

Level 1

---

### Subject site & locality

A site inspection was conducted on 3 December 2018.

The site contains:

- Two lots, 303A and 305 Deakin Avenue Mildura.
- Two existing buildings with multiple business owners, including a Subway franchise, pizza shop, and fish and chip shop.
- Angle parking on site for Subway (305 Deakin Avenue), where drive through is proposed.
- Parallel parking on-site parking for pizza and fish and chip shop, with informal parking to the rear.
- Skip bins located at the rear of the site along north-west boundary.
- Double-car width access from Deakin Avenue.
- Single-car width access from Fourteenth Street.

The locality contains:

- Deakin Avenue adjoining the south-east boundary of the site, a boulevard with two lanes of north-east bound traffic adjoining the access and several short-term 15 minute parallel car parking spaces.
- Fourteenth Street adjoining the south-west boundary of the site, a dual carriageway with a broken up median strip containing fencing. A bus zone runs from the north-west, boundary line to Havilah Court (approximately 50 metres long).

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- A traffic-light road intersection adjoining the south of the site, corner of Deakin Avenue and Fourteenth Street.
- A Seventh-Day Adventist church adjoining the north-east of the site.
- A Secondary School adjoining the south-east of the site, across Fourteenth Street.
- Dwellings to the north-west and South-east approximately 65 metres from the site.

DELWP aerial photographs 2018.



---

## Permit/Site History

There are no previous planning permits relating to this site.

---

## Public Notification

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

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

Council has received nine objections to date.

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

---

#### Cultural Heritage Management Plan

A Cultural Heritage Management Plan was not required to be undertaken as the activity was exempt pursuant to Division 2 of the *Aboriginal Heritage Regulations 2018 No. 59*.

---

#### Consultation

Mediation was held on 5 March 2019. The following was raised at the mediation:

- Bins were being emptied during the day at busy times, new location of bins would increase risk of accident when loading/unloading. Cars will have to wait near bins.
- Coke order truck semi-truck cannot fit on site. Cannot empty oil with 5m car parking, hose is too short.
- Is the owner aware? They asked to see the plans when talking with one of the leases on site one day.
- Ten car parks will be lost, the rear is used for staff parking. 12-15 car parks being used per night, customers park on neighbouring church land.
- Safety of the adjoining roads, lots of school children and cars parked and moving through the area, bus routes, bicycle lanes. Child behaviour is unpredictable, regardless of right of way on crossover, increasing risk of accident. Traffic will bank up on Fourteenth Street, resulting in U-turns at Havilah Crescent, increasing risk of accident.
- Applicant agreed to complete a traffic safety audit as requested by VicRoads. Cleanaway are happy with the location of the bin enclosure, they have changed their mind about their objection. Signs will be placed on site to control vehicle behaviour and protect pedestrian right of way. No car parks are being lost and the access way through the site will be wider to allow two vehicles to pass each other going either direction.
- No agreement was reached between the applicant and the objectors.

---

#### Conflict of Interest

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

---

#### Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

<p><b>22 February 2019:</b></p> <p>An initial assessment has been made and pursuant to Section 55 (2) of the Planning and Environment Act 1987, further information is requested before the proposal can be properly considered and assessed by VicRoads.</p> <p>Accordingly, please request that the permit applicant provide the following additional information:</p>
<p>Required Information under Section 55 of the Planning and Environment Act 1987</p>
<ol style="list-style-type: none"><li><i>1. The developer shall provide a road safety audit from a qualified audit team. The assessment will demonstrate how the intended vehicular movements to and from the Sturt highway and Fourteenth Street will not adversely impact on the current level of safety at the Sturt Highway and Fourteenth Street intersection.</i></li><li><i>2. The RSA will consider mitigating road works to be undertaken by the developer prior to the commencement of any use.</i></li><li><i>3. Council to provide VicRoads with a lapse date.</i></li></ol>
<p>Initial concerns regarding the proposal</p>
<p>In addition, VicRoads wish to advise that an initial assessment of the proposal has identified the following issues:</p> <ol style="list-style-type: none"><li><i>1. It is unclear what alterations are intended by the developer at the point of entrance to the Sturt Highway.</i></li><li><i>2. The impact to the existing level of safety at the signalised intersection are unknown by the expected increased turning movements into the subject land off Fourteenth Street.</i></li><li><i>3. It is unknown how traffic leaving the drive-thru will safely interact with other traffic entering off Sturt Highway and operating within the site.</i></li></ol> <p>In advising the permit applicant of the additional information, VicRoads would ask that Council include the issues raised above which, if not addressed, may compromise VicRoads ability to support the application.</p> <p>Please advise the permit applicant that the application cannot proceed until this additional information is received.</p> <p>VicRoads would ask Council to include a lapse date for the application in the request for additional information and provide a copy of that request for our file.</p> <p>On receipt of the additional information, VicRoads will advise Council if it is acceptable and if so will respond to the referral within 28 days. If the information is not acceptable VicRoads will advise Council so that the application can be lapsed in accordance with section 54B.</p> <p>If Council decides to determine the application without this additional information, this letter should be regarded as an objection to the issue of a planning permit in accordance with section 56(1)(c) for the reasons outlined above.</p>
<p><b>3 June 2019:</b></p> <p>(Superseded by June 4 2019 response)</p>

