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AGENDA PLANNING COMMITTEE MEETING 10 NOVEMBER 2025

Planning Committee Meeting to be held at
Darebin Civic Centre,
350 High Street Preston
on Monday 10 November 2025 at 6:30PM.

This meeting will be livestreamed and may be accessed
from Councils website www.darebin.vic.gov.au.

Persons wishing to observe the meeting in person are
required to register by 12pm on the day of the meeting.



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

Arabic

هذا هو جدول أعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الأعمال، يرجى الاتصال بالهاتف 8888 8470.

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Дневниот ред за состанокот на Општинскиот одбор. За помош во врска со која и да било точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫ਼ੋਨ ਕਰੋ।

Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

Table of Contents

Item Number		Page Number
1.	MEMBERSHIP	1
2.	APOLOGIES.....	1
3.	DISCLOSURES OF CONFLICTS OF INTEREST	1
4.	CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE	1
5.	CONSIDERATION OF REPORTS.....	2
5.1	PLANNING APPLICATION D/67/2001/C	2
	323 High Street Northcote	2
5.2	APPLICATION FOR PLANNING PERMIT D/204/2025	69
	75 Flinders Street THORNBURY VIC 3071	69
6.	OTHER BUSINESS	113
6.1	APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE	113
7.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	121
8.	CLOSE OF MEETING	121

Agenda

1. MEMBERSHIP

Cr. Kristine Olaris OAM (Mayor)
Cr. Emily Dimitriadis (Deputy Mayor)
Cr. Matt Arturi
Cr. Connie Boglis OAM
Cr. Ruth Jelley
Cr. Julie O'Brien
Cr. Alexandra Sangster
Cr. Vasilios Tsalkos
Cr. Angela Villella

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

That the Minutes of the Planning Committee Meeting held on 8 September 2025 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 PLANNING APPLICATION D/67/2001/C 323 High Street Northcote

Author: Principal Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner	Consultant
Ratio Consultants Pty Ltd	Lloyd Martin Pty Ltd	Timmins Architecture

SUMMARY

Property Address:	323 High Street NORTHCOTE VIC 3070
Proposal:	The application seeks to amend Planning Permit D/67/2001, to modify the permit preamble, permit conditions and endorsed plans to enable a McDonalds convenience restaurant to operate from the existing premises. The following amendments are proposed: <u>Planning Permit and Conditions:</u> • Use of the land as a convenience restaurant in lieu of the previously approved café/restaurant use. • Deletion of Condition No. 2 in relation to the operating hours of the previous uses on the site. • Deletion of Condition No. 3 in relation to the restriction of rooftop plant equipment being visible from the street or abutting properties. • Deletion of Condition No. 5 in relation to the hours of the closure of the adjoining public walkway to the public. • Deletion of Condition No. 8 in relation to the restriction of the premises to be used as a live band venue or nightclub. • Modifications to Condition No. 9 to update references to EPA noise regulations. <u>Endorsed Plans:</u> • Alterations to the existing building including: ○ Refurbishment of the building interior to facilitate the proposed convenience restaurant. ○ Alterations to the front and rear façade of the building, including installation of new glazing, removal of parapet, construction of a section of wall.

	○ Refurbishment of the rear loading bay area, including construction of a waste storage/delivery area, provision of bike parking and fencing. ○ Addition of business identification signage associated with a convenience restaurant (no permit required).
Zoning and Overlay/s:	• Commercial 1 Zone (C1Z). • Design and Development Overlay – Schedule 14 (DDO14). • Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Car Parking:	No car parking is currently provided on the subject site in accordance with the original planning permit. In accordance with Clause 52.06-3 of the Darebin Planning Scheme, the car parking waiver associated with the proposed convenience restaurant use does not require a planning permit.
Is a Developer Contribution required?	No, as the application does not result in a net increase in floor area to the existing building.
Consultation:	• 260 letters were sent to surrounding owners and occupiers (within a 150-metre radius of the subject site). • Two advertising signs were placed on the subject site during the advertising period. One (1) sign was displayed along the High Street frontage and one (1) sign was displayed along the Little Eastment Street frontage.
Objections:	• 110 objections were received against the application, including three (3) petitions. • The key objection grounds raised against the application include: ○ Potential adverse impacts of a convenience restaurant on the cultural identity and character of the surrounding area. ○ Potential economic and social impacts of a convenience restaurants on surrounding businesses and the surrounding area. ○ Potential public health and community wellbeing concerns associated with the operation of a convenience restaurant. ○ Potential adverse amenity impacts resulting from the use (and operating hours) on surrounding businesses and residential areas, including noise, lighting, odours, patron management. ○ Potential waste and environmental impacts associated with the operation of a convenience restaurant. ○ Potential traffic congestion and car parking availability

	concerns resulting from the proposed use.
Key reasons for support:	• Under the Darebin Planning Scheme, and common to the Commercial 1 Zone across metropolitan Melbourne, a 'Convenience restaurant' is an as-of-right use (no permit required). Car parking and business identification signage associated with the proposal are also exempt from requiring planning permission. • The only aspect of this proposal that requires planning permission (and that Council can consider) are the minor buildings and works proposed to the existing premises. • The buildings and works proposed are consistent with the objectives of the Commercial 1 Zone and Design and Development Overlay – Schedule 14, will not result in any appreciable offsite impacts, and are therefore supported. • The proposed modifications to the existing building will significantly improve the currently deteriorated condition. This will ensure that the building does not detract from the vibrancy of the surrounding area within the Northcote Activity Centre. • The proposal for an as-of-right (no permit required) convenience restaurant in Northcote Activity Centre will add to the mixture of uses in the centre and will contribute to the local economy through the provision of additional employment opportunities and the diversification of uses in the commercial precinct. • The buildings and works to the façade of the existing building provide a minimalistic and simplified design that is congruent with other surrounding commercial buildings. This will ensure that the building presents as a positive addition to the streetscape and surrounding area. • The sites locational attributes within the Northcote Activity Centre, including excellent access to public and active transport services support the minimal car parking provision and will promote and encourage future customers to use sustainable modes of transport to get to and from the premises.
Recommendation:	Notice of Decision to Grant an Amended Planning Permit, subject to conditions.

Recommendation

RECOMMENDATION PART A:

That Planning Permit Application D/67/2001/C be supported and a Notice of Decision to Amend a Permit be issued for *Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of a convenience restaurant in accordance with the endorsed plans* in accordance with the endorsed plans, subject to the following changes to Planning Permit D/67/2001 (as amended):

- 1) The Planning Permit preamble amended from:

'Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (café/restaurant with seating for 252 patrons, including alfresco dining to High Street) in accordance with the endorsed plans'

To

'Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of a convenience restaurant in accordance with the endorsed plans.

- 2) The inclusion of a new Condition No. 1 to refer to the plans submitted with this amendment application and to include Condition 1 requirements as follows:

Before the development starts, 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 this Permit. The plans must be drawn to scale with dimensions and must generally be in accordance with those submitted to Council under Amendment C to Planning Permit D/67/2001 (identified as DA05, DA06, DA07, DA08, DA09 & DA10, Issue A, dated 22 August 2025 and prepared by Timmins Architecture) but modified to show:

- a) *any modifications required as a result of the approved Landscape Plan (Refer to Condition No. 11 of this Permit).*
- b) *any modifications required as a result of the approved Waste Management Plan (Refer to Condition No. 12 of this Permit).*

- 3) Deletion of Condition No. 2 which states the following:

'Without the prior written consent of the Responsible Authority, the café/restaurant must only operate between the hours of 6.00am to 3.00am seven (7) days a week'.

- 4) Deletion of Condition No. 3 which states the following:

'No exterior plant equipment shall be placed on the roof of the development so as to be visible from the street or abutting properties to the satisfaction of the Responsible Authority'.

- 5) Deletion of Condition No. 5 which states the following:

'The walkway connecting High Street to the car park to the rear is to be secured (closed off from public access) outside the operating hours of the permitted uses authorised under this permit'.

- 6) Deletion of Condition No. 8 which states the following:
'The premises must not be operated as a live band venue or nightclub or the like, to the satisfaction of the Responsible Authority'.
- 7) Condition No. 9 amended from:
'The uses hereby permitted must be operated at all times in a manner that achieves compliance with the requirements of the State Environment Protection Policy (Control of Music Noise from Commerce, Industry and Trade) No. 1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N.2'.
To:
'Noise levels associated with the permitted use/s on the land must not exceed the maximum levels under the Environment Protection Regulations 2021 (Part 5.3) and the Noise Limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (publication 1826 – Noise Protocol).
- 8) Deletion of Condition No. 10, which states:
'Signs, including advertising detail, shall be the subject of further planning approval under the Darebin Planning Scheme'.
- 9) The inclusion of a new Condition No. 11, which states:
Before amended plans are endorsed under Condition 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in relation to the proposed planter boxes at the front of the site. When approved, the landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person, drawn to scale with dimensions, and must incorporate the following:
- a) A planting schedule of proposed vegetation detailing the botanical name, common name, size at maturity, pot size and quantities of all plants.*
 - b) A diversity of plant species and forms.*
 - c) Annotated graphic construction details of the proposed planter boxes.*
 - d) The location of all plant and equipment as shown (including air conditioners, letter boxes, garbage bins, lighting, tanks, storage, bike racks and the like).*
 - e) An outline of the approved building/s including any basement, the location of entry doors, windows, gates and fences.*
 - f) Scale, north point and appropriate legend.*
 - g) Landscape specification notes including general establishment and maintenance requirements.*
- The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.*
- The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.*
- No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.*
- The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.*

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

- 10) The inclusion of a new Condition No. 12, which states:

Before amended plans are endorsed under Condition 1 of this Permit, an amended Waste management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit. The Waste Management Plan must be generally in accordance with the document identified as (Waste Management Plan, dated 30 July 2025 and prepared by Ratio Consultants) but modified to show:

- a) Waste collection times updated to state that waste collection will only occur between the hours of 7:00am – 10:00am, Monday – Sunday.*
- b) Details of the loading and unloading arrangements, to be generally in accordance with the loading management specifications detailed in the document identified as (Transport Impact Assessment, dated 2 September 2025 and prepared by Ratio Consultants), to include the following details:*
 - i. Sizes of the delivery vehicles.*
 - ii. Types of deliveries that will be undertaken and the frequency of these deliveries.*
 - iii. Confirmation that the loading and unloading of goods from delivery trucks will be undertaken only between the hours of 7:00am – 10:00am, Monday – Sunday.*
 - iv. Provision of vehicle swept path assessments for all types of delivery trucks proposed to be utilised, demonstrating that B85/B99 percentile vehicles can enter and exit the loading bay area in accordance with Australian Standard AS2890.1:2004.*

The provisions, recommendations and requirements of the approved Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Waste storage and collection must not cause interference with the circulation and parking of vehicles on abutting streets.

The waste storage and collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.

- 11) The inclusion of a new Condition No. 12, which states:

‘The loading and unloading of goods from vehicles must only be carried out on the site within the loading bay area shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land or abutting streets’

RECOMMENDATION PART B:

That Council delegates the Manager City Development to instruct Officers and/or Solicitors in appearing for Council at any appeal to the Victorian Civil and Administrative Tribunal (VCAT) and/or in further discussions/consultation with parties.

1. BACKGROUND

1.1 Overview of subject site

The subject site comprises the land at 321-325 High Street, Northcote and is located on the western side of High Street, Northcote. The land is formally identified as Land in Plan of Consolidation 363747E, Volume 10714 Folio 792. The title does not contain a restrictive covenant.

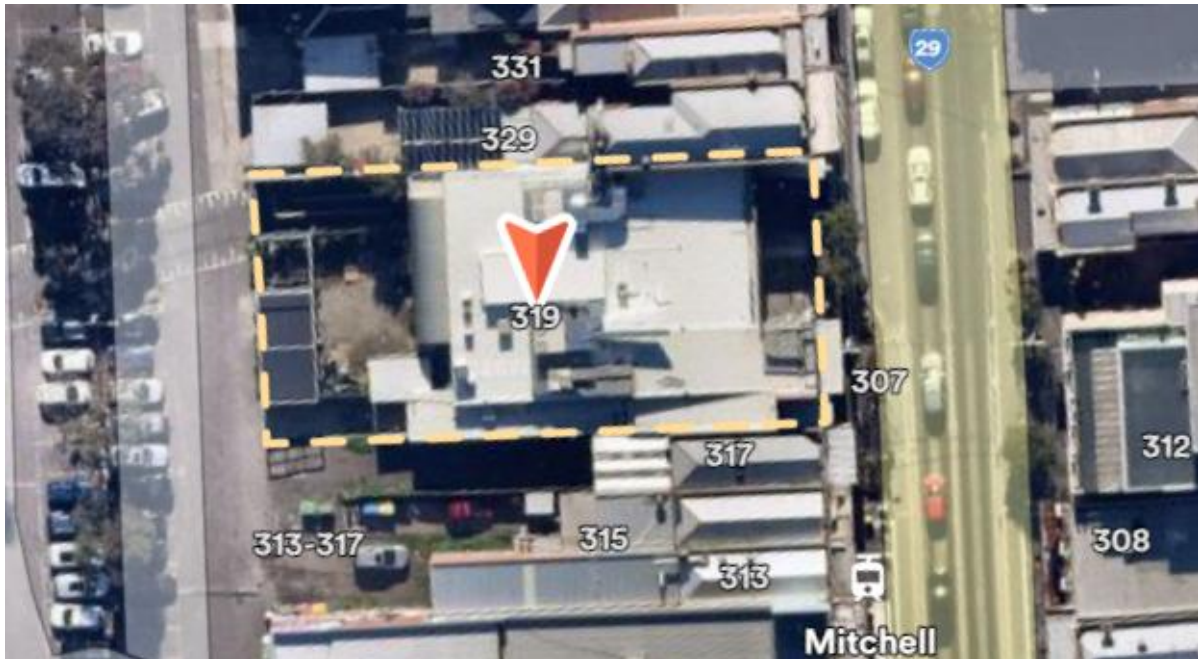


Figure 1: Aerial view of subject site

Source: Author

The title includes a Section 173 Agreement (Instrument AF314675B), which was entered into between the property owner and Darebin City Council on 22 June 2006. The agreement relates to the management of the pedestrian link to the north of the site, the public toilets fronting High Street, the 'Eye on High' public artwork and the extension of awnings over the High Street footpath. A copy of the Section 173 Agreement forms **Appendix A**.

The site is rectangular in shape, with a frontage width of 22.18 metres, to High Street a depth of 45.72 metres and a total area of 10,007.83 square metres.

The site is currently occupied by a single storey commercial building that also extends to the south to include No. 319 High Street. The building is built to both side boundaries, and a covered pedestrian link extends along the northern perimeter of the site. This pedestrian link provides public access between High Street and the car park at the rear of the site along Little Eastment Street.



Figure 2: Subject site

Source: Author

The existing façade to High Street features a glazed bifold shopfront with a batten parapet above. A metal awning extends over across the northern section of the front setback to High Street, which provides weather protection for the outdoor dining area and the entry to the pedestrian link. A business identification sign is mounted to the parapet and 'The Eye on High' public artwork is affixed to the supporting post of the awning and extends over the High Street footpath.

The existing building has historically been occupied by a food and drink premises (café/restaurant) fronting High Street, operating under the business name of 'The Pavillion'. This business ceased trading after extensive damage from a building fire in August 2023. The business has remained closed since this fire and the condition of the building has further deteriorated. The rear of the site was historically used for the purposes of a landscaping gardening supplies store, as approved under Planning Permit D/67/2001. This business is no longer in operation, with the rear of the site now vacant and not used by any businesses. The historic permit also included approval for a retail premises (in the tenancy at 319 High Street, Northcote), which is currently occupied by a real estate agency. The rear of the site features a large open and unused area, with wire mesh screen extending along the rear boundary of the site to Little Eastment Street.

No car parking is provided on the subject site, with the original Planning Permit D/67/2001 approving a full waiver of the car parking requirements.



Figure 3: Rear of subject site, as viewed from Little Eastment Street

Source: Author

1.2 Overview of Surrounding Area

To the north of the site, on the opposite side of the pedestrian link, is 329 High Street which comprises a two-storey commercial building used for the purposes of a restaurant ('Taos Dumplings'). The building is constructed of brickwork and features a large parapet to High Street with a business identification signage. A covered outdoor dining area is located at the rear of the site.

To the south of the site is No. 319 High Street which forms part of Planning Permit D/67/2001 and is occupied by a real estate office. The building is built to the High Street boundary and features extensive shopfront glazing at ground floor and a horizontal batten parapet above a cantilevered footpath awning.

To the east of the site, on the opposite side of High Street, are a combination of double storey Victorian commercial buildings built to the High Street boundary which feature cantilevered awnings and under canopy business identification signage. The buildings are used for a variety of commercial purposes, including a law firm, retail premises and a psychologist office.

To the west of the site is Little Eastment Street, which includes a large car park area, accessed from Arthurlton Road. The car park provides parking for staff and customers of the commercial buildings along High Street and within the Northcote Activity Centre. On the opposite side of Little Eastment Street and the car park area are several residential properties located in the Neighbourhood Residential Zone, which front Helen Street and include both single and double storey dwellings.

The subject site is located within the wider Northcote Activity Centre. The Activity Centre is characterised by a strong mix of commercial uses fronting the High Street corridor. Buildings are predominantly single or double storey in scale and feature large shopfront parapets with business identification signage provided either on the parapet edge or below the parapets. Buildings generally feature a large extent of glazing to High Street. Buildings along High Street accommodate a wide range of uses, generally including food and drink premises, retail premises, and offices. The High Street corridor to the north and south feature a mix of Victorian and Edwardian shopfronts along more contemporary architecture.

Commercial properties fronting High Street with rear access to Little Eastment Street generally include rear loading and waste storage facilities along this interface. Commercial buildings along High Street are typically provided with no customer car parking. It is noted that many of the buildings abutting Little Eastment Street utilise the public car parking available at this interface.



Figure 4: Sites to the south

Source: Author



Figure 5: Sites to the north

Source: Author



Figure 6: View of subject site within High Street streetscape

Source: Author

On-street parking is restricted on both sides of High Street, with 1 hour parking restrictions midweek between 8:00am – 6:00pm and on Saturdays. The car park at the rear of the site along Little Eastment Street includes 2-hour parking restrictions between 8:00am – 6:00pm midweek and 8:00am – 1:00pm on Saturdays, whilst surrounding residential streets immediately surrounding the subject site also include generally include parking restrictions, due to their proximity to Northcote Activity Centre.

The site is located within the Principal Public Transport Network Area (PPTN) and has excellent access to several public transport modes. The Route 86 tram operates along High Street, immediately abutting the subject site. The Route 11 tram along St Georges Road is located approximately 600 metres west of the subject site. The route 508 bus operates along Arthurton Road/Separation Street and several other bus routes are available in the immediately surrounding area. Northcote Train Station is located approximately 260 metres west of the site. The area is also well serviced by active transport modes, with portions of High Street featuring dedicated bicycle lanes and the St Georges Road bike path is located approximately 600 metres from the site.

A location plan forms **Appendix B** and a zoning map forms **Appendix C**.

2. PROPOSAL

The application seeks to amend Planning Permit D/67/2001, which was issued on 18 June 2001. The original permit allowed the *Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (café/restaurant with seating for 252 patrons, including alfresco dining to High Street)*. The amendments sought to the permit and endorsed plans would facilitate the re-use of the existing premises as a McDonalds convenience restaurant.