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

	<p><b>4 June 2019:</b></p> <p>VicRoads has considered the application and in principle has no objection to the proposal, but would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:</p> <ol style="list-style-type: none"><li>1. No new point of access to the Sturt Highway from the subject land.</li><li>2. Prior to the development coming into use, amended plans must be submitted to and approved the Roads Corporation. When approved by the Roads Corporation, the plans <u>may</u> be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and copies must be provided. The plans must be annotated but not restricted to show:<ol style="list-style-type: none"><li>a. The existing Sturt Highway (Deakin Ave) vehicular crossover must be widened to minimum of 6.0 metres at the boundary of the subject land, and the edges shall be angled at 60 degrees to the road reserve boundary to facilitate the ingress and egress vehicles.</li><li>b. Replacement of the taped edge line across the Subway frontage with a parallel edge line and install a turn arrow to create a left turn lane at the departure from the intersection into the subject site.</li><li>c. Installation of a speed hump and Give Way sign at the departure from the drive-thru</li><li>d. Install KEEP CLEAR markings in Fourteenth Street across the south east bound traffic lane, at the site driveway.</li></ol></li><li>3. Prior to the development coming into use, the developer must undertake the following mitigating road works to the satisfaction of the Responsible Authority, and at no cost to VicRoads:<ol style="list-style-type: none"><li>a. Widen the existing Sturt Highway (Deakin Ave) vehicular crossover to minimum width of 6.0 metres at the boundary of the subject land, and the edges shall be angled at 60 degrees to the road reserve boundary to facilitate the ingress and egress vehicles.</li><li>b. Undertake line marking changes access the Sturt Highway frontage to replace the taped edge line with a parallel edge line and install a turn arrow to create a left turn lane at the departure from the intersection into the subject site.</li><li>c. Install a speed hump and Give Way sign at the departure from the drive-thru</li><li>d. Install KEEP CLEAR markings in Fourteenth Street across the south east bound traffic lane, at the site driveway to the satisfaction of, and at no cost to the Responsible Authority.</li></ol></li></ol>
Section 52 Notices	Adjoining land owners and occupiers were notified and a sign was placed on site. Nine objections were received.

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

Internal Council Referrals	Advice/Response/Conditions
Engineering	<p><b>Requirements:</b></p> <ol style="list-style-type: none"><li>1. Prior to plans being endorsed, the following items must be addressed:<ul style="list-style-type: none"><li>• Deakin Avenue driveway must be widened to 6.00m</li><li>• Fourteenth Street driveway must have a 1.50m splay constructed on the western side at the kerb to allow for easier left turn access to the site.</li><li>• Fourteenth Street driveway must be shown as Entry Only. Sign and line marking must be shown to clearly demonstrate this.</li><li>• Keep Clear area must be shown at the Fourteenth Street driveway from the boundary for 11.00m into the site to prevent drive through traffic queuing across the driveway access area.</li><li>• Swept turning paths must be shown on all entry and exit points, including vehicles exiting from the drive through.</li><li>• Line marking and signage must be shown to clearly demonstrate traffic flow within the site.</li><li>• All carparks must be to Australian Standards</li></ul></li><li>2. Site must not drain into adjoining properties. Levels must be taken to show how this is to be achieved.</li><li>3. All works required to drain the site without detriment to adjoining properties, must be completed prior to commencement of use.</li><li>4. All Internal Access driveways and carparks must be constructed in an all weather sealed surface to the satisfaction of the responsible authority prior to commencement of use</li><li>5. Driveway widening works for Fourteenth Street and Deakin Avenue must be completed prior to commencement of use. Road Opening permit must be obtained prior to driveway works commencing</li></ol> <p>All proposed line marking and signage must be installed as per the endorsed plans prior to commencement of use.</p>

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

---

## **Assessment**

### **34.01 Commercial 1 Zone**

#### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*

*To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

#### **Operation**

*A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:*

- specify the maximum leasable floor area for office*
- specify the maximum leasable floor area for shop (other than restricted retail premises).*

### **34.01-4 Buildings and works**

*A permit is required to construct a building or construct or carry out works.*

*This does not apply to:*

- The installation of an automatic teller machine.*
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.*
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.**
- An awning that projects over a road if it is authorised by the relevant public land manager.*

*An apartment development must meet the requirements of Clause 58.*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