The following amendments are proposed to the Permit:

- Modification to the Permit preamble to enable the use of the land as a convenience restaurant, in lieu of the previously approved café/restaurant use.
- Deletion of Condition No. 2, which restricted the hours of operation of the previous use on the site to 6am to 3am (7 days a week).
- Deletion of Condition No. 3 of the Permit, which states that no exterior plant equipment on the roof is to be visible from the street.
- Deletion of Condition No. 5, which requires that the adjoining public walkway is to be closed off from public access outside of the hours of operation of the previous uses on the site.
- Deletion of Condition No. 8, which states that the premises must not be used as a live band venue or nightclub.
- Modifications to Condition No. 9, to update references to EPA noise guidelines to ensure that compliance is achieved with the latest EPA noise regulation requirements.

The following amendments are proposed to the Endorsed Plans:

- Refurbishment of the interior of tenancy 2 to facilitate the use of the premises as a convenience restaurant.
- Redevelopment of the front building façade to High Street through the incorporation of the following:

- New shopfront glazing.
- Deletion of the canopy in lieu of three (3) retractable umbrellas.
- New short wall and tinted glass to the outdoor dining area.
- Inclusion of landscaping planter boxes at the front of the site.
- Updated materials and colours.
- Redevelopment of the rear building façade which includes a new screened waste storage area, new gate, new rear fence and new rear loading bay area.

The proposed McDonalds restaurant does not include a drive-through facility. Customer car parking is not proposed to be provided on site as part of the amendment. The convenience restaurant is proposed to operate 24 hours a day, 7 days a week and includes a total of 108 seats across indoor and outdoor areas. Two new car parking spaces for staff are proposed at the rear of the site.

Two (2) business identification signs are proposed as follows, however neither sign requires planning permission:

- One (1) x McDonalds 'M' non-illuminated logo sign mounted to the front wall glazing (0.92 square metres).
- One (1) 'McDonalds' non illuminated business identification sign mounted on the front façade of the building (2.25 square metres).

The development plans form **Appendix D**.

2.1 Planning Permit History

The following permit has previously been approved for the subject site:

- Planning Permit D/67/2001 was approved on 18 June 2001 for '*Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (café/restaurant with seating for 252 patrons, including alfresco dining to High Street)*'.

It is noted that the landscaping gardening supplies tenancy approved under the original permit is no longer in operation. The retail tenancy at 319 High Street continues to operate as a real estate agency. The café/restaurant use ceased trading in August 2023 after extensive fire damage. Importantly, a full car parking waiver was approved under this Planning Permit.

The existing planning permit forms **Appendix E**.

2.2 Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Clause 34.01 Commercial 1 Zone	A permit is required under Clause 34.01-4 to construct a building or to construct or carry out works.
Clause 43.02 Design and Development Overlay – Schedule 14	A permit is required under Clause 43.02-2 to construct a building or construct or carry out works.

This amendment application **does not** trigger a requirement for a planning permit under the following provisions of the Darebin Planning Scheme:

- Clause 34.01-1 – Commercial 1 Zone: A permit is not required to use the land for the purpose of a ‘convenience restaurant’.
- Clause 52.05 – Signs: A permit is not required for the signage proposed.
- Clause 52.06 – Car Parking: A permit is not required for the car parking provision.

Given the above permit exemptions, the scope of assessment for this application is very limited. The only matters that trigger a permit and can be considered by Council are the minor buildings and works proposed to externally alter the existing premises.

3. CONSULTATION

3.1 Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing two (2) advertising signs on the subject site.

Notice of the proposal was sent to 260 owners and occupiers of adjoining properties within a 150-metre radius of the subject site. Council has received 110 objections against the application, including three (3) petitions. A map identifying the extent of advertising is provided at **Appendix F**. Objections were received from owners and occupiers of properties within and outside of the 150-metre advertising radius.

3.2 Objections Summarised

The key issues raised in objections include:

- Potential adverse impacts of a convenience restaurant on the cultural identity and character of the surrounding area.
- Potential economic and social impacts of a convenience restaurant on surrounding businesses and the surrounding area.
- Potential public health and community wellbeing concerns associated with the operation of a convenience restaurant.
- Potential traffic congestion and car parking availability concerns resulting from the proposed use.
- Potential waste and environmental impacts associated with the operation of a convenience restaurant.
- Adverse amenity impacts resulting from the use (and operating hours) on surrounding businesses and residential areas, including noise, lighting, odours, patron management.
- Ethical concerns associated with large multinational corporations.
- Proximity of schools to the proposed convenience restaurant.
- A McDonalds restaurant fails to add to the diversity of uses along High Street.
- Concerns regarding sustainability principles of the convenience restaurant chain.
- Potential for increased graffiti in the surrounding area as a result of the proposed convenience restaurant.

- Devaluation of property prices.
- Poor business and employment practices associated with the proposed convenience restaurant business
- Potential amenity impacts resulting from the proposed 24 hour, 7 days a week operation of the convenience restaurant.
- Oversaturation of McDonalds restaurants in the surrounding area.
- Safety hazards associated with waste collection and deliveries via the rear car park
- Increased stress levels for surrounding property owners
- Proposal will set a precedent for the establishment of other fast-food chains.
- Adverse impacts to surrounding heritage character.
- Inappropriate business identification signage.
- Increased vehicle and pedestrian accidents.
- Building is incompatible with the existing streetscape.
- Concerns associated with the removal of the adjoining public walkway.
- Pedestrian safety concerns near tram stop.
- The proposed convenience restaurant will detract from the vibrancy of the surrounding area.
- Safety concerns associated with uber eats delivery drivers and pedestrians.
- Illegal short-term parking of cars for the picking up of takeaway orders.
- Adjoining public walkway maintenance issues.
- The proposed convenience restaurant does not support the values of Darebin Council.
- Inconsistent with policies contained in the Darebin Planning Scheme.
- Poor integration of the building with the streetscape and lack of landscaping.
- Unsafe working conditions for prospective staff of the convenience restaurant.

4. REFERRALS

The proposal was referred to the following internal departments of Council:

Internal Business Unit	Comments
Operations and Waste Unit	Supports the application, with no concerns raised in relation to the overall waste management practices for the use. Use of a private waste contractor for waste collection, proposed number of bins, waste collection times and frequencies were all supported. Support the comments received in relation to waste management from the Sustainable Transport Unit. Officer's Comments: Subject to amendments to the submitted Waste Management Plan in relation to delivery times (see comments from the Sustainable Transport Unit below), waste management matters relating to the proposed use of the land are satisfactorily addressed in the application.
Sustainable	Supports the proposal, subject to conditions.

Internal Business Unit	Comments
Transport Unit	The Sustainable Transport Unit agreed that the application is exempt from the car parking requirements under Clause 52.06 of the Darebin Planning Scheme. The application provides six (6) bicycle parking spaces which meets the requirements under Clause 52.34. Provision of two (2) staff car parking spaces is supported. Some concerns were raised regarding potential traffic impacts associated with deliveries to the site and waste collection within the Little Eastment Street/Car Park area. The Sustainable Transport Unit advised that trucks traversing along Little Eastment Street may restrict two-way vehicle movement. Swept path diagrams of vehicles utilising car parking spaces, trucks undertaking deliveries and waste collection trucks all comply with relevant Australian standards. Officer's Comments: In considering the concerns raised, officers reviewed the submitted car parking survey for Little Eastment Street. It was agreed with the Sustainable Transport Unit that deliveries and waste collection associated with the use should be undertaken between 7:00am and 10:00am, which are the off-peak times for the car park. Conditions will be included on any amended permit issued for the proposal, which will require the Waste Management Plan be updated confirm these requirements. Additional details will also be required in relation to the sizes of the delivery trucks and the frequencies of the deliveries, to be consistent with loading specification details provided in the Transport Impact Assessment. It is noted that a separate Waste and Loading Management Plan was requested by the Sustainable Transport Unit. Given many related details are already contained within the submitted Waste Management Plan, these details will be required to be captured in an amended version of that document (to be required by condition of approval).
Urban Design Unit	Supports the application, subject to additional modifications. The deletion of the canopy in favour of the non-permanent umbrellas at the front of the site is supported as it will allow unobstructed views to the public artwork 'The Eye on High', however the number of umbrellas should be reduced to 2 to minimise visual clutter. The glass balustrades with landscaping planter boxes are supported, however a landscape plan should be provided to confirm the details and feasibility of the landscaping. The proposed business identification signage is supported, however the signage should be relocated to the southern side of the fascia to avoid obstructing the public artwork. The improvements to the interface to the adjoining public walkway are supported, however further changes should be made in relation to the addition of a mural on the walls within the walkway and the

Internal Business Unit	Comments
	incorporation of skylights should be added. The rear interface to the Little Eastment car park lacks activation, more active spaces should be located to face the carpark to improve amenity and safety. Officer's Comments: While the request to reduce the provision of umbrellas is noted, the provision of three (3) umbrellas is acceptable. The deletion of one umbrella would provide less of a sheltered/covered space in the front outdoor area which is not a desirable outcome. A condition of approval for any amended planning permit issued will request a detailed landscape plan. As the business identification signage does not require a planning permit there is no scope to seek modifications to this element of the proposal. There is also limited scope to request further changes within the pedestrian link, noting that this area is not part of the subject site and thus not part of this amendment application. Importantly, the interface to the walkway has been significantly improved through this application with the provision of glazing facing into this space. The minimal activation at the rear of the site, through the location of waste and loading facilities, is not fatal to the application, noting that the adjoining interface is a public car park with many similar interfaces for adjoining businesses as is proposed under this application. One (1) additional window has been provided to the carpark to provide some passive surveillance and given this interface will be largely concealed from the public realm, further modifications to the rear are not required.

5. PLANNING POLICY

5.1 Planning Policy:

The following policies are of most relevance to this application:

Planning Policy Framework (PPF)

- Clause 02.03-3 Environmental risks and amenity
- Clause 02.03-4 Built environment and heritage
- Clause 02.03-6 Economic development
- Clause 02.04-1 Strategic framework plan
- Clause 11.03-1S Activity Centres
- Clause 11.03-1R Activity Centres – Metropolitan Melbourne
- Clause 11.03-1L-01 Activity Centres
- Clause 11.03-1L-03 Northcote activity centre

- Clause 13.07-1S Land use compatibility
- Clause 13.05-1S Noise management
- Clause 15.01-1S Urban design
- Clause 15.01-1R Urban design – Metropolitan Melbourne
- Clause 15.01-1L-01 Urban design
- Clause 15.01-1L-02 Safe urban environments
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 17.01-1R Diversified economy – Metropolitan Melbourne
- Clause 17.02-1S Business

Zone:

- Clause 34.01 Commercial 1 Zone

Overlays:

- Clause 43.02 Design and Development Overlay – Schedule 14
- Clause 45.06 Development Contributions Plan Overlay – Schedule 1

Particular Provisions

- Clause 52.05 Signs
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities

Decision Guidelines

- Clause 65.01 Approval of an Application or Plan

Planning Scheme Amendments

There are no recent planning scheme amendments that would affect this application.

6. RESPONSE TO OBJECTORS CONCERNS

The following key issues raised by objectors are addressed in **Section 7** of this report:

- Potential adverse impacts of a convenience restaurant on the cultural identity and character of the surrounding area.
- Potential economic and social impacts of a convenience restaurant on surrounding businesses and the surrounding area.
- Potential traffic congestion concerns resulting from the proposed use.
- Adverse amenity impacts resulting from the use (and operating hours) on surrounding businesses and residential areas, including noise, lighting, odours, patron management.
- A McDonalds restaurant fails to add to the diversity of uses along High Street.
- Inappropriate business identification signage.
- Incompatibility of building with existing streetscape.

- A McDonalds restaurant will detract from the vibrancy of the area.
- Inconsistent with policies contained in the Darebin Planning Scheme.
- Poor integration of the building with the streetscape and lack of landscaping.

Other issues raised by objectors are addressed below:

Potential car parking availability concerns resulting from the proposed use

The car parking provision related to the proposed use is not a planning permit trigger under Clause 52.06 of the Planning Scheme. The existing permit allows for a full car parking waiver for the previous use of the land. As the rate of car parking associated with the proposed use is less than that of the originally approval use, a permit is not triggered under Clause 52.06 (Car Parking) of the Darebin Planning Scheme.

Notwithstanding this, the provision of no customer car parking for the proposed McDonalds is consistent with the centre-based approach to car parking for uses within an activity centre. A commonality of all planning policy associated with the Northcote Activity Centre is to reduce car dependency and to promote sustainable forms of transport. These are both facilitated by the site being supported by excellent access to public and active transport modes and excellent access to services. Activity centres are well equipped to handle fluctuations in availability of surrounding car parking, as these areas accommodate a high number of car parking spaces with short term restrictions, given the nature of how businesses in these areas are used by customers.

Potential waste and environmental impacts associated with the operation of a convenience restaurant

A Waste Management Plan has been provided with the application, which details how waste on the premises will be managed. This plan has been reviewed by Council's Operations and Waste Unit and is supported, subject to conditions included in the recommendation section of this report. The general amenity provision of the Commercial 1 Zone applies through many of Darebin and Melbourne's activity centres and provides the basis for enforcement against activities that cause local issues. Given the use is as-of-right, enforcement by Council is the only option available for addressing amenity concerns. Should waste generation off-site become a significant issue for this and any other similar as-of-right use, Council may be able to enforce against these issues using this general amenity provision.

Potential public health and community wellbeing concerns associated with the operation of a convenience restaurant.

The Darebin Planning Scheme does not include any decision guidelines or assessment criteria for Council to assess food and drink premises based on what types of food they offer. These concerns are outside the remit of the merits of this application.

Ethical concerns associated with large multinational corporations

Ethical concerns related to a particular business is not a relevant consideration in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

Oversaturation of McDonalds restaurants in the surrounding area.

The use of the site as a convenience restaurant does not require planning permission and the merits of the use cannot be considered by Council in this assessment. Where a proposed use of land is as-of-right, Council is unable to control or restrict the number of these uses in a particular area.

Proximity of schools to the convenience restaurant

The location of schools in the surround area is noted. Given that the use of the premises as a convenience restaurant does not require a planning permit under the Commercial 1 Zone, Council is only able to assess the proposed buildings and works which do trigger a permit. These buildings and works do not present any appreciable safety impacts in context of the schools proximate to the subject site.

Concerns regarding sustainability principles of the convenience restaurant chain

The value and principles of a business are not relevant considerations in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

Potential for increased graffiti in the surrounding area as a result of the proposed convenience restaurant

Vandalism of property is not a relevant consideration in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*. Any concerns relating to graffiti would be dealt with under Council's local laws and the Victoria Police.

Devaluation of property prices

Fluctuations in the property market is not a relevant consideration in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

Poor business and employment practices associated with the proposed convenience restaurant business

The business and employment models of particular businesses and how they treat and manage their staff are not relevant considerations in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*.

Potential amenity impacts resulting from the proposed 24 hour, 7 days a week operation of the convenience restaurant

As the use of the site as a convenience restaurant does not require a planning permit under the Commercial 1 Zone, Council is unable to restrict the hours of the operation of the restaurant. It is noted that permission is sought to delete the existing operating hours condition on the planning permit. Given the policy context relating to the as-of-right use in the Commercial 1 Zone, this existing condition is now redundant and unable to be enforced.

The general amenity provisions of the Commercial 1 Zone would allow Council to enforce against any adverse amenity impacts relating to emissions (noise, smell, fumes, wastewater, and oil etc) resulting from the proposed use. Any other more serious amenity concerns that occur on or around the site in the late-night hours will be required to comply with relevant EPA noise requirements and Council's local laws requirements. The application proposes to modify the existing noise related condition on the planning permit to ensure the wording is consistent with current EPA noise regulation requirements. Where relevant, Victoria Police would address any more serious incidents in the area, whether relating to this use or any other.

Increased stress levels for surrounding property owners

There is no evidence or precedent in decision making that would allow Council to determine that the proposal would result in adverse mental health impacts to surrounding property owners.

Proposal will set a precedent for the establishment of other fast-food chains

Each planning application must be assessed on a case-by-case basis, based on the individual merits of the application. This merits-based assessment takes place irrespective of what has previously been assessed and approved in the past. Should other fast-food restaurants wish to set up their businesses on High Street in the Commercial 1 Zone, then they are able to do so, subject to obtaining a planning permit, if required.

Adverse impacts to surrounding heritage character

The subject site is not located within a Heritage Overlay and therefore does not trigger an assessment against heritage matters under the Darebin Planning Scheme. The proposed buildings and works to the existing building are minor in nature and extent and are supported by Council's Urban Design Unit.

Increased vehicle and pedestrian accidents

The application is exempt from an assessment against Clause 52.06 (Car Parking) of the Darebin Planning Scheme. Council is therefore unable to assess or place restrictions on the proposed use in relation to car parking. Vehicle accidents are generally dependent on individual driver behaviour and this is not something that can be managed by this planning permit application. Should the application be approved, visitors to the site will be required to abide by all applicable traffic and parking regulations.

The proposed McDonalds restaurant does not include drive-through facilities and has no dedicated customer car parking. This is consistent with most other food and drink premises within Northcote Activity Centre and along High Street.

Safety hazards associated with waste collection and deliveries via the rear car park

Council's transport engineers have reviewed the submitted application, including the Waste Management Plan and swept path diagrams for vehicle movements in Little Eastment Street. These diagrams confirm that delivery and waste collection vehicles will be able to enter and exit this area in accordance with relevant Australian Standards. Furthermore, the diagrams show that deliveries and waste collection will be able to be undertaken wholly within the subject site. Council's transport engineers support the use of Little Eastment Street for provision of access to the waste collection and delivery area.

Based on analysis of the submitted car parking surveys undertaken for the Little Eastment Street car park, Council's traffic engineers have requested that deliveries and waste collection take place between 7:00am-10:00am. This will minimise potential congestion and safety issues as truck movements would occur when Little Eastment Street is least occupied. Conditions of approval would be placed on any amended permit issued to restrict waste collection and deliveries to and from the site to only be undertaken during these hours.

Removal of the adjoining public walkway

The pedestrian link between High Street and the car park along Little Eastment Street is not proposed to be removed as part of this amendment application.

Adjoining public walkway maintenance issues

The Section 173 agreement affecting the land requires that the landowner maintains and cleans the walkway daily to a standard acceptable to Council. The owner must also ensure that glazing from the premises to the walkway is maintained to provide casual surveillance of the walkway. Council notes the existing poor condition of the link, which demonstrate that these requirements have not been upheld recently by the property owner. In the process of considering this application, Council officers have sought improvements to the interface and amenity of the pedestrian link. The existing glazing is now proposed to be retained, painted finishes are proposed to the lower and upper sections walls to prevent graffiti, and additional overhead lighting and security cameras to be installed within the walkway.

Pedestrian safety concerns near tram stop

Pedestrian safety concerns associated with the movement of pedestrians along High Street and between venues near the subject site are not a relevant consideration in assessing the merits of this planning application.

Safety concerns associated with uber eats delivery drivers and pedestrians

Safety concerns associated with food delivery service drivers visiting the proposed convenience restaurant are no different to those for any other food and drink premises within the surrounding area. Council's Sustainable Transport Unit have not raised any concerns in this regard.

Illegal short-term parking of cars for the picking up of takeaway orders

Illegal parking is not a relevant consideration in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*. These matters would be addressed by Council's parking enforcement unit or by Victoria Police as necessary.

The proposed convenience restaurant does not support the values of Darebin Council

This planning application is only able to be assessed against the applicable policies contained within the Darebin Planning Scheme. Section 7 of this report outlines the alignment of this application against policies contained within the Planning Policy Framework of the Darebin Planning Scheme, which includes several local policies specific to Darebin.

Unsafe working conditions for prospective staff of the convenience restaurant

The working conditions of staff are not relevant considerations in assessing the merits of this planning application under the provisions of the Darebin Planning Scheme and the *Planning and Environment Act (1987)*. *Those matters are regulated by other agencies, such as Worksafe Victoria.*

7. PLANNING ASSESSMENT

7.1 What matters can and cannot be considered under the Darebin Planning Scheme when assessing this amendment application?

Use of the land (no permit required)

The purpose of the Commercial 1 Zone is, amongst other things, *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. Strategies to fulfill this purpose include nominating certain uses as ‘Section 1 uses’ where a permit is not required.

A McDonalds restaurant is defined under the Darebin Planning Scheme as a ‘convenience restaurant’, which under the Commercial 1 Zone is an as-of-right (no permit required) use. Consequently, Council does not have the ability to vary the nature of the proposed use or more broadly, to refuse the proposal on the basis of the type of use proposed.

The Commercial 1 Zone does not prejudice the types of food and drink premises that are permissible. A planning permit for use is not required for any type of food and drinks premises in the Commercial 1 Zone, regardless of whether the food and drink premises is a large multinational corporation or a small family-owned business. This is true for all planning schemes in Victoria in the context of the Commercial 1 Zone, not just the Darebin Planning Scheme. Such planning permit exemptions exist to promote specific outcomes and assist in achieving the purpose of the zone.

Concerns have been raised in relation to the detrimental impacts that the operation of a McDonalds restaurant may have on the cultural identity of the surrounding area on High Street and that it will be out of character to the surrounding area. Given the use does not require a planning permit under the Commercial 1 Zone, Council has no ability to consider these concerns. The cultural identity of High Street is created by the businesses that choose to operate in the area. Many of these businesses operate without the need for planning permission, as is the case with this application.

Objector concerns regarding the impacts of the operation of the proposed convenience restaurant on the character of the surrounding area and potential impacts to businesses and residential properties are understood. Where these concerns solely relate to the use and operation, Council cannot afford any weight to their consideration in this assessment as the use does not require a permit. The limited scope of Councils assessment relates to the building alterations (buildings and works) and those matters are assessed below.

Car Parking (no permit required)

Clause 52.06-3 (Car Parking) of the Darebin Planning Scheme states that a permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- *The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.*

- *The number of car parking spaces currently provided with the existing use is not reduced after the new use commences.*

As this application requires less car parking spaces to be provided than what was previously waived in association with the previous uses, and the number of car parking spaces on site is not being reduced, a planning permit is not required for the waiver of the car parking requirements.

- The existing use of the site was for a café/restaurant, landscaping gardening supplies store and a retail store. Those uses generated a car parking requirement of 18 spaces and a full car parking waiver was approved under the original planning permit.
- The proposed use of the site for a convenience restaurant would normally require that a minimum of 14 car parking spaces be provided. Two (2) staff car parking spaces have been provided at the rear of the site, meaning a shortfall of 12 spaces.
- As the shortfall of 12 spaces is less than the shortfall of 18 spaces already approved, no permit is required in this instance.

Council is unable to consider any car parking related impacts associated with this amendment application.

Signage (no permit required)

Signage requirements are addressed under Clause 52.05 (Signs) of the Darebin Planning Scheme. Land within the Commercial 1 Zone is identified as Category 1 (Commercial Areas - Minimum limitation). Under this category, non-illuminated business identification signs do not require a planning permit if the total display area of all signs to each premises does not exceed 8 square metres in size.

The application proposes two (2) non-illuminated business identification signs at the High Street Frontage. These non-illuminated signs have a total area of 3.17 square metres and so planning permission is not required for the proposed signs. Council therefore has no ability to consider or restrict the impacts of the proposed signs in the assessment of this application.

Condition No. 10 of the existing Permit states '*Signs, including advertising detail, shall be the subject of further planning approval under the Darebin Planning Scheme*'. Given there is no permit trigger for signage under this amendment application, it is proposed to delete this condition as it is now redundant. Future additional signage to the premises would require an amendment to the endorsed plans under this application should it be approved. Were the total cumulative area of signs on the premises to exceed 8 square metres (or if a sign requiring a permit was proposed), additional approval would be required from Council.

Buildings and works

The external buildings and works to the façade of the existing building to High Street and the works to the rear of the site facing Little Eastment Street are the only applicable planning permit trigger for this application. These buildings and works must be considered and assessed under the applicable objectives and decision guidelines of the Commercial 1 Zone and Schedule 14 to the Design and Development Overlay. These matters are addressed at Section 7.3 of this report below.

Removal of Condition No. 8

The applicant proposes deletion of Condition No. 8 in relation to the restriction of the premises to be used as a live band venue or nightclub. This is an acceptable alteration as a nightclub is a different use and would require a planning permit in its own right. Additionally, Clause 53.06 Live Music Entertainment Venues is a more recent addition to the Planning Scheme. It provides requirements for uses to comply with, if they operate as such, and removal of this condition ensures there is no conflict with that policy.

7.2 Does the proposal have strategic policy support?Planning Policy Framework

Of relevance to this application are the following policies contained within the Planning Policy Framework:

- Clause 02.03-3 (Environmental risks and amenity) seeks to manage potential conflicts between commercial and residential land uses.
- Clause 02.03-4 (Built environment and heritage) seeks to promote high-quality urban design in development, including activity centres and industrial/employment precincts.
- Clause 02.03-6 (Economic Development) seeks to encourage use and development that facilitates investment in retail, institutional and hospitality sectors.
- Clause 02.04-1 (Strategic framework plan) locates the subject site within Northcote Activity Centre.
- Clause 11.03-1L-03 (Northcote activity centre) seeks to reinforce High Street as the core retail and commercial activity spine, to encourage a diversity of uses, encourage a mix of uses that provide for a range of day and night time activities and to encourage convenience retailing around the intersection of High Street and Separation Street/Arthurlton Road.
- Clause 13.05-1S (Noise management) seeks to manage noise effects on sensitive land uses.
- Clause 13.07-1S (Land use compatibility) seeks to that use or development of land is compatible with adjoining and nearby land uses.
- Clause 15.01-1S (Urban design) and Clause 15.01-1L-01 (Urban design) seeks to require development respond to its surrounding character, promote good urban design along transport corridors and to encourage efficient and attractive design outcomes.
- Clause 15.01-1L-02 (Safe urban environments) seeks to promote safety through well-designed urban environments.
- Clause 15.01-2S (Building design) seeks to provide and achieve building design that contributes positively to the local context and enhance the public realm.
- Clause 17.01-1R (Diversified economy – Metropolitan Melbourne) seeks to support diverse employment generating uses where compatible with adjacent uses and well connected to transport networks.
- Clause 17.02-1S (Business) seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services and to locate these uses and services in existing or planned activity centres.

The proposed amendment application is afforded broad policy support, as the proposal will facilitate the establishment of a convenience restaurant, which is an as-of-right use in the Commercial 1 Zone.

The use is proposed in a well-established commercial precinct that is located centrally within the Northcote Activity Centre. The proposal aligns with the core objectives of the Northcote Activity Centre, which seeks to encourage a diversity of uses and convenience retailing around the intersection of High Street/Arthurton Road.

The proposed buildings and works to facilitate the convenience restaurant will ensure that the building contributes positively to the core retail and commercial activity spine of High Street. The proposal is compatible with adjoining and surrounding commercial premises located in the activity centre.

Residential properties are located a substantial distance from the subject site, which provides an adequate buffer when considering potential emissions related impacts associated with the use (e.g. noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil).

The proposal will contribute to the local economy within the Northcote Activity Centre by providing access to additional employment opportunities and through diversification of the commercial uses in the area. The buildings and works to the existing building would result in a simplified and contemporary architectural design response that significantly improves the existing condition and presentation of the premises. These works will improve the condition of the currently deteriorated and damaged building and will assist in providing a building that contributes positively to the surrounding local context and the public realm.

7.3 Are the proposed buildings and works consistent with the Commercial 1 Zone and the Design and Development Overlay?

Commercial 1 Zone

The relevant purpose for the Commercial 1 Zone seeks to:

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

The proposed buildings and works to the existing premises will improve the condition of the damaged and deteriorated structure. Works to address fire damage and to establish the proposed as-of-right use will allow the premises to better integrate with surrounding commercial buildings and contribute positively to the vibrancy of the surrounding area.

The proposed buildings and works to the façade and rear of the existing building are compatible with adjoining sites located in the Commercial 1 Zone. The updates to the front façade are consistent with façade treatments of other food and drink premises in the area. The works to the rear of the site, including the addition of loading and waste storage areas, are typical of commercial sites in the surrounding area, particularly those sites that share a direct interface with Little Eastment Street/the public carpark.

Properties located in the Neighbourhood Residential Zone (NRZ) to the rear (west) of the site are provided a substantial setback buffer from the subject site, being the Little Eastment Street and the carpark. Minimal works are proposed at the rear of the site, with this area largely to be used for loading and waste storage. While properties in the NRZ may experience some conflict with the activities proposed to occur at the rear of the site (waste collection and deliveries), this is typical for all commercial properties abutting Little Eastment Street. There is no viable alternative for deliveries and waste management to occur for the proposed use (nor for any other established commercial uses fronting High Street in this area).

Should the amendment be supported, conditions of approval will require waste collections and deliveries to be undertaken during non-peak periods, to minimise potential impacts to other users of Little Eastment Street, neighbouring commercial properties, and nearby residential areas.

The proposed works include the deletion of the canopy over the outdoor dining area at the front of the premises, in favour of three (3) non-permanent café umbrellas. The deletion of the canopy to the premises is a positive modification to the existing building, which will assist in providing clear sightlines and unobstructed views to 'The Eye on High' artwork. The proposed shopfront glazing and updated materials and colours palette will simplify presentation of the building and assist with activation of the premises within the streetscape.

Landscaping planter boxes are proposed behind the front wall of the outdoor dining area at the front of the site. These will assist in breaking up the built form and will provide visual interest at the High Street façade. The works to the rear of the site will not result in any meaningful activation at this boundary, however this is acceptable given the adjoining interface is a public carpark and the rear of the site is dedicated to waste storage, deliveries and car parking areas (as is the case for most other commercial uses in this area fronting High Street).



Figure 7: 3D View of proposed façade including views to the 'Eye on High' public artwork

Design and Development Overlay – Schedule 14

The subject site is located in Schedule 14 to the Design and Development Overlay (DDO-14) which relates to 'Northcote Major Activity Centre'. This Design and Development Overlay includes built form controls only, with the use of buildings not an applicable consideration under the design objectives or requirements of the overlay.

The site is located within Precinct A2 (Central Northcote). In this precinct the DDO-14 seeks to encourage new development to provide an integrated public, pedestrian and street-based retail edge, ground floor activation to the street and passive surveillance to adjoining pedestrian thoroughfares.

The proposed buildings and works do not seek to alter the existing building footprint, with modifications proposed only to the front façade and rear of the site. The proposed buildings and works will improve ground floor activation and passive surveillance, through the provision of additional glazing to High Street and the pedestrian link adjoining the site. It is

noted that the Section 173 Agreement affecting the site requires for passive surveillance to be provided along the adjoining pedestrian link. The current interface of the existing premises to the pedestrian link has been boarded up following damage to the building and is contrary to the requirements of the agreement.



Figure 8: 3D View of interface of the premises to adjoining public walkway

In discussions with the applicant following lodgement of the amendment application, officers sought various improvements to the design of the proposed buildings and works. The changes to the design include the deletion of the canopy to allow unobstructed views to the public artwork, incorporation of a more consistent material and colour palette across the front façade of the building, provision of landscaping planter boxes at the front of the site to assist with breaking up the built form, and the retention of the glazing to the public walkway. Council's Urban Design Unit support these changes, and the permit applicant amended the proposal to incorporate these improvements.

The buildings and works to the rear of the site are not visible from High Street and are largely to accommodate waste, service and loading bay areas. These service areas are sufficiently incorporated into the design of the building and will have minimal design or built form impacts to the surrounding area.

The visible proposed changes to the façade of the existing building would result in an acceptable architectural design response. The works will provide a contemporary and simple design, which will ensure that the existing building aligns more appropriately with the surrounding area and provide a positive addition to the streetscape.

7.4 What impact would the proposal have on traffic and vehicle congestion in the local area?

The application proposes to replace a previous restaurant/café that currently has planning approval for up to 252 patrons (in operation until 2023). The proposed capacity of the convenience restaurant is significantly less than the previous restaurant/café, at 112 patrons. While the previous café/restaurant has not been in operation since 2023, this still provides an important comparison and consideration. The proposed convenience restaurant has significantly reduced maximum patron numbers, which would likely result in a minimisation of potential traffic impacts in the surrounding area.

The proposed convenience restaurant does not include drive-through facilities and no dedicated customer car parking is proposed on site. Two (2) car parking spaces are proposed to be located at the rear of the site for the use of staff only. By limiting on-site parking to staff only and providing no drive-through facilities and no car parking for

customers, the proposal will support the use of alternative modes of transport (public and active transport) for access to and from the premises.

The site's location in Northcote Activity Centre encourages travel by public transport, walking and cycling. This is consistent with policy objectives within the Northcote Activity Centre, which seeks to encourage a diversity of uses focused on walking, cycling and public transport as the preferred forms of access. This is further supported by the site's locational attributes, with excellent proximity to Northcote Train Station, tram stops along High Street and St Georges Road, bus stops along Arthurlton Road/Separation Street, bicycle paths along St Georges Road and High Street and the walkability of Northcote where daily errands do not require a vehicle. The absence of customer car parking infrastructure on the site and the locational attributes of the site will assist with minimising vehicle use and associated traffic impacts associated with the proposed convenience restaurant.

The majority of other food and drink premises (and other commercial uses) within the surrounding area in the Northcote Activity Centre also do not feature on-site car parking for customers. There are several public carparks and on-street timed parking in the surrounding area, all with short term parking restrictions. These ensure there is a constant flow of traffic through the area and various options for visitors to park their car.

The percentage of customers specifically driving to the proposed convenience restaurant is likely to be low, given the lack of car parking and also the nature of how McDonalds and other convenience style restaurants operate.. Council's Sustainable Transport Unit have concluded that the nature of the proposed use is *likely to serve the immediate needs of local residents, employees, commuters, and visitors to other facilities within the Northcote Activity Centre*.

Furthermore, the availability of other McDonalds restaurants in the northern suburbs of Melbourne that provide dedicated car parking and drive-through facilities (e.g. Clifton Hill and Bell Street) are more likely to attract users requiring or preferring car parking access and related facilities.

Council's Sustainable Transport Unit have not raised any concerns arising from the proposed use in relation to traffic impacts or car parking availability in the surrounding area. In relation to potential traffic impacts to the rear of the site, the applicants swept path indicate that manoeuvrability of waste collection trucks and supply trucks will be accommodated in the rear loading bay area. Manoeuvres will be completed entirely within the subject site itself, without impacting the car parking spaces within the rear car park.

The Sustainable Transport Unit have raised some concerns in relation to the potential restriction of two-way vehicle movement along Little Eastment Street during deliveries and waste collection. Although the applicant indicates that deliveries would be undertaken by large delivery trucks a maximum of two times per week, additional restrictions can further mitigate impacts. As per the car parking surveys, the rear car park is least busy between 7:00am – 10:00am. Conditions are therefore recommended to be included on any amended permit requiring the Waste Management Plan (WMP) be updated to restrict waste collections to only be undertaken during these time periods and at a twice weekly frequency.

Other specific loading/unloading details will also be required in the updated WMP as per comments from the Sustainable Transport Unit. Subject to these conditions, traffic and vehicle congestion matters for the proposed convenience restaurant will be appropriately managed.

8. CONCLUSION

Given the limited scope of assessment available to Council in respect of the proposed McDonalds 'convenience restaurant', it is recommended that the proposed buildings and works be approved. The use is an as-of-right (no permit required) use and matters relating to car parking and business identification signage are also exempt from requiring planning permission.

On the balance of the applicable policies and controls within the Darebin Planning Scheme, it is recommended that a Notice of Decision to Amend a Planning Permit D/67/2001/C be issued, subject to the conditions included in the recommendation of this report and that Council resolve that the buildings and works proposed are satisfactory for the reasons set out in the assessment above.

It is also recommended that Council notes the number and extent of objections received from the surrounding community in relation to matters proposed that do not require planning permission. While the concerns raised by the community in these objections are noted, in the current regulatory framework applicable to the site, they primarily sit outside the scope of assessment available to Council.

POLICY IMPLICATIONS

Environmental Sustainability

Council's Environmentally Sustainable Development policy at Clause 15.01-2L-01 is not applicable in this instance as the alterations are relatively self-contained and predominately internal.

The following environmental concerns have been raised and addressed in Section 6 'Response to Objectors concern' above:

- Potential waste and environmental impacts associated with the operation of a convenience restaurant
- Concerns regarding sustainability principles of the convenience restaurant chain

Social Inclusion and Diversity

The following social inclusion and diversity concerns have been raised and addressed in Section 6 'Response to Objectors concern' above:

- Potential public health and community wellbeing concerns associated with the operation of a convenience restaurant.
- Ethical concerns associated with large multinational corporations
- Proximity of schools to the convenience restaurant
- Potential for increased graffiti in the surrounding area as a result of the proposed convenience restaurant
- Potential amenity impacts resulting from the proposed 24 hour, 7 days a week operation of the convenience restaurant
- Increased stress levels for surrounding property owners

Unsafe working conditions for prospective staff of the convenience restaurant

Other

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil.

RELATED DOCUMENTS

Nil.

APPENDICES

- Appendix A - Section 173 Agreement - 323 High Street Northcote - D/67/2001/C (**Appendix A**) [↓](#) 
- Appendix B - Location Map - 323 High Street Northcote - D/67/2001/C (**Appendix B**) [↓](#) 
- Appendix C - Zoning Map - 323 High Street Northcote - D/67/2001/C (**Appendix C**) [↓](#) 
- Appendix D - Development Plans - 323 High Street Northcote - D/67/2001/C (**Appendix D**) [↓](#) 
- Appendix E - Existing Planning Permit - 323 High Street Northcote - D/67/2001/C (**Appendix E**) [↓](#) 
- Appendix F - Extent of Advertising Map - 323 High Street Northcote - D/67/2001/C (**Appendix F**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



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FORM 13

Section 181

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A
RECORDING OF AN AGREEMENT*Planning and Environment Act 1987*

Lodged at the Land Titles Office by:



Name: Maddocks
Phone: 9288 0555
Address: 140 William Street, Melbourne 3000 or DX 259 Melbourne
Ref: MAN:5031139 *letter from ADV: AD to proceed* **Customer Code:** 1167E

The Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register for the land.

Land: Volume 10714 Folio 792

Authority: Darebin City Council of 274 Gower Street, Preston, 3072

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*.