**34.01-8 Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

**General**

*The Municipal Planning Strategy and the Planning Policy Framework.*

*The interface with adjoining zones, especially the relationship with residential areas.*

**Building and works**

*The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*

*The provision of car parking.*

*The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*

*The storage of rubbish and materials for recycling.*

*Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*

*Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

*The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

*The availability of and connection to services.*

*The design of buildings to provide for solar access.*

*The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.*

*For an apartment development, the objectives, standards and decision guidelines of Clause 58.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

#### Comment:

The site has an existing convenience restaurant use and the development of a drive-thru is seen to compliment the convenience of customers. The movement of pedestrians and cyclists will not be affected. Concern for loading the waste truck was raised including increased exposure to traffic moving through the site and possible blocking the clear movement of vehicle through the site. Due to the small scale of the site, vehicles currently traverse the site at very low speeds preventing any risk of accident. The drive-thru will be narrower than the current 45 degree line markings which cars use to park on site, providing space for two vehicles to pass by in opposite directions.

If the truck was to block this area, clear access is still possible from the Fourteenth Street Access to the rear car park. Concern was raised for a coke truck delivery, which would not fit on site if the proposal went ahead. This delivery truck can currently access the site and will not be restricted considering the additional widening of the access way by removing the ability for cars to park at a 45 degree angle along Subway's north-eastern wall. Larger trucks entering the site will not be able to manoeuvre onsite to exit at a chosen access point but they are able to enter at one point and continue through the site to exit at the other point. 13 Car parks have been proposed as part of the application which will be discussed later in this report.

The location of rubbish bins along Subway's north-western wall will entail additional manual labour when unloading the bins to ensure efficient and clear vehicle movement onsite. The effect of the bins on the streetscape of Fourteenth Street will be minimised to one bin width but passing pedestrians and vehicles using the access point will be exposed to the foul odour. The pong will be endured for a short time as the space is transient.

The site does not adjoin a residential zone or any dwellings and will not cause overshadowing. The existing outside area will be re-sealed as part of the proposal with no landscaping proposed as part of this plan. Maintenance of the site will not be defined as the site has one owner with three businesses leasing part of the land. An arrangement between the landowner and the tenants regarding maintenance as part of their agreement is considered to respect any existing agreements the tenants may have and better provide for any future maintenance issues that may arise.

#### **43.02 Design and Development Overlay**

##### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To identify areas which are affected by specific requirements relating to the design and built form of new development.*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

**43.02-1 Design objectives**

*A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.*

**43.02-2 Buildings and works**

**Permit requirement**

*A permit is required to:*

- *Construct a building or construct or carry out works. This does not apply:*
  - *If a schedule to this overlay specifically states that a permit is not required.*
  - *To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.*
- *Construct a fence if specified in a schedule to this overlay.*

*Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:*

- *Building setbacks.*
- *Building height.*
- *Plot ratio.*
- *Landscaping.*
- *Any other requirements relating to the design or built form of new development.*

*A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.*

**43.02-6 Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- *Any other matters specified in a schedule to this overlay.*

**Schedule 1 to the Design and Development Overlay**

**Deakin Avenue**

**1.0 Design objectives**

*To protect and enhance the high landscape quality and visual amenity of this major treelined boulevard.*

*To ensure that new development and extensions to existing development. improve the built form and character of the streetscape by the implementation of appropriate design and siting controls.*

*To maintain a strong planted landscaped form and appearance within the front setback areas of development abutting the avenue.*

*To protect and enhance those features of historic, architectural, cultural, natural or scientific interest given that they contribute significantly to the overall quality and amenity of Deakin Avenue.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*To consolidate the planting along Deakin Avenue, and within the median strip, by appropriate new planting and replacement of existing trees, as required.*

*To guide appropriate development into each of the functional precincts along the avenue based on the role of each precinct.*

*To encourage appropriate forms of outdoor advertising signage which relate directly to the nature of the business carried on within the site and as part of an overall theme for Deakin Avenue.*

*To facilitate safe and easy pedestrian, cyclist and vehicular movements along and across Deakin Avenue.*

#### **2.0 Buildings and works**

##### **Permit requirement**

*A permit is not required for:*

- *Any buildings and works not visible from Deakin Avenue.*
- *A single storey extension or alteration to an existing dwelling that does not increase the height of the dwelling.*
- *A subdivision that does not increase the number of lots.*

*A permit is required for:*

- *A fence of any height within three (3) metres of the front boundary.*

*The preferred maximum building height is 2 storeys, excepting on land included in a Commercial 1 Zone.*

#### **4.0 Decision guidelines**

*Before deciding on an application, the responsible authority must consider, as appropriate:*

- *whether the proposal meets the stated design objectives;*
- *the heritage qualities of the boulevard;*
- *whether there is likely to be any adverse overshadowing impacts on the landscaped median from any development;*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

- *the access and safety requirements of pedestrians and cyclists.*

Comment:

Schedule 1 to the Design and Development Overlay relate to the landscape of Deakin Avenue. The proposal does not increase or decrease the aesthetic appeal of the Deakin Avenue landscape; replacing an area that is currently used for parking cars with an area for idling cars yields a like appearance.