A copy of the agreement is attached to this application

Signature for the Authority:

X Nerina Di Lorenzo

Name of officer:

X NERINA DI LORENZO

Office held:

X SENIOR OFFICER - MANAGER ASSET STRATEGY

Date:

X 22nd June 2006

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AF314675B

04/09/2007 \$97 173



Date 22/6 /2006

**Maddocks**

Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666
Email info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne

Section 173 Agreement

Subject Land: 319-325 High Street, Northcote

Darebin City Council
andLloyd Martin Pty Ltd
ACN 096 630 741

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[5031139: 4438900v1]

Affiliated offices
Adelaide, Brisbane, Colombo, Dubai,
Hong Kong, Jakarta, Kuala Lumpur,
Manila, Mumbai, New Delhi, Perth,
Singapore, Sydney, Tianjin

AF314675B



TABLE OF CONTENTS

1. DEFINITIONS.....1

2. AGREEMENT UNDER SECTION 173 OF THE ACT2

3. EFFECT OF AGREEMENT.....2

4. OWNER'S WARRANTIES.....3

5. SUCCESSORS IN TITLE3

6. COVENANT'S OF OWNER.....3

7. COVENANT'S OF DAREBIN.....5

8. FURTHER COVENANTS OF OWNER5

9. GENERAL6

10. ENDING OF AGREEMENT6

11. NOTICES7

12. INTERPRETATION.....7

THIS AGREEMENT is made on

22 June

2006

BETWEEN

DAREBIN CITY COUNCIL
of 274 Gower Street, Preston, 3072, Victoria

AF314675B



("Council")

AND

LLOYD MARTIN PTY LTD ACN 096 630 741
of 183-187 Nicholson Street, East Brunswick, 3057,
Victoria

("Owner")

RECITALS

- A. The Owner is the registered proprietor of the subject land.
- B. The Council is the Responsible Authority pursuant to the Act for the Scheme. Darebin is the vendor of the subject land.
- C. The Owner has purchased the subject land from Darebin on condition that the Owner enters into an agreement pursuant to section 173 of the Act imposing conditions in respect of the use and development of the subject land.
- D. The subject land is encumbered by Mortgage No. *AES625006* in which National Australia Bank is named as the mortgagee.
- E. Council and the Owner have agreed that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

THE PARTIES AGREE

1. DEFINITIONS

In this Agreement unless expressed or implied to the contrary:

"Act" means the Planning and Environment Act 1987;

"Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement;

"approved" means approved by the Council;

"business day" means Monday to Friday excluding public holidays in Victoria;

"Contract of Sale" means a contract of sale made between Darebin as Vendor and the Owner as Purchaser for the sale to the Owner of the subject land;

"Darebin" means Council acting in its capacity as a Council but not as a responsible authority or a planning authority under the Act;

"Eye on High" means the fixture shown on the plan contained in Annexure B;

"Owner" means the person or persons from time to time registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the subject land or any part of it;

"Pedestrian Link" means the pedestrian link coloured pink on the plan contained in Annexure A;

"planning approval" means and includes any planning permit issued in accordance with the Act;

"public toilets" means the public toilets coloured red on the plan contained in Annexure A;

"Scheme" means the Darebin Planning Scheme;

"subject land" means the land in certificate of title volume 10714 folio 792 situated at 319-325 High Street, Northcote or any part of that land;

"the Termination Date" means the date upon which Darebin notifies the Owner in writing that Darebin no longer requires the Owner to comply with its obligations as specified in this Agreement.

2. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

3. EFFECT OF AGREEMENT

3.1 Effective Date

This Agreement is effective from the date of this Agreement.

3.2 Conditions

The Owner's use and development of the subject land is subject to the conditions and obligations set out in this Agreement which provide for the use or development of the subject land for the specified purposes and which are intended to achieve or advance the objectives of the Scheme.

3.3 Covenants

The Owner's obligations will take effect as separate and several covenants which will be annexed to and run at law and equity with the subject land to bind the Owner and each successor, assign or transferee of the Owner

[5031139: 4438900v1]

Darebin City Council Received 2-07-2025

AF314675B



including the registered proprietor, the mortgagee in possession and the beneficial owner for the time being of the subject land.

4. OWNER'S WARRANTIES

Without limiting the operation or effect of this Agreement, the Owner warrants that:

4.1 Interests

except for the parties to this Agreement, any mortgagee who has consented to this Agreement, and any other persons disclosed in writing to the Council before the signing of this Agreement, no other person (except for any tenants of the subject land) has any interest either legal or equitable in the subject land which may be affected by this Agreement or by development or use of the subject land pursuant to the Scheme or any permit or approved plan under the Scheme.

4.2 Covenants

the Owner has obtained all necessary authorities and consents to bind all other persons who have any interest either legal or equitable in the subject land.

5. SUCCESSORS IN TITLE

Without limiting the operation or effect of this Agreement, the Owner must ensure that, until this Agreement is recorded on the folio of the register which relates to the subject land, the Owner's successors in title will give effect to, do all acts and sign all documents requiring those successors to give effect to this Agreement and execute a deed agreeing to be bound by this Agreement.

6. COVENANT'S OF OWNER

The Owner covenants and agrees that:

6.1 Pedestrian Link

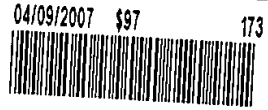
- 6.1.1 the Owner shall ensure that the Pedestrian Link is kept open to the general public as a public walkway, for at least the hours from 7am – 9pm, 7 days a week, excluding Christmas Day, New Year's Day, Good Friday, Christmas Eve after 6pm, New Year's Eve after 6pm, and any other days approved in writing by Darebin pursuant to clause 6.5;
- 6.1.2 the Owner shall maintain and clean the Pedestrian Link daily to a standard acceptable to Darebin;
- 6.1.3 the Owner shall ensure that the wall between Tenancy 2 and the Pedestrian Link shall remain at the height as at the date of this Agreement, to permit natural light into the Pedestrian Link and enable casual surveillance of the Pedestrian Link;

[5031139: 4438900v1]

Darebin City Council Received 2-07-2025

AF314675B



AF314675B**6.2 Public Toilets**

- 6.2.1 the Owner shall ensure that the Public Toilets are retained and used as public toilets at all times;
- 6.2.2 the Owner shall provide access to Darebin and its officers, employees, contractors or agents at all reasonable times over the subject land to enable Darebin to reach the maintenance box relevant to the Public Toilets for maintenance purposes;

6.3 Eye on High

- 6.3.1 the Owner shall ensure that the Eye on High remains fixed to the building on the subject land, unless its removal is authorised by Darebin;
- 6.3.2 the Owner shall undertake annual maintenance and repair to the Eye on High and shall use reasonable endeavours to engage the artist of the Eye on High – Simon Normand, to undertake such works;

6.4 Awnings

- 6.4.1 Darebin grants to the Owner a licence to occupy the awnings situated over the footpath shown coloured brown on the plan contained in Annexure A, subject to the Owner complying with its obligations under clauses 6.4.2, 6.4.3 and 6.4.4 of this Agreement.
- 6.4.2 the Owner shall maintain insurance in the joint names of the Owner and Darebin with an insurer approved by Darebin for public liability for the amount of \$10 million concerning one single event (or such greater sum as reasonably required by Darebin);
- 6.4.3 the Owner shall be responsible to maintain the awnings referred to in clause 6.4.1 to a standard acceptable to Darebin;
- 6.4.4 the Owner shall indemnify Darebin against all claims resulting from any damage, loss, death or injury in connection with the awnings referred to in clause 6.4.1.

6.5 Operating Hours of Tenancy 2

The Owner shall obtain the written approval from Darebin prior to making any decision in respect of a written request received from the tenant of Tenancy 2 of the subject land, for the closure of the premises under the lease, which approval may be withheld by Darebin in its absolute discretion.

AF314675B

04/09/2007 \$97 173

**7. COVENANT'S OF DAREBIN**

Darebin covenants and agrees that it shall be responsible for the payment of all utility services associated with the Public Toilets and the cleaning , maintenance and public liability insurance for the Public Toilets.

8. FURTHER COVENANTS OF OWNER**8.1 Rezoning**

The Owner covenants not to seek or support any change in the zoning of the subject land under the Scheme.

8.2 Notice

The Owner covenants to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

8.3 Compliance

The Owner covenants to:

8.3.1 comply with the requirements of all statutory authorities in relation to the development of the subject land;

8.3.2 comply with all relevant and applicable statutes, regulations, local laws and planning controls in relation to the subject land; and

8.3.3 comply with this Agreement.

8.4 Registration

The Owner covenants to:

8.4.1 consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the folio of the Register which relates to the subject land in accordance with Section 181 of the Act; and

8.4.2 do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

8.5 Mortgagee to be Bound

The Owner covenants to obtain the consent of any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes mortgagee in possession of the subject land.

6

AF314675B**8.6 Council's Costs to be Paid**

The Owner covenants to pay within 14 days of demand to the Council the Council's reasonable costs and expenses (including legal expenses) directly attributable to the enforcement of this Agreement following a default by the Owner under this Agreement.

8.7 Council Access

The Owner covenants to allow the Council and its officers, employees, contractors or agents or any of them, to enter the subject land (at any reasonable time) to assess compliance with this Agreement.

9. GENERAL**9.1 Further Assurance**

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

9.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

9.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement remain operative.

9.4 No Fettering of Council's Powers

This Agreement does not fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with any use or development of the subject land or the granting of any planning approval, the approval or certification of any plans of subdivision or consolidation applicable to the subject land or the issue of a Statement of Compliance in connection with any such plans.

10. ENDING OF AGREEMENT

10.1 This Agreement ends on the Termination Date.

10.2 As soon as reasonably practicable after the Termination Date, the Council must at the request of the Owner make application to the Registrar of Titles

under section 183(2) of the Act to cancel the recording of this Agreement on the register.

11. NOTICES

11.1 Service of Notice

A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- 11.1.1 personally on the party; or
- 11.1.2 by sending it by pre-paid post, addressed to that party at the address for service specified in this document or subsequently notified to each party;
- 11.1.3 by facsimile to the person's number for service specified in this document or subsequently notified to each party.

11.2 Time of Service

A notice or other communication is deemed served:

- 11.2.1 if served personally, upon service;
- 11.2.2 if posted within Australia to an Australian address, three business days after posting and in any other case, ten business days after posting;
- 11.2.3 if served by facsimile, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile; or
- 11.2.4 if received after 5.00 pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

12. INTERPRETATION

In this Agreement, unless expressed or implied to the contrary:

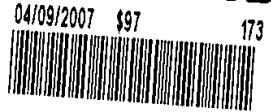
- 12.1 undefined terms or words have the meanings given in the Act;
- 12.2 the singular includes the plural and the plural includes the singular;
- 12.3 a reference to a gender includes a reference to the other genders;
- 12.4 a reference to a person includes a reference to a firm, corporation or other corporate body;
- 12.5 if a party consists of more than one person this Agreement binds them jointly and each of them severally;

- 12.6 a reference to a "planning scheme" or "the Scheme" includes any amendment, consolidation, or replacement of such scheme and any document incorporated by reference into such scheme;
- 12.7 a reference to a statute includes any statutes amending, consolidating or replacing those statutes and any regulations made under the statutes;
- 12.8 where, in this Agreement, the Council may exercise any power, duty or function, that power may be exercised on behalf of the Council by an authorised or delegated officer;
- 12.9 all headings are for ease of reference only and do not affect the interpretation of this Agreement;
- 12.10 the Recitals to this Agreement form part of this Agreement.
- 12.11 a reference in this Agreement to Darebin means a reference to Council in its capacity as owner of the subject land and not in its capacity as the Responsible Authority under the Planning Scheme. A reference in this Agreement to Council means a reference to Council in its capacity as the Responsible Authority under the Planning Scheme and not in its capacity as owner of the subject land;
- 12.12 wherever in this Agreement the consent or agreement of Darebin is required to be given, such consent must be in writing and must be given by Darebin acting as a Council not as the responsible authority or planning authority.

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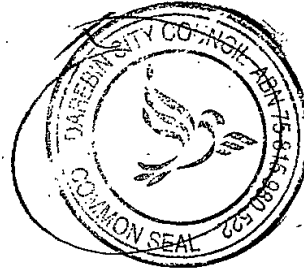
**Execution Page**

EXECUTED on

2006

THE COMMON SEAL of DAREBIN
CITY COUNCIL was affixed in the
presence of:

[Signature]
Chief Executive Officer



THE COMMON SEAL of ~~LLYOD~~
~~MARINT~~ PTY LTD ACN 096 630 741
was affixed in the presence of authorised
person:



[Signature]
DANIEL EL-FATHEI

[Signature]
KRAM A. EL-FATHEI

~~Sole~~ Director and ~~Sole~~ Company
Secretary

Full name

37 MITCHELL ST

1A KILMA GLE

Usual address

NORTHGATE VIC 3070

NORTHGATE VIC 3070

[Signature] Limited ABN. 12004 044 937 *[Signature]* unregistered
National Australia Bank as Mortgagee under Instrument of Mortgage No.
~~dated~~ which encumbers the subject land consents to the Owner entering
into this Agreement and agrees to be bound by the terms and conditions of this Agreement.

Executed on behalf of National Australia Bank Ltd
by its attorney Robert Barrie Watson under
Power of attorney dated 28/2/91 (a certified
copy of which is filed in Permanent Order Book
277 at page 3) who states that he holds
the office of the Bank indicated under his
signature in the presence of;

[Signature]
Bank Manager

[5031139: 4438900v1]

[Signature] Darebin City Council Received 2-07-2025
KATHERINE WANG
CREDIT ANALYST

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ANNEXURE A

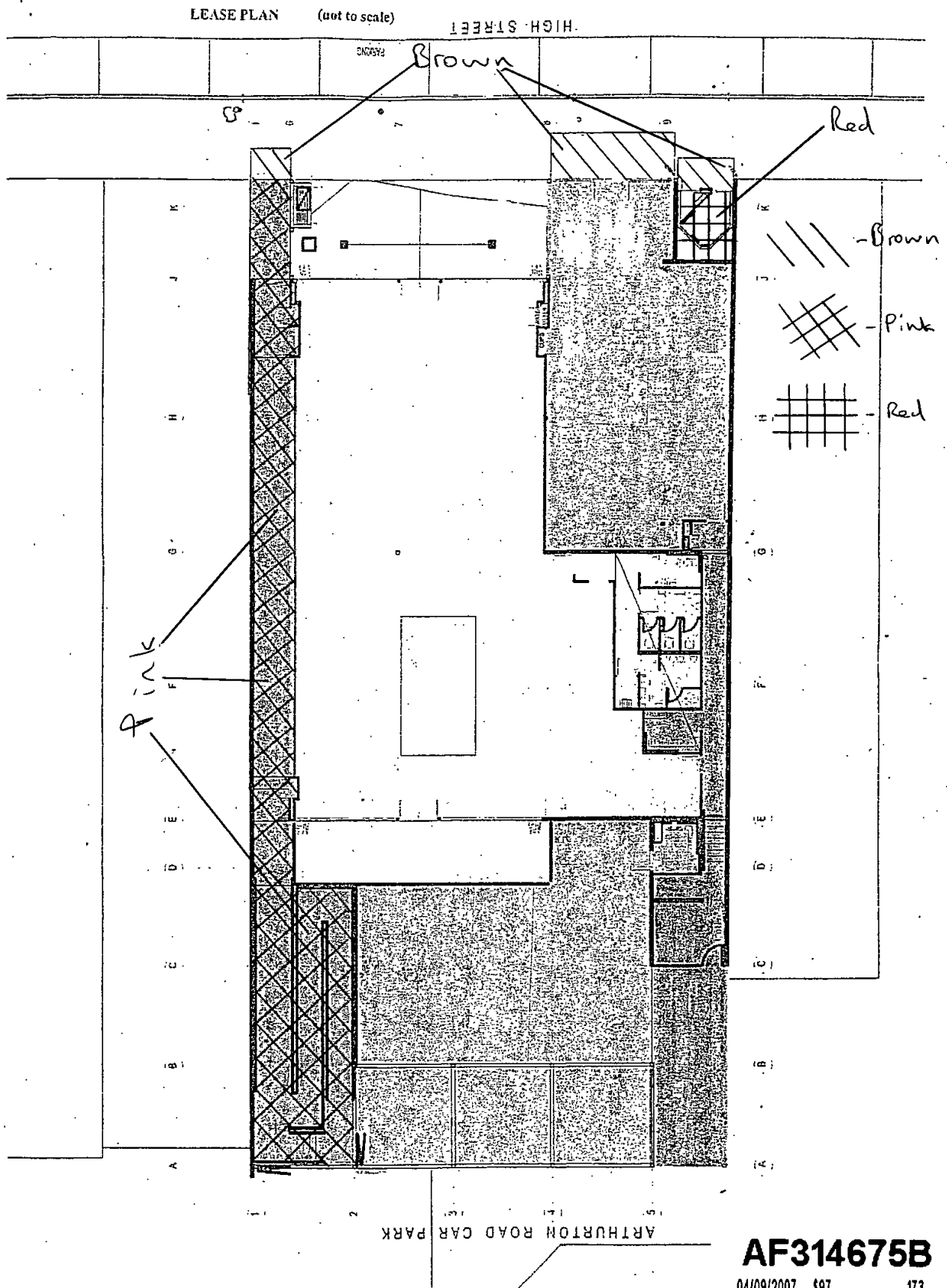
Plan



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04/09/2007 \$97 173



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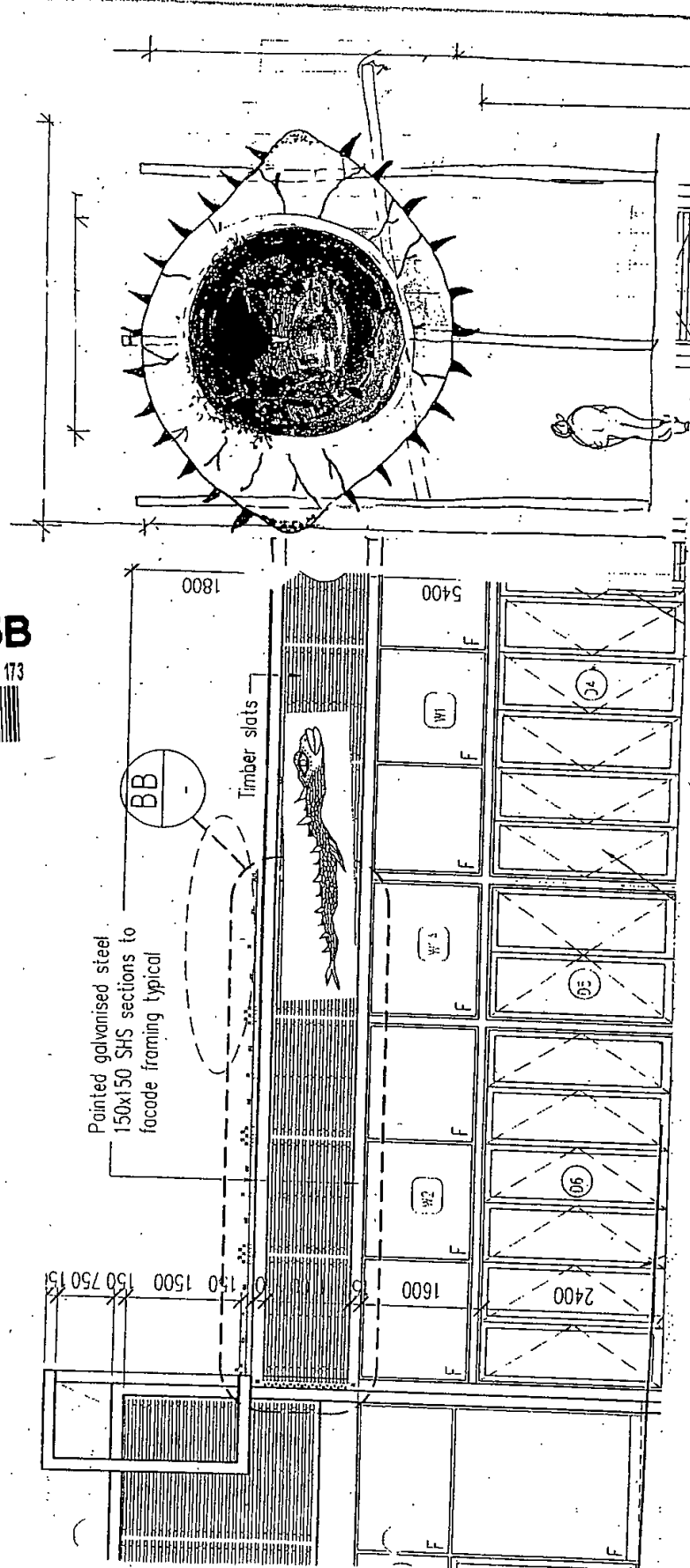
ANNEXURE B