A road safety audit was provided by the applicant at the request of VicRoads. The report recommends widening of the Deakin Avenue Crossover and providing a dedicated left-turning lane from Deakin Avenue onto the site to provide for safer movement of vehicles. Cyclists and pedestrians passing the site along Deakin Avenue will be further protected by the 'Give Way' sign proposed onsite at the exit onto Deakin Avenue, reinforcing the need for vehicles to provide right of way.

The proposed buildings and works are minor when considering the scale of the development in comparison to the existing buildings on the site. The location of the proposed car parks are largely located at the rear of both Deakin Avenue and Fourteenth Street frontages, reducing an unsightly element from the road and highlighting the building frontages and site access instead.

**The State Planning Policy Framework (SPPF)**

**15.01-1S Urban design**

**Objective**

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

**Strategies**

*Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*

*Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*

*Ensure the interface between the private and public realm protects and enhances personal safety.*

*Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*

*Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*

*Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*

*Promote good urban design along and abutting transport corridors.*

#### Comment:

The proposed drive-thru facilitates accessibility and inclusiveness by providing an option to purchase fast food from the comfort of their vehicles. The presence of customers in their vehicle with a forward view to Deakin Avenue increases passive surveillance of the boulevard in addition to the rear carpark. The location of the car parking at the rear corner of the site allow for safe entering and exiting of vehicle, out of the way of any through traffic on site or trucks.

The site has two options for entering and exiting which provides greater flexibility for vehicle movement, especially when considering the wider access way afforded by the proposal. Landscaping has not been proposed as part of the application and is not considered necessary as the existing shopfront buildings are located right on the boundary line with the remaining area sealed to facilitate safe vehicle movement and clear views of passing pedestrians.

#### **15.01-2S Building design**

##### **Objective**

*To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

##### **Strategies**

*Require a comprehensive site analysis as the starting point of the design process.*

*Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*

*Ensure development responds and contributes to the strategic and cultural context of its location.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*

*Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*

*Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*

*Ensure development is designed to protect and enhance valued landmarks, views and vistas.*

*Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

*Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

*Encourage development to retain existing vegetation.*

#### Comment:

The proposal will include a re-sealing of the outside surface and traffic control measures, increasing the perception of personal safety along with the passive surveillance of vehicles using the drive-thru. Other measures specified in the road safety audit will add to site access safety, including cyclists and pedestrians. No landscaping is proposed as the only space along the front boundaries are occupied by buildings or the vehicle access way.

#### **The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies**

##### **21.08-3 Retail/Commercial**

#### **Overview**

*There is an established retail hierarchy in the municipality. Residents and visitors are served by three existing major retail concentrations, namely the Mildura CBD, City Gate Activity Centre and the Fifteenth Street Precinct. The Mildura CBD is the primary activity centre, encompassing retail, commercial, financial, community service, recreation and entertainment uses. City Gate Activity Centre is an important sub regional retail centre. The Fifteenth Street Precinct provides or bulky goods restricted retailing and trade supplies use.*

*In addition to these major retail concentrations, retailing needs of the population are served by small town centres at Irymple, Merbein, Red Cliffs, Ouyen and a range of small neighbourhood centres and local shops.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*The Review of the Mildura Retail Strategy 2000 identified that by 2021 it is anticipated that an amount of 35,280 – 58,070 square metres of additional retail floorspace could be sustained in Mildura.*

*The Mildura Retail Strategy 2010 states that within the Study Area (the urban area of Mildura and the nearby towns of Merbein, Irymple and Red Cliffs), there was a total of approximately 151,200 square metres of retail floorspace at February 2010. The retail strategy states that to 2025, potential exists for in the order of 48,000 to 67,000 square metres of additional retail development in the study area. This development potential provides support for the following:*

- Redevelopment of key CBD sites containing anchor tenants, with the potential to increase retail floorspace as part of these redevelopments.*
- Consolidation of the sub-regional role currently being performed in the City Gate Activity Centre.*
- Consolidation of the homemaker precinct in Fifteenth Street.*
- Potential development of a town centre in Irymple.*
- Potential future development of neighbourhood centre facilities in the Mildura South growth area.*

*The 2006 Mildura-Irymple Interface Study final report identifies land abutting Fifteenth Street between Benetook Avenue and Cowra Avenue as the preferred location for restricted retail expansion. This recommendation is supported by the 2006 Industrial Land Strategy Update.*

#### **Objective 3**

*To achieve balanced and sustainable retailing facilities that serve the needs of, and are accessible to, residents and visitors.*

#### *Strategies*

- Strategy 3.1 Provide adequate retail capacity in anticipation for future growth in accordance with the Mildura Retail Strategy 2010.*
- Strategy 3.2 Sustain the Mildura CBD as the primary activity centre, encompassing strong retail, commercial, financial, community service, recreation and entertainment components.*
- Strategy 3.3 Support the sub-regional retailing role of the existing and proposed expanded retail concentration in the vicinity of the City Gate Activity Centre, which*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*complements the function of the Mildura CBD, and its development in accordance with the Fifteenth & Deakin Structure Plan (July 2012), including urban design guidelines.*

- Strategy 3.4 Discourage expansion of the Mildura Centre Plaza beyond 21,000sq. m. leasable floor area for shop.*
- Strategy 3.5 Support the Fifteenth Street Precinct as a bulky goods location in accordance with the Fifteenth & Deakin Structure Plan (July 2012).*
- Strategy 3.6 Manage the use and development of land along Fifteenth Street in accordance with the Fifteenth & Deakin Structure Plan (July 2012).*
- Strategy 3.7 Ensure that commercial development along Fifteenth Street between Benetook Avenue and Cowra Avenue is consistent with adopted urban design guidelines for the area.*
- Strategy 3.8 Ensure that commercial development in Irymple is consistent with the Irymple Structure Plan (July 2012), including site specific urban design guidelines for key sites.*
- Strategy 3.9 Support further commercial development within the existing commercial areas in Irymple, Merbein, Red Cliffs and Ouyen.*
- Strategy 3.10 Support the development of local neighbourhood stores rather than new centres to serve the local retail needs of future residential development areas in Mildura.*

Comment:

There is no local direction for commercial developments at the proposed site.

#### Relevant Particular Provisions

#### 52.06 Car Parking

##### Purpose

*To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

*To support sustainable transport alternatives to the motor car.*

*To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*

*To ensure that car parking does not adversely affect the amenity of the locality.*

*To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

#### **52.06-1 Scope**

*Clause 52.06 applies to:*

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

*Clause 52.06 does not apply to:*

- *the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or*
- *the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.*

#### **52.06-2 Provision of car parking spaces**

*Before:*

- *a new use commences; or*
- *the floor area or site area of an existing use is increased; or*
- *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the number of car parking spaces required under Clause 52.06-5 or in a*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

*schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:*

- *on the land; or*
- *in accordance with a permit issued under Clause 52.06-3; or*
- *in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.*

*If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.*

**52.06-5 Number of car parking spaces required under Table 1**

*Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table.*

*A car parking requirement in Table 1 may be calculated as either:*

- *a number of car parking spaces; or*
- *a percentage of the total site area that must be set aside for car parking.*

*A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.*

*Column A applies unless Column B applies.*

*Column B applies if:*

- *any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018); or*
- *a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.*

*Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.*

*Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.*

*The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with*

*Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.*

*The car parking requirement specified for a use listed in Table 1 does not apply if:*

- a car parking requirement for the use is specified under another provision of the planning scheme; or*
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.*

**Table 1: Car parking requirement**

<b>Use</b>	<b>Rate Column A</b>	<b>Rate Column B</b>	<b>Car Parking Measure Column C</b>
Convenience restaurant	0.3		To each patron permitted
		3.5	To each 100 sq m of leasable floor area

#### **52.06-8 Requirement for a car parking plan**

*Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:*

- a new use commences; or*
- the floor area or site area of an existing use is increased; or*
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

*The plans must show, as appropriate:*

- *All car parking spaces that are proposed to be provided (whether on the land or on other land).*
- *Access lanes, driveways and associated works.*
- *Allocation of car parking spaces to different uses or tenancies, if applicable.*
- *Any landscaping and water sensitive urban design treatments.*
- *Finished levels, if required by the responsible authority.*
- *Any other matter specified in a schedule to the Parking Overlay. Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.*

*Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.*

*Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.*

**52.06-9 Design standards for car parking**

*Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise. Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.*

**Design standard 1 – Accessways**

*Accessways must:*

- *Be at least 3 metres wide.*
- *Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.*
- *Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.*
- *Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- *If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.*
- *Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.*
- *Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.*

*If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.*

*If entry to the car space is from a road, the width of the accessway may include the road.*

#### **Design standard 2 – Car parking spaces**

*Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.*

**Table 2: Minimum dimensions of car parking spaces and accessways**

<b>Angle of car parking spaces to access way</b>	<b>Accessway width</b>	<b>Car space width</b>	<b>Car space length</b>
<b>Parallel</b>	<b>3.6m</b>	<b>2.3m</b>	<b>6.7m</b>
<b>45°</b>	<b>3.5m</b>	<b>2.6m</b>	<b>4.9m</b>
<b>60°</b>	<b>4.9m</b>	<b>2.6</b>	<b>4.9m</b>
<b>90°</b>	<b>6.4m</b>	<b>2.6m</b>	<b>4.9m</b>
	<b>5.8m</b>	<b>2.8m</b>	<b>4.9m</b>
	<b>5.2m</b>	<b>3.0m</b>	<b>4.9m</b>
	<b>4.8m</b>	<b>3.2m</b>	<b>4.9m</b>

*Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).*

*A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:*

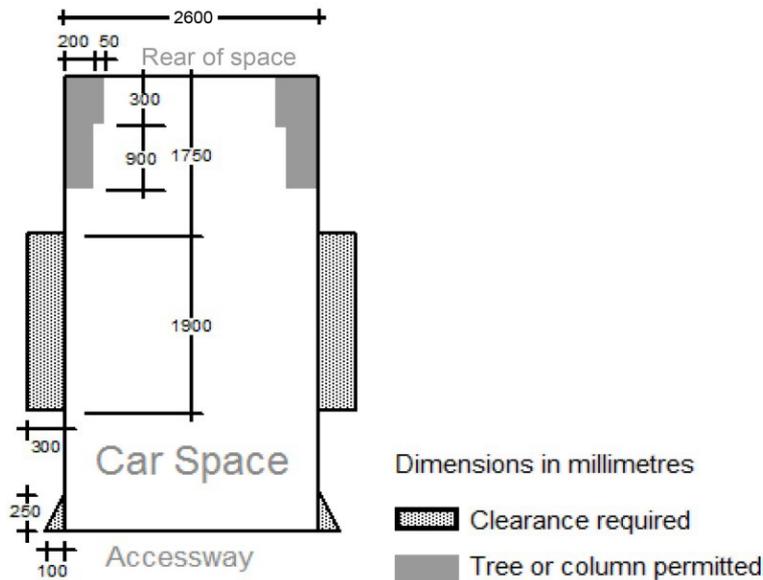
# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

**Diagram 1 Clearance to car parking spaces**



*Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.*

*Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.*

*Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.*

*Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.*

### **Design standard 3: Gradients**

*Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

*Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.*

**Table 3: Ramp gradients**

Type of car park	Length of ramp	Maximum grade
Public car parks	20 metres or less	1:5 (20%)
	longer than 20 metres	1:6 (16.7%)
Private or residential car parks	20 metres or less	1:4 (25%)
	longer than 20 metres	1:5 (20%)

*Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.*

*Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.*

#### **Design standard 4: Mechanical parking**

*Mechanical parking may be used to meet the car parking requirement provided:*

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.*
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.*
- The design and operation is to the satisfaction of the responsible authority.*

#### **Design standard 5: Urban design**

*Ground level car parking, garage doors and accessways must not visually dominate public space.*

*Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.*

*Design of car parks must take into account their use as entry points to the site.*

*Design of new internal streets in developments must maximise on street parking opportunities.*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

**Design standard 6: Safety**

*Car parking must be well lit and clearly signed.*

*The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.*

*Pedestrian access to car parking areas from the street must be convenient.*

*Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.*

**Design standard 7: Landscaping**

*The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.*

*Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.*

*Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.*

**52.06-10 Decision guidelines**

*Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:*

- *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.*
- *The ease and safety with which vehicles access and circulate within the parking area.*
- *The provision for pedestrian movement within and around the parking area.*
- *The provision of parking facilities for cyclists and disabled people.*
- *The protection and enhancement of the streetscape.*
- *The provisions of landscaping for screening and shade.*
- *The measures proposed to enhance the security of people using the parking area particularly at night.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- *The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.*
- *The workability and allocation of spaces of any mechanical parking arrangement.*
- *The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.*
- *The type and size of vehicle likely to use the parking area.*
- *Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.*
- *The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.*
- *Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).*
- *The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.*
- *Any other matter specified in a schedule to the Parking Overlay.*

#### **52.06-11 Construction of car parking**

*Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:*

- *constructed and available for use in accordance with the plan approved by the responsible authority; and*
- *formed to such levels and drained so that they can be used in accordance with the plan; and*
- *treated with an all-weather seal or some other durable surface; and*
- *line-marked or provided with some other adequate means of showing the car parking spaces,*

*before any of the following occurs:*

- *the new use commences; or*

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

- *the floor area or site area of the existing use is increased; or*
- *the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

Comment:

No car parks are required as the proposal does not increase the leasable floor area or number of patrons, however 13 car parks have been proposed. The drive-thru will provide a take-away service for existing customers rather than accommodating them to eat onsite with additional seating. The location of the proposed car parks are located at the rear northern corner and two along the south-western wall of the current fish and chip shop.

Cars can enter and exit the site via the Deakin Avenue access point although it is questionable as to whether two cars can easily pass each other at the existing somewhat narrow crossover. VicRoads requires conditions on any permit issued by Council widen the crossover and install a left-turning lane to provide safe and easy access for cars from Deakin Avenue.