Eye on High

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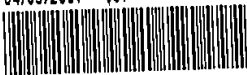
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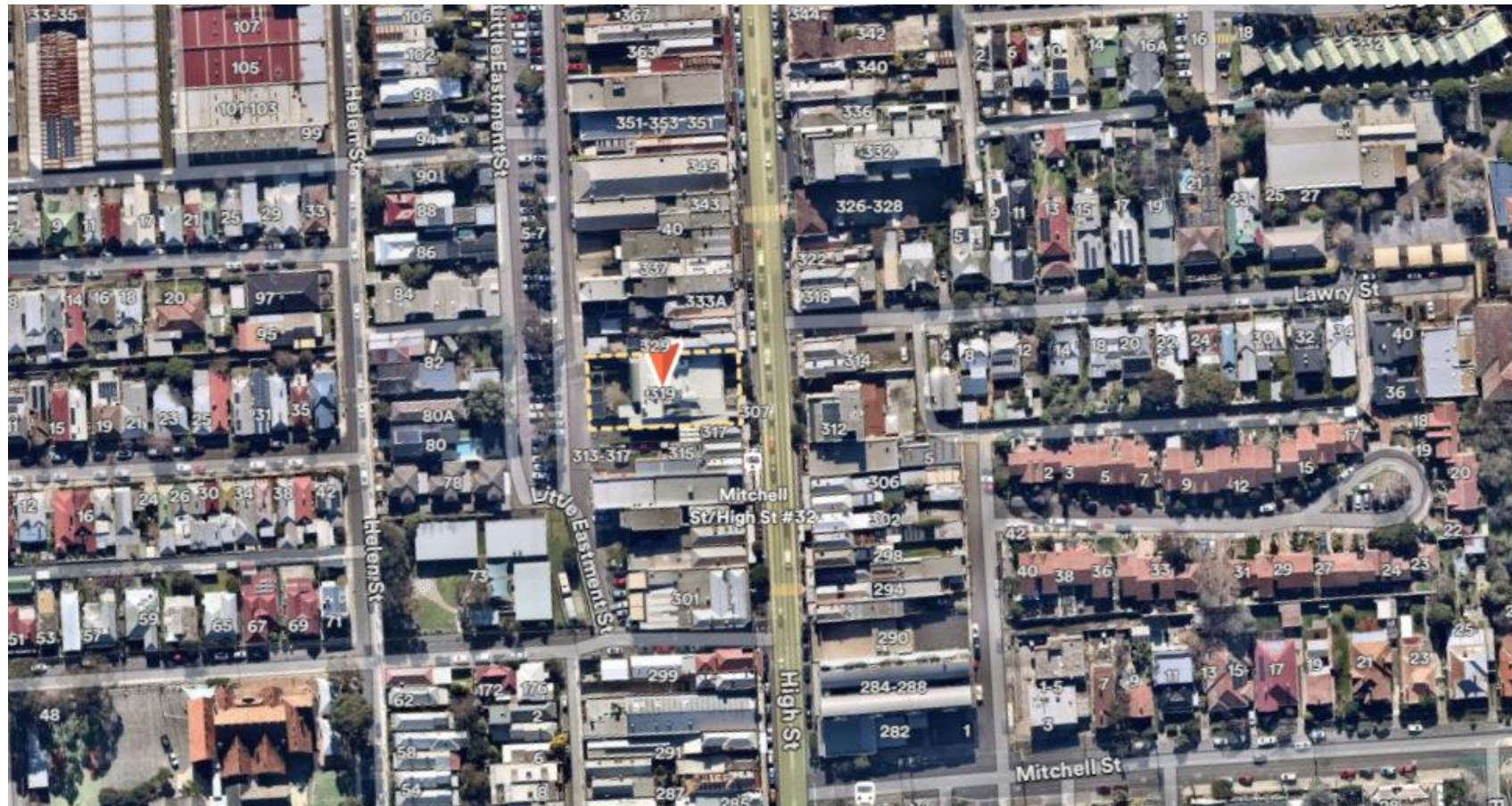
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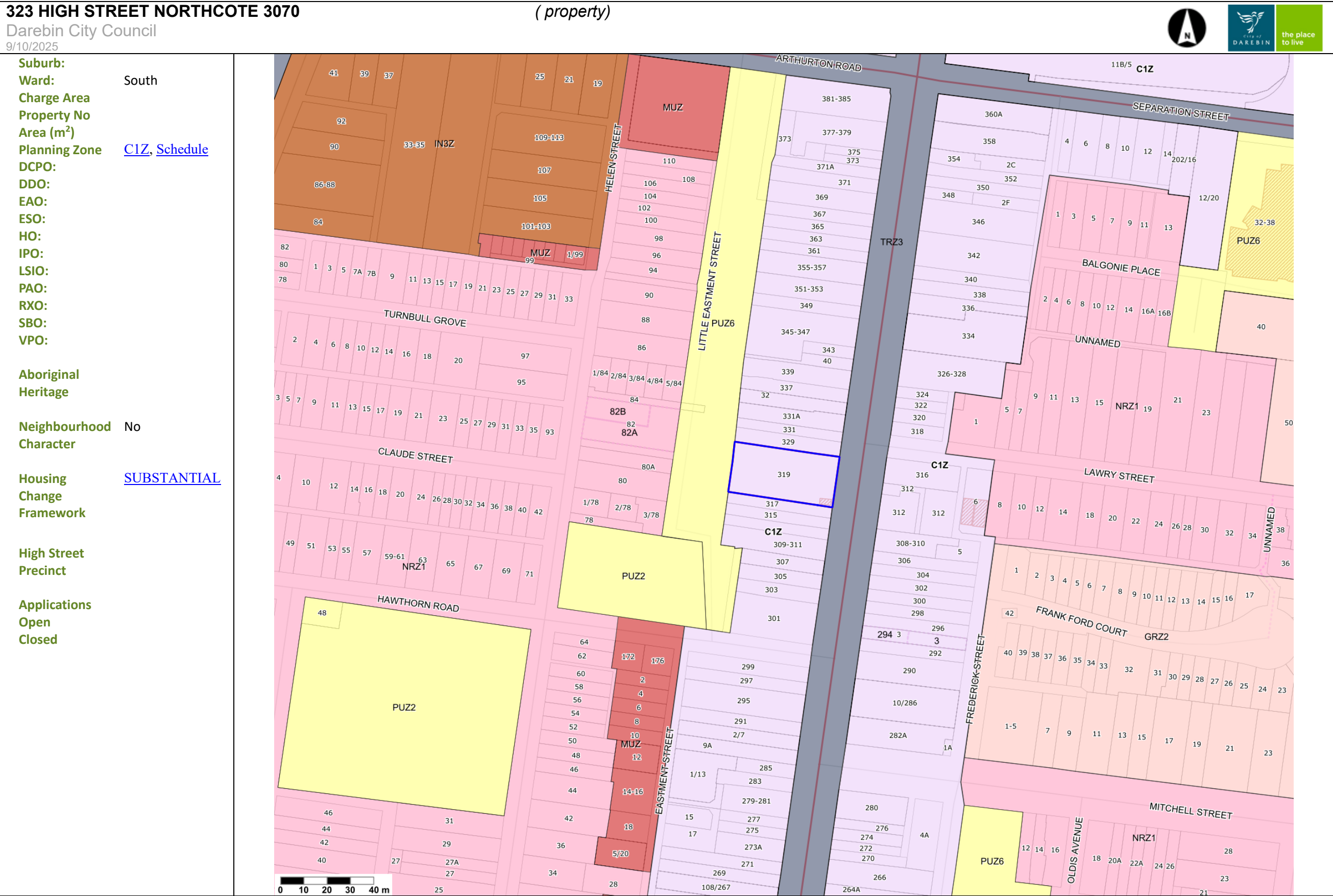
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323 HIGH STREET NORTHCOTE

Appendix A – Location Map



Whilst every endeavour has been made to ensure that the information in this product is current and accurate, the City of Darebin does not accept responsibility or liability whatsoever for the content, or for any errors or omissions contained therein. © City of Darebin



McDONALD'S NORTHCOTE

321 HIGH STREET
NORTHCOTE VIC 3070

STAGE:
DA ISSUE
BUILDING & WORKS PACKAGE

AMENDMENT:



ARTIST'S IMPRESSION ONLY



McDonald's Australia Limited
ABN. 43 008 496 928
03 9418 5555
@devgroup-aust@au.mcd.com



NATIONAL DEVELOPMENT GROUP



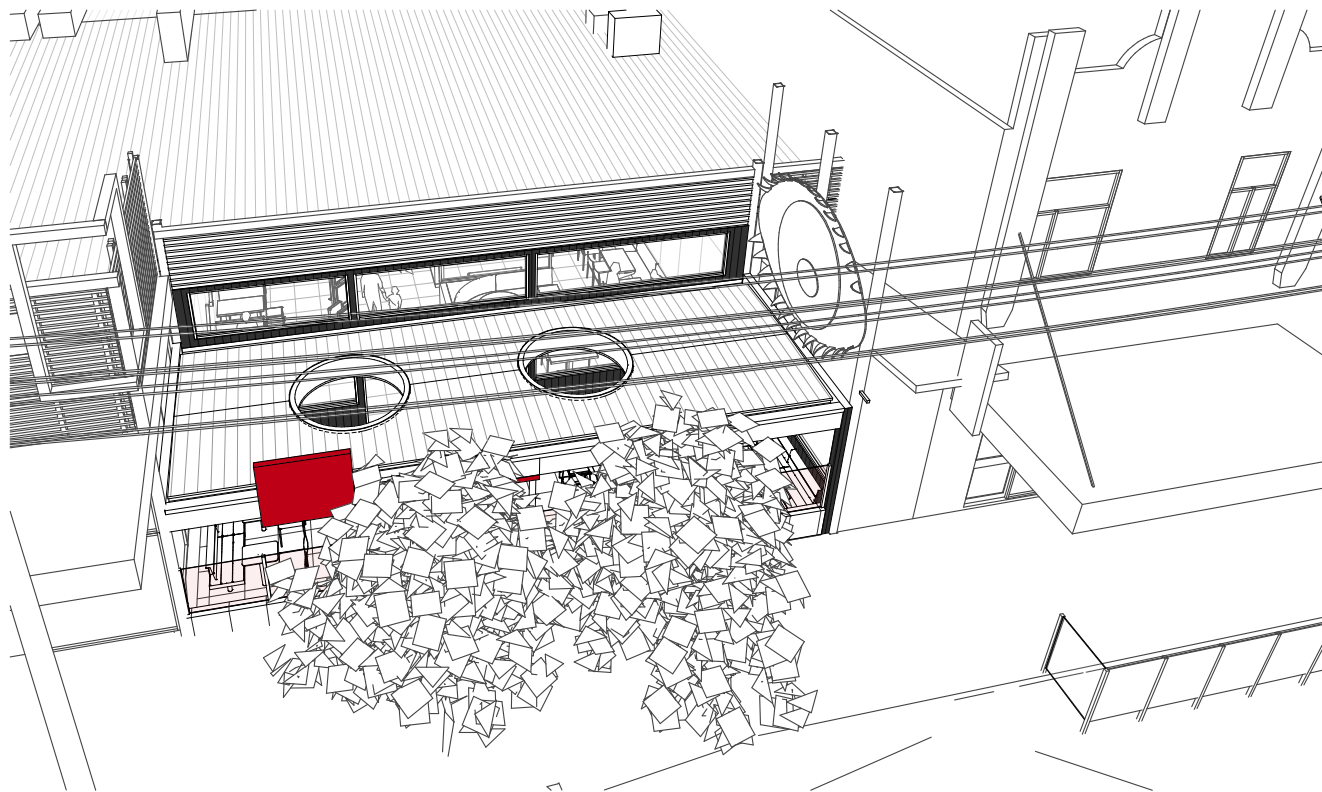
FRONT ENTRANCE



VIEW FROM HIGH STREET



VIEW FROM HIGH STREET



BIRDS EYE VIEW

Revisions		General Notes		Drawing Notes
Issue/Description	Date	Chk	Int	
		Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.		

Client



McDonald's Australia Limited
ABN 43 008 496 928
03 9418 5555
devgroup-aust@au.mcd.com

Project Manager



NATIONAL DEVELOPMENT GROUP

Architect



TIMMINS ARCHITECTURE

Project Manager



TIMMINS ARCHITECTURE & DESIGN PTY LTD
T (0408 387 542)
HELLO@TIMMINSARCHITECTURE.COM.AU
ABN 59 672 255 060
FITZROY, 3065 VIC, AUSTRALIA

Project

PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOVE, VIC

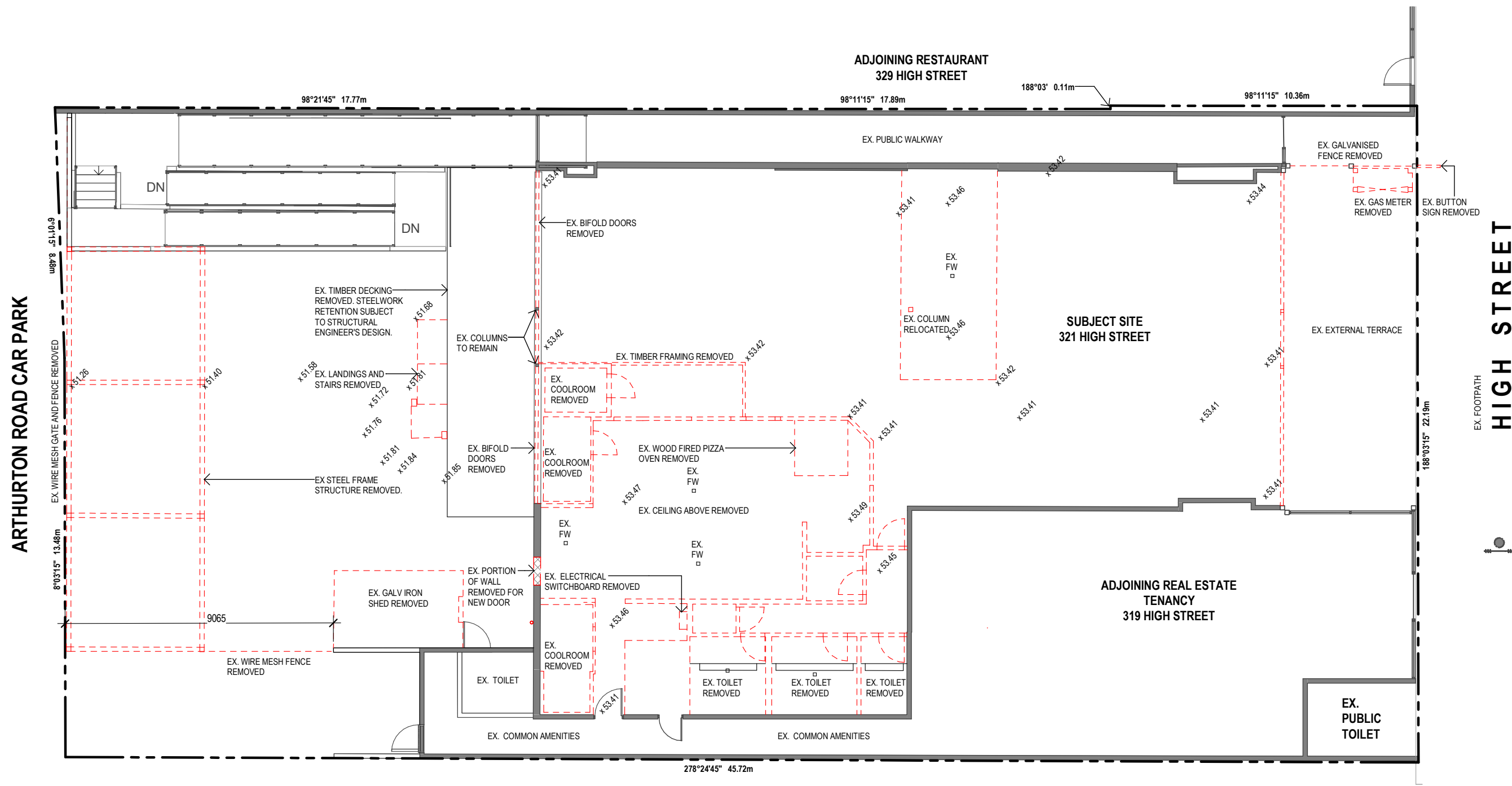
Location

321 HIGH STREET
NORTHCOVE VIC 3070

BUILDING & WORKS
NOT FOR USE DURING CONSTRUCTION

Scale	Series	
@ A3	CUSTOM STORE	
Drawing		
3D VIEWS		
Project Number	Drawing Number	Issue
0359	DA01	

Darebin City Council Received 10-07-2025



NOTE:
INTERNAL AREA APPROX: 424m2
INDOOR SEATING CAPACITY: 76
OUTDOOR SEATING CAPACITY: 36
FRONT TERRACE: 50m2
REAR DELIVERIES WASTE AREA: 187m2

LEGEND
--- HATCH DENOTES EXTENT OF BUILDING REMOVED
--- HATCH DENOTES WALLS TO REMAIN.

Revisions	General Notes	Drawing Notes
IssueDescription	Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	
Date	Chk Int	

North

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FITZROY, 3065 VIC, AUSTRALIA

Project
PROPOSED NEW McDONALD'S CONVENIENCE RESTAURANT NORTHCOTE, VIC

Location
321 HIGH STREET NORTHCOTE VIC 3070

Scale
As indicated @ A3

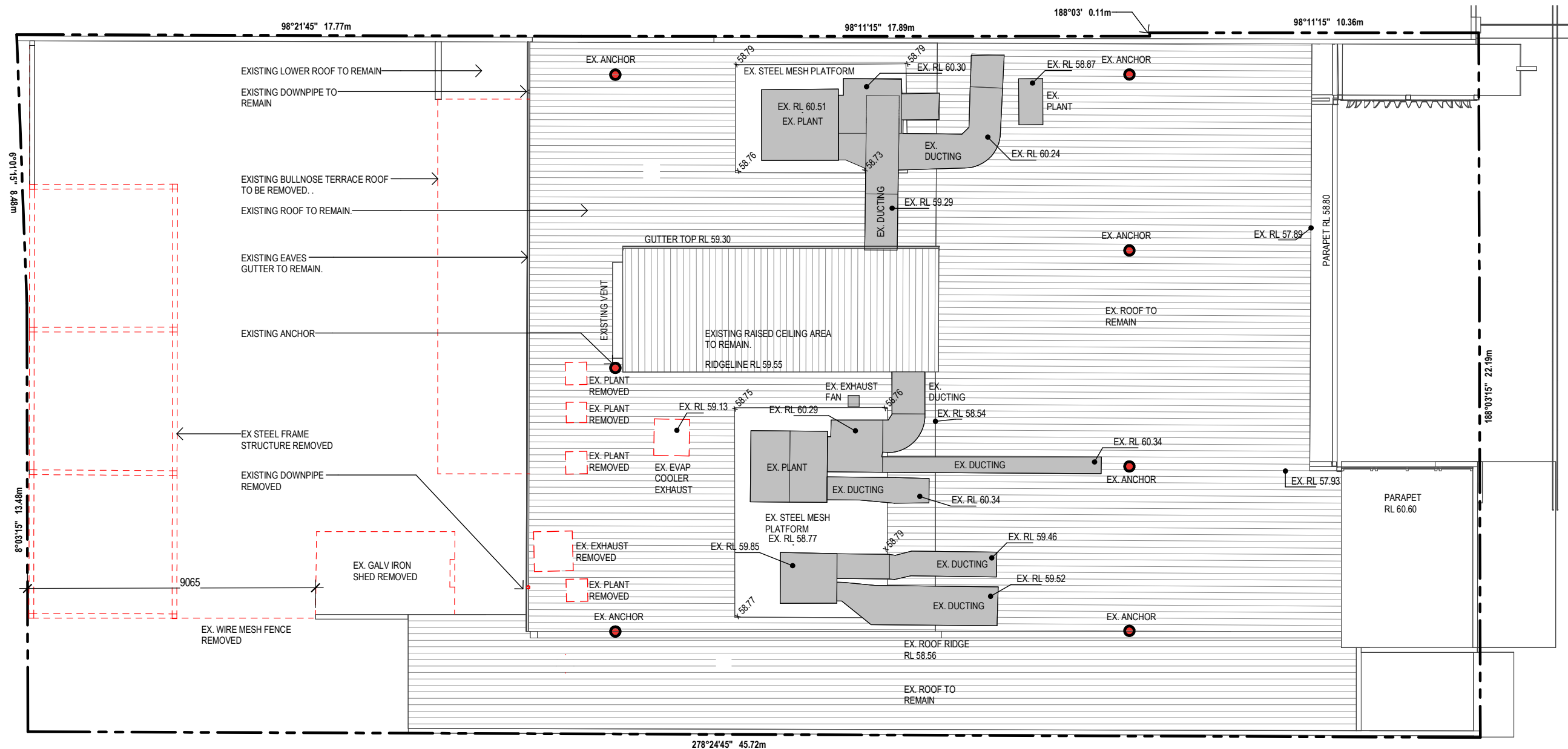
Series
CUSTOM STORE

Drawing
EXISTING / DEMOLITION PLAN

Project Number
0359

Drawing Number
DA02

Issue



Revisions	General Notes	Drawing Notes
IssueDescription	DateChk Int	
Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.		

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Project

PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOVE, VIC

Location

321 HIGH STREET
NORTHCOVE VIC 3070

Scale

1: 125 @ A3

Series

CUSTOM STORE

Drawing

EXISTING ROOF DEMO PLAN

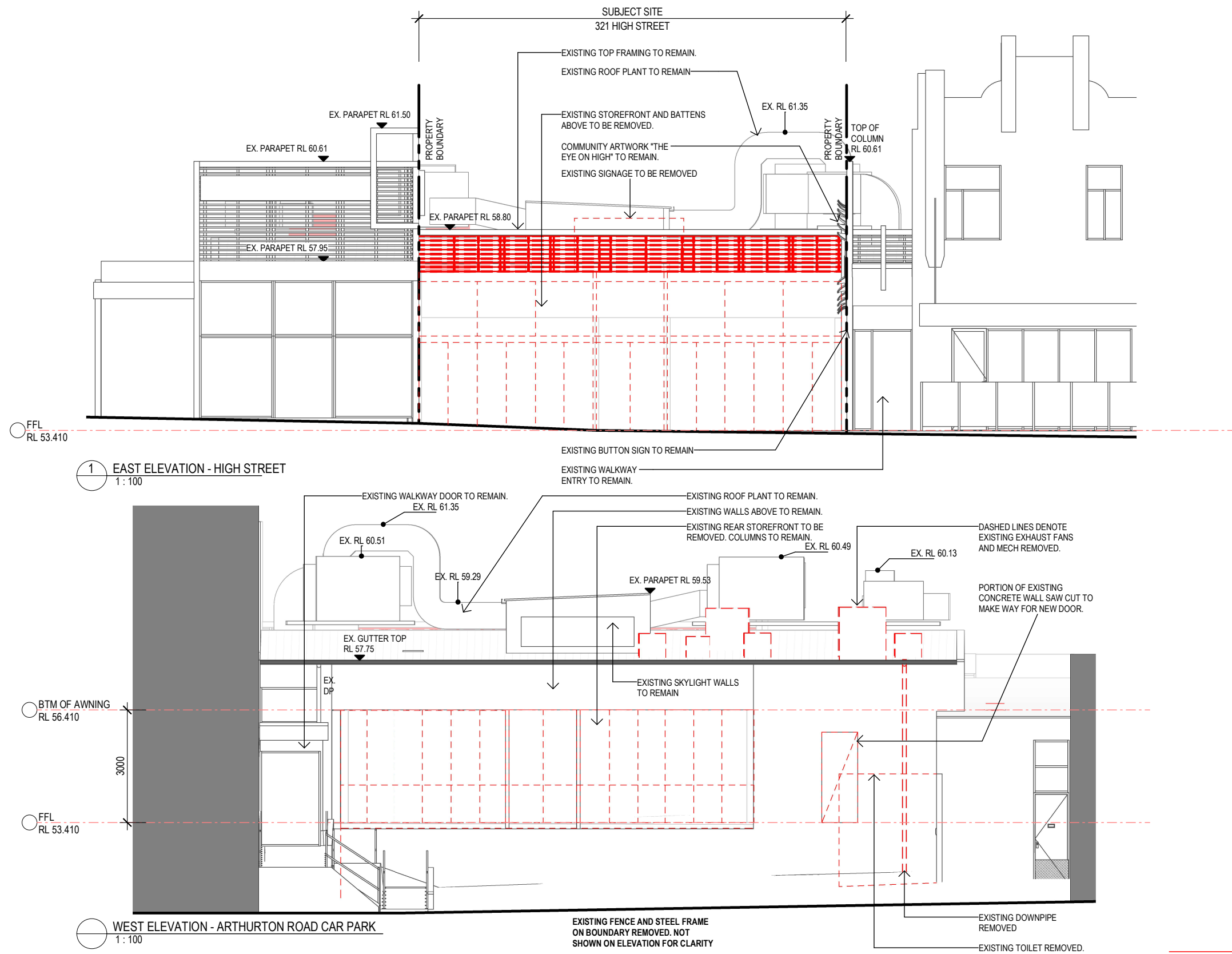
Project Number

0359

Drawing Number

DA03

Issue



Revisions		General Notes		Drawing Notes	
Issue/Description	Date	Chk	Int	Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	

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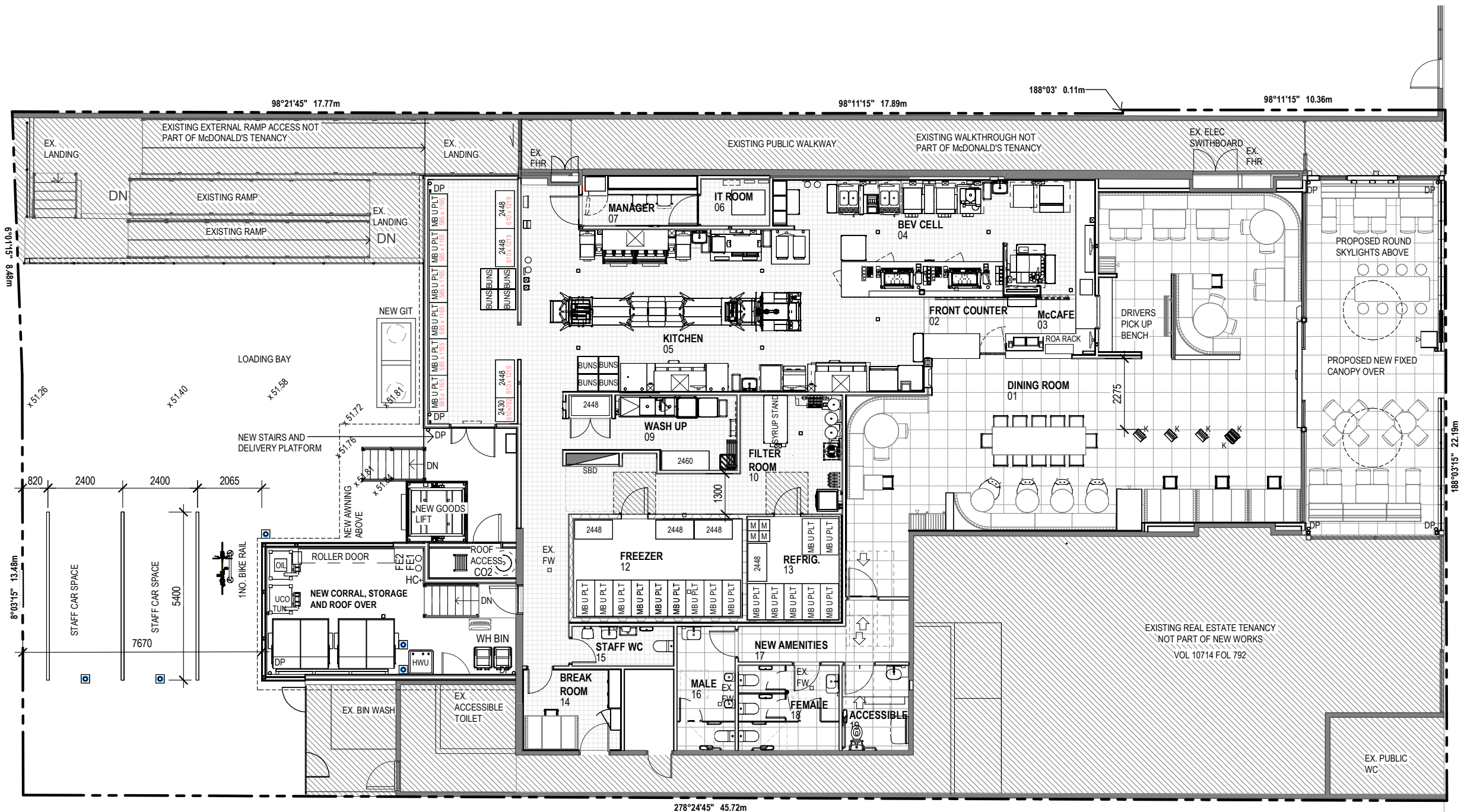
Project
PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOTE, VIC

Location
321 HIGH STREET
NORTHCOTE VIC 3070

BUILDING & WORKS		
NOT FOR USE DURING CONSTRUCTION		
Scale	Series	
1 : 100 @ A3	CUSTOM STORE	
Drawing	EXISTING EAST & WEST ELEVATIONS	
Project Number	Drawing Number	Issue
0359	DA04	

Darebin City Council Received 10-07-2025

ARTHURTON ROAD CAR PARK



HIGH STREET

NOTE:
INTERNAL AREA APPROX: 424m²
INDOOR SEATING CAPACITY: 76
OUTDOOR SEATING CAPACITY: 36
FRONT TERRACE: 50m²
REAR DELIVERIES WASTE AREA: 187m²

Revisions		General Notes		Drawing Notes	
Issue/Description	Date	Chk	Int	Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	

Darebin City Council Received 10-07-2025

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Project
PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOTE, VIC