Cars can also enter and exit from Fourteenth Street where the crossover is clearly too narrow to fit two vehicles passing each other. Widening this crossover is not possible due to the site boundary on one side and the power pole on the other side. Cars desiring to use the proposed drive-thru would prefer this access point as it is the closest to the start of the drive-thru, requiring minimal manoeuvring on site. If a car is idling at the Fourteenth Street crossover looking for clear traffic to exit, cars cannot enter the site. The proposal would increase the use of this crossover and is likely to contribute to occasional traffic slowing and jams along Fourteenth Street. This will primarily be when a bus will be occupying the bus zone and there is no option to wait in this zone for left-turning onto the site or to overtake through the zone past vehicles right-turning onto the site. During these times many vehicles will be uncomfortable to hold up traffic and will opt to enter from Deakin Avenue or perform a U-turn on Fourteenth Street to prevent a traffic jam. Busy times will include when school ends and outside of regular works hours. Considering both cases, the highest demand for drive-thru vehicles and the presence of buses will not clash, minimising the potential for jams and preventing major jams that may spill onto the Deakin Avenue intersection.

Due to the physical constraints of the site, it is not practicable to locate additional car parks on site; the maximum number of car parks possible have been proposed to accommodate on-site car parking. The proposal is considered orderly as it makes use of existing access points to provide a clear access way through the site without the need to reverse, whilst adding additional space to the access way to allow two-way internal traffic.

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

**52.29 Land adjacent to a Road Zone Category 1, or a public acquisition overlay for a category 1 road.**

#### **Purpose**

To ensure appropriate access to identified roads.

To ensure appropriate subdivision of land adjacent to identified roads.

#### **52.29-1 Application**

This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

#### **52.29-2 Permit requirement**

A permit is required to:

- Create or alter access to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.
- Subdivide land adjacent to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

#### **52.29-6 Decision guidelines**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

#### Comment:

VicRoads were referred to under Section 55 of the *Planning and Environment Act 1987*. They requested a road safety audit which was provided by the applicant and forwarded to VicRoads for comment. VicRoads did not object subject to conditions, which will be placed on any permit issued by Council. Concern was raised regarding the narrow length of the Deakin Avenue crossover and the likelihood of vehicle exiting the site diagonally to block the access point to the site. VicRoads have required this crossover to be widened and a left-turning lane to be installed to facilitate safe access from Deakin Avenue onto the site.

#### **65 Decision Guidelines**

*Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.*

##### **65.01 Approval of an Application or Plan**

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

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

# Mildura Rural City Council

## Statutory Planning Department

### Planning Delegation Report

- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

#### Comment:

The proposal is considered to create a vibrant transaction option for fast food customers of the community by providing a drive-thru on a re-sealed surface which increases the activity and appearance of the outside space. The proposal is considered orderly as it makes use of existing access points to provide a clear access way through the site without the need to reverse, whilst adding additional space to the access way to allow two-way internal traffic. The proposal will not significantly affect the amenity of the area, due to their small-scale compared with the existing buildings.

Road safety impacts that have not already been addressed include 'KEEP CLEAR' road painting on the road at the Fourteenth Street crossover to prevent traffic stopped at the red lights from queuing over the access point. Additional onsite traffic control measure such as 'NO STANDING' at the Fourteenth Street access point may be considered to prevent the drive-thru queue from blocking vehicle movement through the site.

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

There are no relevant State policies or strategies relating to this site.

#### **Relevant incorporated or reference documents**

There are no relevant incorporated or reference documents relating to this proposal.

#### **Relevant Planning Scheme amendments**

There are no Planning Scheme amendments relating to this site.

---

## **Summary of Key Issues**

- Fourteenth Street Access point
- Onsite truck movement

**Mildura Rural City Council**  
**Statutory Planning Department**  
**Planning Delegation Report**

---

## **Conclusion**

To grant a Planning Permit.

Increased use of the Fourteenth Street access point will be accompanied by line marking of prevent the blocking of the access point. The use of the drive-thru will not cause a significant decrease in the safety of Fourteenth Street traffic. Trucks can safely move through and unload onsite without blocking access despite being more inconvenient.

---

## **Recommendation**

### **Notice of Decision to Grant a Permit**

That Council having caused notice of Planning Application No. 005.2018.00000385.001 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 34.01-4, Clause 43.02-2 and Clause 52.29-2 of the Mildura Planning Scheme in respect of the land known and described as 303-305 Deakin Avenue Mildura, for the Building & works (drive-thru associated with a convenience restaurant) and alter access to Road Zone Category 1 in accordance with the endorsed plans, with the application dated 23 November 2018, subject to the following conditions:



Mildura Rural City Council

# CONDITIONS

**Application No: 005.2018.00000385.001**

**Planning Scheme: Mildura Planning Scheme**

**Responsible Authority: Mildura Rural City Council**

## ADDRESS OF THE LAND:

303 Deakin Avenue MILDURA, 305 Deakin Avenue MILDURA, PtL: 1 Sec: 17 Blk: E  
TP: 738757L, Lot: 1 Sec: 17 Blk: E TP: 217576W