Location
321 HIGH STREET
NORTHCOTE VIC 3070

Scale
As indicated @ A3

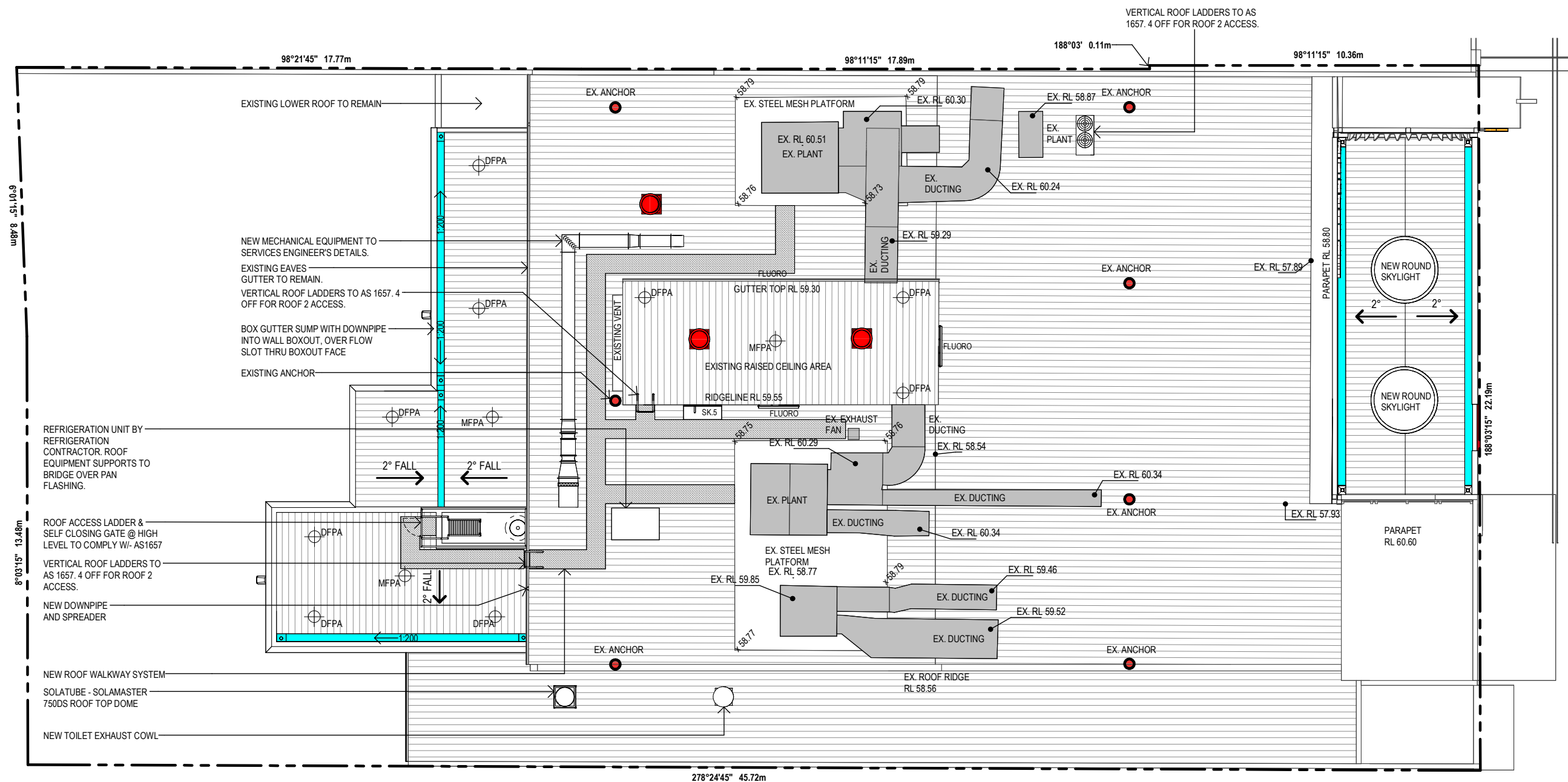
Series
CUSTOM STORE

Drawing
PROPOSED FLOOR PLAN

Project Number
0359

Drawing Number
DA05

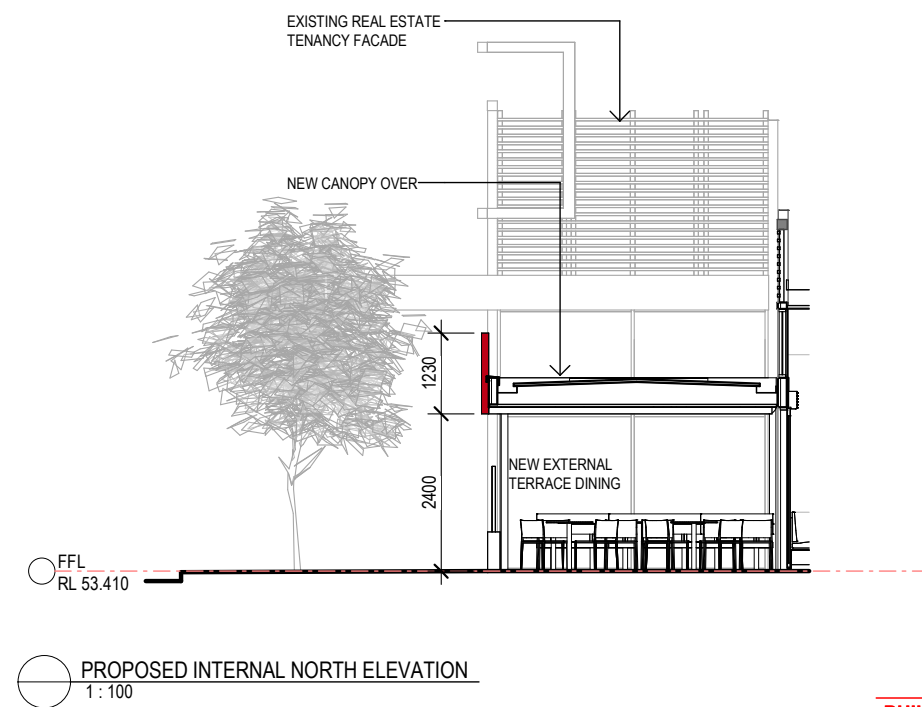
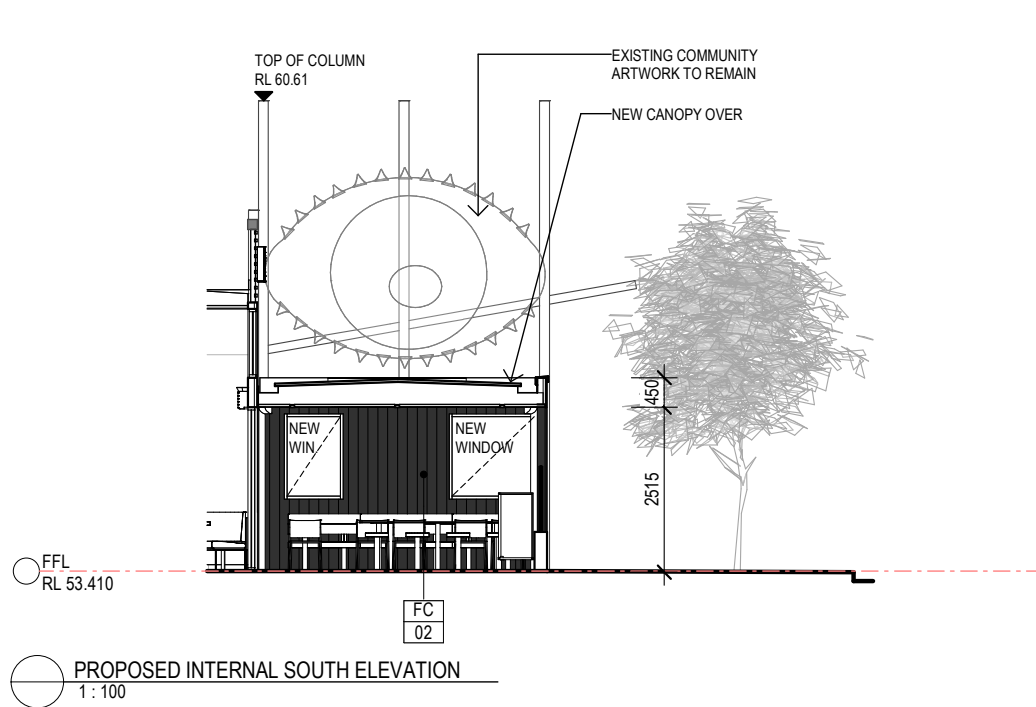
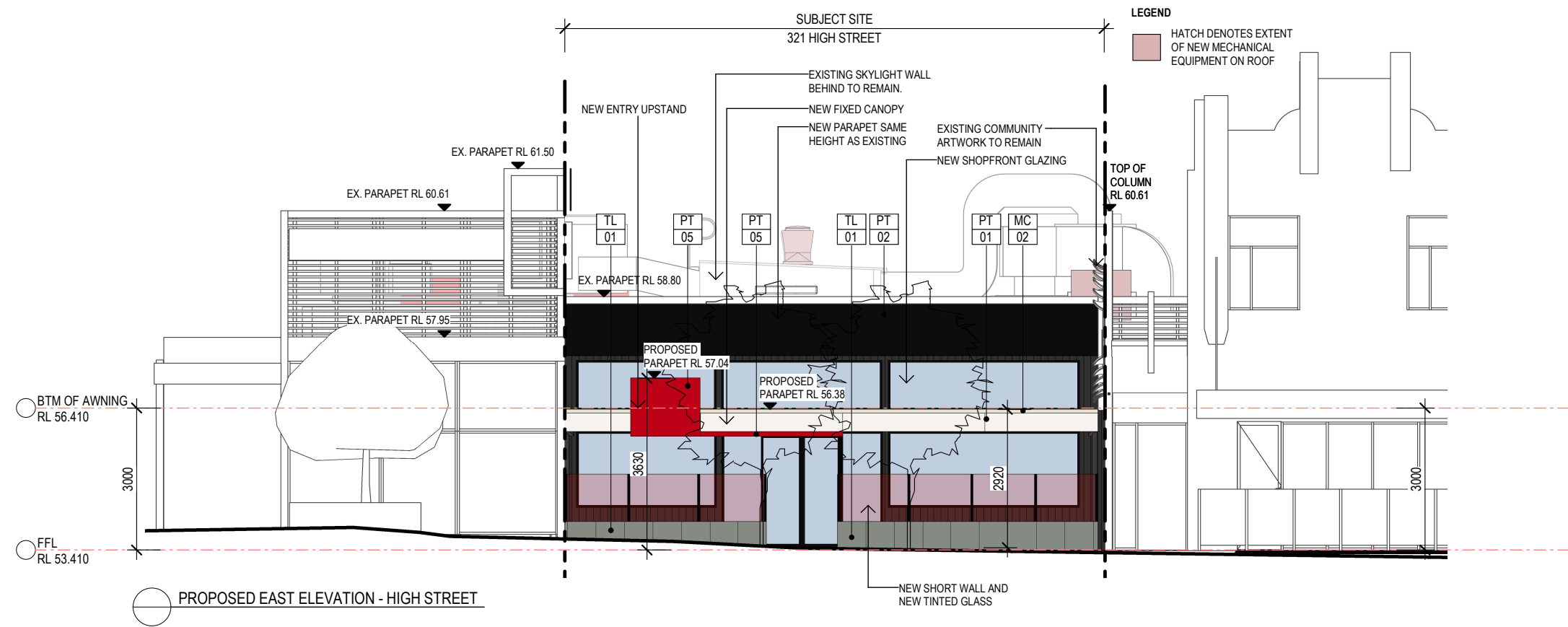
Issue



- NOTES:**
1. PROVIDE ROOF SAFETY SYSTEM INCLUDING LADDERS, HOOKS, STATIC LINE SYSTEMS AND ANCHOR POINTS TO ALL ROOFS IN ACCORDANCE WITH AS1657
 2. PROVIDE LADDER HOOK TO FASCIA TO ROOF No.4, FINAL LOCATION TO BE CONFIRMED ON SITE.
 3. ENSURE ALL ACCESS PANELS FOR AC-1 PCU-1 AND AC-2 ARE ACCESSIBLE FROM WALKWAY SYSTEM.
 4. PROVIDE WIRE GUARD INSTALLED TO EACH VERTICAL DOWNPIPE AND OVERFLOW POP.
 5. PROPOSED YAGI LOCATION - CONFIRM ON SITE.
- AFPA ACCESS FALL PREVENTION ANCHOR
DFPA DIVERSIONAL FALL PREVENTION ANCHOR
MFPA MAIN FALL PREVENTION ANCHOR
LH LADDER HOOK

Revisions		General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	Drawing Notes 1. REFER TO WALL LEGEND ON A142 2. ALL DIMENSIONS ARE TO FINISH FACE 3. REFER TO WALL SETOUT PLAN FOR SETOUT OF PARAPET WALLS 4. REFER TO ELEVATIONS FOR EXTENTS OF WALL TYPES AND FINISHES OF DOWNPIPES AND OVERFLOWS 5. REFER TO SCHEDULES AND FINISHES LEGEND ON A103 6. REFER TO ROOF FRAMING PLAN 7. REFER TO SPECIFICATION SECTION 11	Client McDonald's Australia Limited ABN 43 008 496 928 03 9418 5555 devgroup-aust@au.mcd.com	Architect TIMMINS ARCHITECTURE TIMMINS ARCHITECTURE & DESIGN PTY LTD T (0408 387 542) HELLO@TIMMINSARCHITECTURE.COM.AU ABN 59 672 255 060 FITZROY, 3065 VIC, AUSTRALIA	Project PROPOSED NEW McDONALD'S CONVENIENCE RESTAURANT NORTHCOTE, VIC Location 321 HIGH STREET NORTHCOTE VIC 3070	Scale As indicated @ A3 Series CUSTOM STORE Drawing PROPOSED ROOF PLAN Project Number 0359 Drawing Number DA06 Issue
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Darebin City Council Received 10-07-2025



Revisions	General Notes	Drawing Notes
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Issue/Description	Date	Chk Int

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Project Manager
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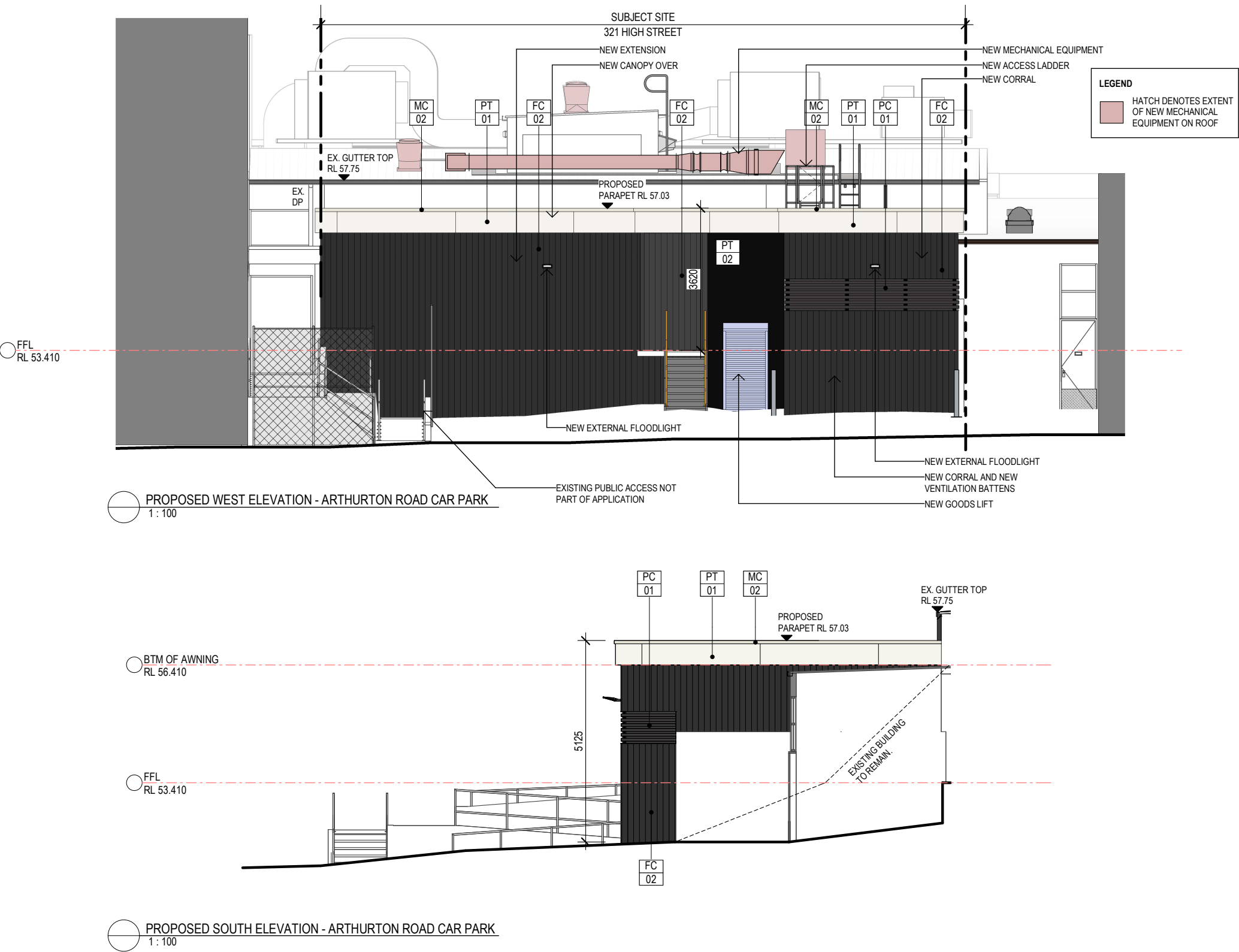
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Project
PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOVE, VIC

Location
321 HIGH STREET
NORTHCOVE VIC 3070

BUILDING & WORKS
NOT FOR USE DURING CONSTRUCTION

Scale 1:100 @ A3	Series CUSTOM STORE
Drawing PROPOSED EAST & INTERNAL ELEVATIONS	
Project Number 0359	Drawing Number DA07



Revisions	General Notes	Drawing Notes
IssueDescription	Date Chk Int	
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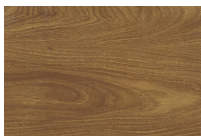


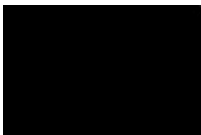
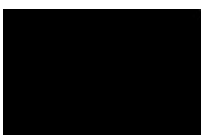
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Project
PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOVE, VIC
Location
321 HIGH STREET
NORTHCOVE VIC 3070

BUILDING & WORKS NOT FOR USE DURING CONSTRUCTION		
Scale 1: 100 @ A3	Series CUSTOM STORE	
Drawing PROPOSED WEST AND SOUTH ELEVATIONS	Project Number 0359	Issue DA08

Darebin City Council Received 10-07-2025

EXTERNAL FINISHES SCHEDULE						
CODE	No.	AREA	DESCRIPTION	MANUFACTURER	COLOUR	IMAGE
MC	01	PARAPET CAPPING	PREFINISHED METAL CAPPING / FLASHING	COLORBOND	NIGHT SKY	
MC	02	PARAPET CAPPING	PREFINISHED METAL CAPPING / FLASHING	COLORBOND	SURFMIST	
MWC	01	EXTERNAL TERRACE CEILING	TIMBER LOOK ALUMINIUM CLADDING SYSTEM USING KNOTWOOD CLADDING 200MM PROFILE	TBC	ROYAL OAK	
MWC	02	ROOF WELL (INTERNAL PARAPET LINING)	CUSTOM ORB CORRUGATED STEEL RIVET FIXED VERTICALLY TO FRAMES.	LYSAGHT	ZINCALUME	
FC	02	MAIN BUILDING WALLS	FIBRE CEMENT WEATHERTEX HORIZONTAL WEATHERBOARDS	WEATHERTEX	WAYWARD GREY PG1G8	
TL	01	FRONT EXTERNAL TERRACE WALL	TERRAZZO LOOK TILE	SKHEME	TBC	

EXTERNAL FINISHES SCHEDULE						
CODE	No.	AREA	DESCRIPTION	MANUFACTURER	COLOUR	IMAGE
PT	01	FASCIAS (RIBBON)	PAINT FINISH. REFER SPECIFICATION FOR DETAILS ON PAINT TYPE & APPLICATION	DULUX	VIVID WHITE PW1H9	
PT	02	MAIN BUILDING WALLS	PAINT FINISH. REFER SPECIFICATION FOR DETAILS ON PAINT TYPE & APPLICATION	DULUX	BLACK SG6G9	
PT	05	ENTRY	PAINT FINISH. REFER SPECIFICATION FOR DETAILS ON PAINT TYPE & APPLICATION	DULUX	HOT LIPS S05H9	
PC	01	CORRAL BATTENS, ROOF ACCESS, ELEC. ROOM DOORS.	POWDERCOAT FINISH	DULUX DURATEC ZEUS	LUNAR ECLIPSE SATIN (BLACK)	

Revisions
Issue/Description

General Notes
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Date
Chk. Int.

Drawing Notes



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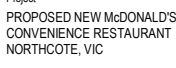
Project Manager
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Project
PROPOSED NEW McDONALD'S
CONVENIENCE RESTAURANT
NORTHCOTE, VIC



Location
321 HIGH STREET
NORTHCOTE VIC 3070

BUILDING & WORKS
NOT FOR USE DURING CONSTRUCTION

Scale	Series	
@ A3	CUSTOM STORE	
Drawing		
EXTERNAL FINISHES SCHEDULE		
Project Number	Drawing Number	Issue
0359	DA09	



Planning Permit

Page - 1 of 3

Permit No: D/67/2001 (Amended)
Planning Scheme: Darebin Planning Scheme
Responsible Authority: City of Darebin

ADDRESS OF THE LAND: 319-325 High Street NORTHCOTE VIC 3070

THE PERMIT ALLOWS: Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (cafe/restaurant with seating for 252 patrons, including alfresco dining to High Street) in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The layout of the site and size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any Statute, Statutory rule or Bylaw or for any other reason) without the consent of the Responsible Authority.
2. Without the prior written consent of the Responsible Authority, the café/restaurant must only operate between the hours of 6.00am to 3.00am seven (7) days a week.
3. No exterior plant equipment shall be placed on the roof of the development so as to be visible from the street or abutting properties to the satisfaction of the Responsible Authority.
4. All plumbing and external services on external walls shall be concealed to the satisfaction of the Responsible Authority.
5. The walkway connecting High Street to the car park to the rear is to be secured (closed off from public access) outside the operating hours of the permitted uses authorised under this permit.
6. The stormwater discharge from the proposed redevelopment is to be directed to the existing underground drain at the front and the existing point to the surface of the right of way at the rear to Council requirements.
7. The uses hereby permitted shall not cause injury to or prejudicially affect amenity of the locality by reason of the transportation of materials, goods and commodities and from the premises or by reason of the appearance of any building, works or materials or by reasons of the emission of noise, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, wastepaper, waste products, grit, oil or the presence of vermin or otherwise.
8. The premises must not be operated as a live band venue or nightclub or the like, to the satisfaction of the Responsible Authority.
9. The uses hereby permitted must be operated at all times in a manner that achieves compliance with the requirements of the State Environment Protection Policy (Control of Music Noise from

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit that may be acted upon.

Date Issued 18th June 2001

**Signature for the
Responsible Authority**

Planning and Environment Regulations 2005 Form 4



Planning Permit

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the Planning and Environment Act 1987).

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if-
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision, or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of the land expires if –
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if –
 - the development or any stage of it does not start within the time specified in the permit, or the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or the use is discontinued for a period of two years
4. If a permit for the use of the land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
 - the use or development of any stage is to be taken to have started when the plan is certified, and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry

WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice Of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An appeal must state the grounds upon which it is based.
- Any appeal must also be served on the Responsible Authority.
- Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.



Planning Permit

Page - 2 of 3

Permit No: D/67/2001 (Amended)
Planning Scheme: Darebin Planning Scheme
Responsible Authority: City of Darebin

ADDRESS OF THE LAND: 319-325 High Street NORTHCOTE VIC 3070

THE PERMIT ALLOWS: Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (cafe/restaurant with seating for 252 patrons, including alfresco dining to High Street) in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- Commerce, Industry and Trade) No.1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N.2.
10. Signs, including advertising detail, shall be the subject of further planning approval under the Darebin Planning Scheme.
11. The use of the kerbside alfresco dining must not occur until approval is obtained under General Local Law Clause 8.
12. This permit shall expire if one of the following circumstances applies:
- The development and/or use is not commenced within 1 year of the date of this permit.
The development is not completed within 2 years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within 3 months afterwards.

NOTATIONS

Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Nothing in the grant of this permit should be construed as granting permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves with and comply with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

The occupier of the café/restaurant must enter into an agreement with Economic Development Unit at the City of Darebin regarding kerbside seating.

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit that may be acted upon.

Date Issued 18th June 2001 **Signature for the Responsible Authority**

Planning and Environment Regulations 2005 Form 4



Planning Permit

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the Planning and Environment Act 1987).

WHEN DOES A PERMIT BEGIN?

A permit operates:

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- if no date is specified, from
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WHEN DOES A PERMIT EXPIRE?

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 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
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 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or the use is discontinued for a period of two years
4. If a permit for the use of the land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
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Planning Permit

Page - 3 of 3

Permit No: D/67/2001 (Amended)
Planning Scheme: Darebin Planning Scheme
Responsible Authority: City of Darebin

ADDRESS OF THE LAND: 319-325 High Street NORTHCOTE VIC 3070

THE PERMIT ALLOWS: Redevelopment of Northcote Arcade (buildings and works) including the erection of advertising signs and the waiving of car parking requirements in association with the use of the land for the purpose of retail premises, incorporating one shop tenancy, a landscaping gardening supplies tenancy and a 24 hour licenced food and drink premises (cafe/restaurant with seating for 252 patrons, including alfresco dining to High Street) in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief Description of Amendment
29 th August 2013	The endorsed plans have been amended to show: - A retractable awning over the outdoor seating area at the front of the premises - The Relocation of the existing 'eye' art work

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit that may be acted upon.

Date Issued 18th June 2001

**Signature for the
Responsible Authority**

Planning and Environment Regulations 2005 Form 4



Planning Permit

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the Planning and Environment Act 1987).

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case

WHEN DOES A PERMIT EXPIRE?