## THE APPLICATION IS FOR:

Building & works (drive-thru associated with a convenience restaurant) and alter access to Road Zone Category 1

## THE FOLLOWING CONDITIONS APPLY:

- (1) Prior to receiving endorsed plans, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) A Keep Clear area at the Fourteenth Street driveway from the boundary for 11.00m into the site to prevent drive through traffic queuing across the driveway access area.
  - b) VicRoads requirements as per Condition 10.
- (2) The development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.
- (3) Prior to use of proposed buildings and works all works required to drain the site without detriment to adjoining properties, must be completed prior to commencement of use to the satisfaction of the Responsible Authority.
- (4) Prior to use of proposed buildings and works all internal access driveways and carparks must be constructed in an all-weather sealed surface to the satisfaction of the responsible authority.
- (5) Prior to use of proposed buildings and works a Road Opening Permit must be obtained to the satisfaction of the Responsible Authority.
- (6) Prior to use of proposed buildings and works all proposed line marking and signage must be installed as per the endorsed plans to the satisfaction of the Responsible Authority.
- (7) Prior to use of proposed buildings and works all proposed car parking spaces must be in accordance with Clause 52.06-11 to the satisfaction of the Responsible Authority.



Mildura Rural City Council

# CONDITIONS

**Application No: 005.2018.00000385.001**

**Planning Scheme: Mildura Planning Scheme**

**Responsible Authority: Mildura Rural City Council**

## ADDRESS OF THE LAND:

303 Deakin Avenue MILDURA, 305 Deakin Avenue MILDURA, PtL: 1 Sec: 17 Blk: E  
TP: 738757L, Lot: 1 Sec: 17 Blk: E TP: 217576W

## THE APPLICATION IS FOR:

Building & works (drive-thru associated with a convenience restaurant) and alter access to Road Zone Category 1

## THE FOLLOWING CONDITIONS APPLY:

- (8) The above-mentioned planning permit expires if;
- a) the development or any stage of it does not start within two years of the date of issue of the permit or;
  - b) the development or any stage of it is not completed within four years of the date of issue of the permit.

The permit time may be extended pursuant to Section 69 of the Planning and Environment Act 1987 if a written request is received by the Responsible Authority before the permit expires or;

- within 6 months of the expiry date if development has not commenced; or
- within 12 months of the expiry date if the development has commenced and was lawfully started before the expiry date.

## VicRoads

- (9) No new point of access to the Sturt Highway from the subject land.
- (10) Prior to the development coming into use, amended plans must be submitted to and approved the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and copies must be provided. The plans must be annotated but not restricted to show:
- a. The existing Sturt Highway (Deakin Ave) vehicular crossover must be widened to minimum of 6.0 metres at the boundary of the subject land, and the edges shall be angled at 60 degrees to the road reserve boundary to facilitate the ingress and egress vehicles.
  - b. Replacement of the taped edge line across the Subway frontage with a parallel edge line and install a turn arrow to create a left turn lane at the departure from the intersection into the subject site.



Mildura Rural City Council

# CONDITIONS

**Application No: 005.2018.00000385.001**

**Planning Scheme: Mildura Planning Scheme**

**Responsible Authority: Mildura Rural City Council**

## ADDRESS OF THE LAND:

303 Deakin Avenue MILDURA, 305 Deakin Avenue MILDURA, PtL: 1 Sec: 17 Blk: E  
TP: 738757L, Lot: 1 Sec: 17 Blk: E TP: 217576W

## THE APPLICATION IS FOR:

Building & works (drive-thru associated with a convenience restaurant) and alter access to Road Zone Category 1

## THE FOLLOWING CONDITIONS APPLY:

---

- c. Installation of a speed hump and Give Way sign at the departure from the drive-thru
  - d. Install KEEP CLEAR markings in Fourteenth Street across the south east bound traffic lane, at the site driveway.
- (11) Prior to the development coming into use, the developer must undertake the following mitigating road works to the satisfaction of the Responsible Authority, and at no cost to VicRoads:
- a. Widen the existing Sturt Highway (Deakin Ave) vehicular crossover to minimum width of 6.0 metres at the boundary of the subject land, and the edges shall be angled at 60 degrees to the road reserve boundary to facilitate the ingress and egress vehicles.
  - b. Undertake line marking changes access the Sturt Highway frontage to replace the taped edge line with a parallel edge line and install a turn arrow to create a left turn lane at the departure from the intersection into the subject site.
  - c. Install a speed hump and Give Way sign at the departure from the drive-thru
  - d. Install KEEP CLEAR markings in Fourteenth Street across the south east bound traffic lane, at the site driveway to the satisfaction of, and at no cost to the Responsible Authority.