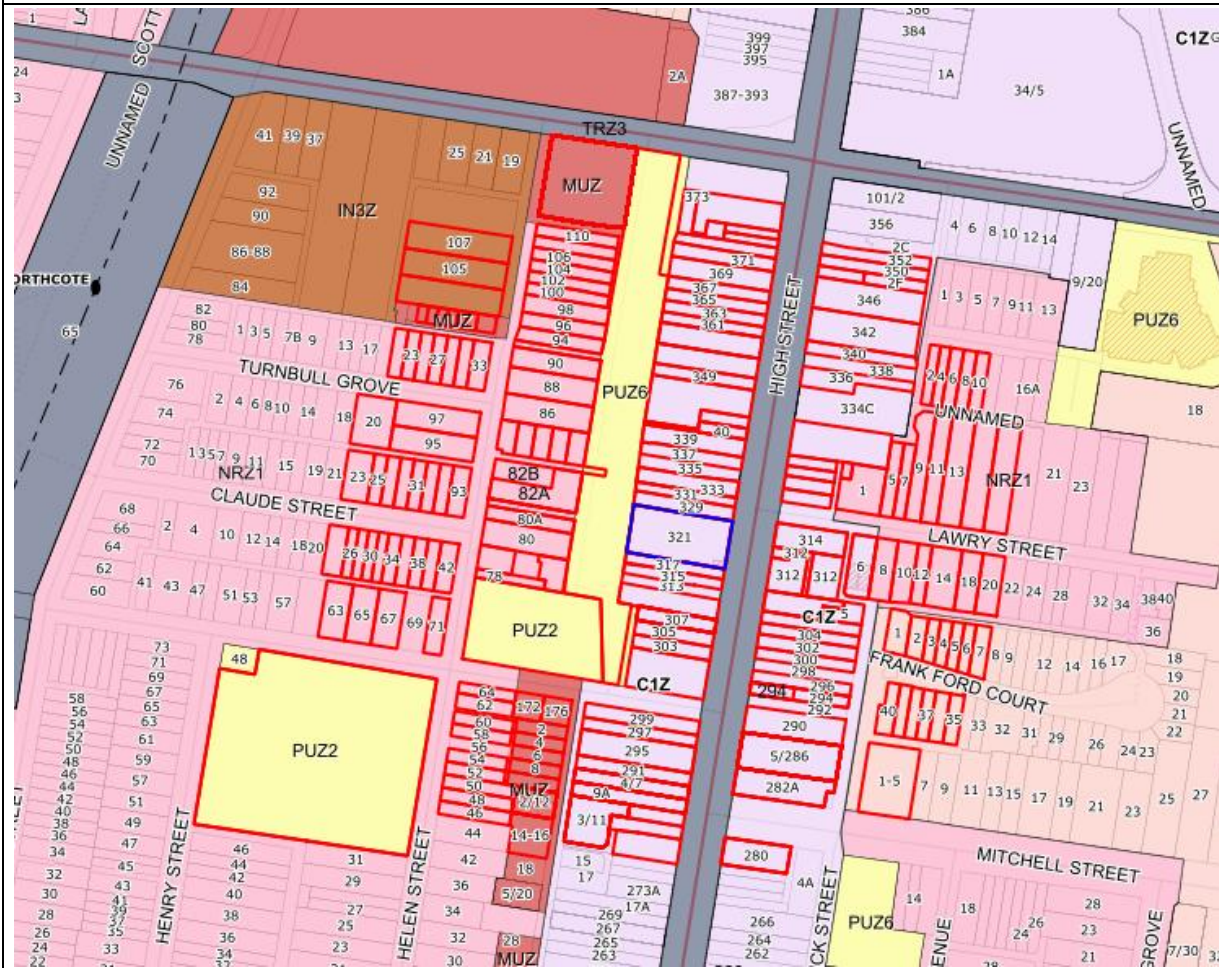
1. A permit for the development of land expires if-
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision, or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of the land expires if –
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if –
 - the development or any stage of it does not start within the time specified in the permit, or the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development, or the use is discontinued for a period of two years
4. If a permit for the use of the land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
 - the use or development of any stage is to be taken to have started when the plan is certified, and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry

WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice Of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An appeal must state the grounds upon which it is based.
- Any appeal must also be served on the Responsible Authority.
- Details about appeals and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

323 HIGH STREET NORTHCOTE**Appendix F – Extent of Advertising Map**

Subject site (shown selected in blue) and properties sent advertising letters (shown selected in red)



Whilst every endeavour has been made to ensure that the information in this product is current and accurate, the City of Darebin does not accept responsibility or liability whatsoever for the content, or for any errors or omissions contained therein. © City of Darebin

5.2 APPLICATION FOR PLANNING PERMIT D/204/2025 75 Flinders Street THORNBURY VIC 3071

Author: Senior Statutory Planner

Reviewed By: General Manager City Sustainability and Strategy

Applicant	Owner
Planning Property Partners LEVEL 13/1 Collins St, MELBOURNE VIC 3000	Giuseppina Barca 970 Plenty Rd, SOUTH MORANG VIC 3752

EXECUTIVE SUMMARY

Property Address:	75 Flinders Street THORNBURY VIC 3071
Proposal:	- Clause 32.07-6: Construction of two or more dwellings on a lot. - Clause 52.06-3: Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
Zoning and Overlay/s:	- General Residential Zone – Schedule 2 (GRZ2). - Development Contributions Plan Overlay – Schedule 1 (DCPO1).
Car Parking:	Six (6) car parking spaces are provided on site, which represents a reduction of eight (8) car parking spaces, compared to the required 14 spaces under Clause 52.06 (Car Parking) of the Darebin Planning Scheme. Dwelling 7, which includes two (2) bedrooms is proposed to have no on-site car parking, while Dwellings 1-6 will be provided with one (1) space each. Access to the car parking is via the rear Right of Way (ROW).
Is a Developer Contribution required?	Yes. The proposal is subject to a levy in accordance with Schedule 1 of Clause 45.06 (Development Contributions Plan Overlay) of the Darebin Planning Scheme. A planning permit condition requiring payment of the levy would be applied to any approval issued for this application.
Consultation:	- Letters sent to surrounding owners and occupiers. - A public notice to the front of the property.
Objections:	Twelve (12) objections were received against the application. The key grounds of objection include: - Traffic congestion, insufficient on-site parking provision. - Overdevelopment and neighbourhood character.

	• Scale/bulk. • Overlooking. • Overshadowing. • Overshadowing of solar panels. • Walls on boundary. • Noise. • Insufficient private open space to support vegetation. • Insufficient landscaping. • Sustainability of the proposed development. • Inadequate bin storage.
Key reasons for support:	• The proposal has been suitably designed in accordance with the standards and objectives of Clause 55. • The proposal provides an appropriate response to the purpose of the zone which seeks residential infill development of up to three storeys. • The dwelling typology, which comprises a row of attached townhouses oriented east-west is consistent with the surrounding context that includes both earlier examples of medium density housing and more recent infill housing of a similar scale and layout. On this basis, the proposal provides an appropriate response to neighbourhood character. • The proposal accords with local policy at Clause 18.02-4L (Car Parking) of the Darebin Planning Scheme whereby vehicle access is via the rear right of way (ROW), with no crossovers to Flinders Street. • The site is conveniently located near train, tram and bus routes and in proximity to local services, supporting a reduction in the statutory car parking requirement.
Recommendation:	Notice of Decision to Grant a Planning Permit, subject to conditions.

Recommendation

That Planning Permit Application on D/204/2025 be supported and a Notice of Decision to Grant a Permit be issued for the construction of seven (7) dwellings and reduction in the car parking requirement, in accordance with the endorsed plans at 75 Flinders Street THORNBURY VIC 3071, subject to the following conditions:

1. Before the development starts, 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 this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as TP_03-05, Revision B, dated 12 August 2025 and prepared by Taouk Architects) but modified to show:
 - (a) Tap and drain for bin washing located adjacent the shared bin area.

- (b) Notations and references to gas connections removed from the plans.
 - (c) A notation that all screening measures to windows and balconies must be no more than 25% open in accordance with standard B4-4 of Clause 55.
 - (d) A separate roof plan.
 - (e) Any modifications required as a result of the Landscape Plan required by Condition No. 4 of this Permit.
 - (f) Any modifications required as a result of the Stormwater System Management Report and Water Sensitive Urban Design (WSUD) Plan required by Condition No. 5 of this Permit.
 - (g) The provision of a Site Management Plan in accordance with Standard W3 of Clause 53.18-6 of the Darebin Planning Scheme. Refer to Condition No. 6 of this Permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Darebin Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
4. Before plans are endorsed under Condition No. 1 of this Permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of this Permit. The Landscape Plan must be prepared by a suitably qualified person and drawn to scale with dimensions. The Landscape Plan must be generally in accordance with the Landscape Plan identified as TP01-02, Revision D and prepared by John Patrick Landscape Architects, but modified to show:
- (a) Any modifications relating to landscaping required as a result of the Stormwater Management System Report and Water Sensitive Urban Design Plan required by Condition No. 5 of this Permit.

The requirements of the endorsed Landscape Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

The development must not be occupied, unless otherwise approved by the Responsible Authority in writing, until the landscaping works shown on the endorsed Landscape Plan are completed to the satisfaction of the Responsible Authority.

No later than seven (7) days after the completion of the landscaping, the permit holder must advise Council, in writing, that the landscaping has been completed.

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by replacing any dead, diseased, dying or damaged plants to the satisfaction of the Responsible Authority.

All landscaped areas must be provided with an appropriate irrigation system to the satisfaction of the Responsible Authority.

5. Before plans are endorsed under Condition No. 1 of this Permit, a detailed Stormwater Management System Report (SMSR) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SMSR will be endorsed and will then form part of this Permit. The report must include:
- (a) Details of how the stormwater management system is designed to meet the current best practice performance objectives for stormwater quality contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;

- (i) An assessment using an industry recognised stormwater tool;
- (ii) The type of water sensitive urban design (WSUD) stormwater treatment measures to be used and details of these treatment measures including cross sections, materials, plants and drainage directions;
- (iii) The location of stormwater treatment measures in relation to buildings, sealed surfaces, neighbouring properties and landscaped areas;
- (iv) A plan illustrating where all impervious surfaces will be treated and drained;
- (v) A construction and maintenance schedule;
- (b) Details of how the stormwater management system contributes to cooling, improving local habitat and providing attractive and enjoyable spaces;
- (c) Consideration of how the WSUD stormwater treatment measures will integrate with on-site detention requirements;

The requirements of the endorsed Stormwater Management System Report must be implemented and complied with to the satisfaction of the Responsible Authority.

6. Before plans are endorsed under Condition No. 1 of this Permit, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of this Permit. The Site Management Plan must be generally in accordance with Melbourne Water's Keeping Our Stormwater Clean – A Builder's Guide (2002) and must describe how the site will be managed prior to and during the construction period, including requirements for:
- (a) Erosion and sediment.
 - (b) Stormwater.
 - (c) Litter, concrete and other construction wastes.
 - (d) Chemical contamination.

The requirements of the endorsed Site Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Before the use starts, an automatic external lighting system capable of illuminating the entry to each unit, access to the common car parking area and car parking spaces and all pedestrian walkways must be provided on the land to the satisfaction of the Responsible Authority.

The external lighting must be designed, baffled and located to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

8. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
9. The land must be drained to the satisfaction of the Responsible Authority.
10. All guttering, rainheads, pipes including downpipes, fixtures, fittings and vents servicing any building on the site including those associated with a balcony must be:
- (a) concealed in service ducts or otherwise hidden from view; or
 - (b) located and designed to integrate with the development,
- to the satisfaction of the Responsible Authority.
11. No plant, equipment, services or structures other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.

12. The plant and equipment proposed on the roof of the building must be located to be minimally visible from the public realm or screened in a manner that integrates with the design of the development, to the satisfaction of the Responsible Authority.
13. Before occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained; and
 - (e) line-marked to indicate each car space.to the satisfaction of the Responsible Authority.
14. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose unless with the prior written consent from the Responsible Authority.
15. Before the development is occupied the disused or redundant vehicle crossing to Flinders Street must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
16. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Community Infrastructure Levy and/or Development Infrastructure Levy must be paid to Darebin City Council in accordance with the approved Development Contributions Plan Overlay.
17. Prior to the issue of a Building Permit for the development, an establishment fee for a car share pod must be paid to Darebin City Council in accordance with Council's *Car Share Policy*.
18. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:
 - (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.

NOTATIONS

(These notes are provided for information only and do not constitute part of this permit or conditions of this permit)

- N1. Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

- N2. This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site.
- N3. Amendments made to plans noted in Condition No. 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the development, they must be brought to the attention of Council as additional planning assessment may be required through separate planning approval.
- N4. This Planning Permit represents the planning approval for the use and/or development of the site and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5. Numbering on plans should be allocated in a logical clockwise direction and follow existing street number sequence. Please contact Revenue Office on 8470 8888 for further information and assistance.
- N6. This planning permit is to be attached to the “statement of matters affecting land being sold”, under Section 32 of the Sale of Land Act 1962 and any tenancy agreement or other agreement under the Residential Tenancies Act 1997, for all purchasers, tenants and residents of any dwelling shown on this planning permit, and all prospective purchasers, tenants and residents of any such dwelling are to be advised that they will not be eligible for on-street parking permits pursuant to the Darebin Residential Parking Permit Scheme.
- N7. Please note the Development Contribution Plan levy will be invoiced separately.
- N8. This property may not be eligible to receive a Parking Permit for on street parking.
- Council’s Parking Permit Policy (Revised 2023) outlines eligibility for on-street parking permits. Under the Policy, for properties developed before 20 December 2004, the number of permits a property is eligible for varies. Most new developments approved after this date are not eligible to receive a parking permit. Residents of such developments are expected to accommodate all parking needs on their property and/or comply with existing on-street parking restrictions.
- The policy is subject to Council review from time to time. Council advises property purchasers to check the policy prior to purchase.
- For further information please contact Customer Service on (03) 8470 8888 or visit www.darebin.vic.gov.au to view a copy of the policy.

BACKGROUND

1.1 Overview of subject site

- The land is regular in shape and measures 48.28 meters in length and 19.11 meters in width, with a site area of 922.59 square metres.
- The land is located on the northern side of Flinders Street, approximately 90 metres east of the intersection with St David Street and 500 metres east of the High Street activity centre.
- The site contains a single-storey brick dwelling with a tiled hipped roof.
- Private open space is located to the rear (northern) portion of the site and includes established vegetation and a small outbuilding.
- A garage is located adjacent the dwelling which is constructed on the east boundary. The garage provides direct vehicular access to Flinders Street.

- A sealed right of way (ROW) is located to the rear of the site. The ROW provides access to the site via Tharratt Street and St David Street.
- There are no restrictive covenants indicated on the Certificate of Title.
- A General Residential Zone applies to the site and surrounding area. The zone allows development of up to 3 storeys (11 metres).

1.2 Overview of surrounding area

- To the north, opposite side of the ROW to the rear, is No. 66 Collins Street, a multi-unit townhouse development comprising of six (6) dwellings of single and double storey dwellings. Access for four (4) of the dwellings is via the ROW.
- To the south, on the opposite side of Flinders Street are single storey detached dwellings and walk-up flats. Two (2) dwellings feature no off-street parking.
- To the east adjoining the subject is No. 77, a single storey detached dwelling with a crossover and driveway along the western boundary with the subject site to a garage located to the northwestern corner. Solar panels are located on the roof of the dwelling and on the roof of the outbuilding to the northwest corner.
- To the west adjoining the subject site, is No. 73 Flinders Street, a two-storey unit block comprising of eight (8) apartments. Communal car parking is located along the western and northern boundary.
- Unrestricted on-street car parking is available on both sides of Flinders Street east of No. 21 Flinders Street. Parking Restrictions are in place west of No. 21 Flinders Street to the intersection with High Street.

No stopping restrictions are in place on both sides of St David Street between the intersection with Collins Street and Mansfield Street.

- The site has good access to public transport including being between 650-850 metres walk from bus, tram and train services.
- The site is located approximately 500 metres east from the Thornbury High Street neighbourhood activity centre.

A location plan forms **Appendix A** and a zoning map forms **Appendix B**.

2.0 ACTIVITY CENTRE PROGRAM EXPANSION - THORNBURY CLUSTER

The Department of Transport and Planning (DTP) has released draft plans for a new Train and Tram Zone activity centre in Thornbury. Consultation ceased on 19 October 2025.

The subject site is located within the outer catchment of the proposed activity centre boundary, where sites are nominated for building heights of between three and four storeys.

The proposal does not conflict with the zoning controls included as part of that amendment.

3.0 PROPOSAL

- The application is for the development of seven (7) dwellings comprising of:
 - Six (6) double storey three-bedroom townhouses with ground level living and secluded private open spaces.
 - One (1) two-bedroom townhouse (location above the shared car parking area) with first floor living areas and a balcony.

- A contemporary design, featuring flat roofs and an articulated built form incorporating a sculptural façade with brick and rendered surfaces finished in neutral tones.
 - Six (6) on site car parking spaces are proposed. This represents a reduction of eight (8) car parking spaces, including a reduction of one (1) visitor parking space.
 - Vehicle access is via the 3.2 wide ROW connecting Tharratt Street to St David Street.
- The development plans form Appendix C.

3.1 Planning Permit History

- No relevant history exists for the site in Council's records.

3.2 Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Clause 32.07-6 General Residential Zone – Schedule 2	A permit is required to construct two or more dwellings on a lot.
Clause 52.06-3 Car Parking	A permit is required to reduce (including reduce to zero) the number of car parking spaces.

The following additional clauses of the Darebin Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay – Schedule 1.
- Clause 53.03: Residential Reticulated Gas Service Connection.
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 55: Two or more Dwellings on a lot and Residential Buildings.

4.0 CONSULTATION

4.1 Public Notification

Notification of the application has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987 by:

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

25 letters were sent to the surrounding community, and twelve (12) objections were received.

A map identifying the general location of objector's forms **Appendix D**.

4.2 Review rights

As assessed below, the proposal has been assessed against the relevant standards that determine whether the application is exempt from section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. The proposal is non-compliant with the following standards:

- Clause 55.02-3 – Standard B2-3: Side and Rear Setbacks.

- Clause 55.04-4 – Standard B4-4: Overlooking.

Furthermore, the proposal seeks a reduction in the statutory car parking requirement under Clause 52.06, which does not include any exemptions from the decision requirements of section 64 and review rights of section 82 of the Act.

Accordingly, the application is **not** exempt from the decision requirements of Section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. Accordingly, objectors may lodge an appeal, should Council determine to grant planning approval.

4.3 Objections summarised

The key issues raised in the objections received are:

- Traffic congestion, insufficient on-site parking provision.
- Overdevelopment and neighbourhood character.
- Scale/bulk.
- Overlooking.
- Overshadowing.
- Overshadowing of solar panels.
- Walls on boundary.
- Noise.
- Insufficient private open space to support vegetation.
- Insufficient landscaping.
- Sustainability of the proposed development.
- Inadequate bin storage.
- Documentation errors and inconsistencies.

5.0 REFERRALS

The proposal was referred to the following internal branches/business units:

Internal Business Unit	Comments
Integrated Water Management Unit (Engineering)	The proposal is supported, subject to drainage being provided to the satisfaction of the Responsible Authority. Officer Comment: Appropriate conditions have been included in the recommendation to address this requirement.
Integrated Water Management Unit (Flooding)	Supports the proposal noting that: As per the updated flood mapping, the property is affected by flooding in the 1% Annual Exceedance Probability (AEP) event, meaning there is a 1% probability of this level being equalled or exceeded in any given year. For this site, the 1% AEP flood level is 63.71m AHD. In accordance with DELWP's "Guidelines for Development in Flood Affected Areas", the Finished Floor Level (FFL) of any new dwelling

Internal Business Unit	Comments
	must be constructed at least 300mm above the applicable flood level to meet the required freeboard, i.e. at 64.01m AHD or higher and garage floors be constructed at or above the 1% AEP flood level (63.71m AHD). Given the slope of the property and the source of flooding (coming from the back lane) the proposed dwelling FFLs at 63.75m AHD are deemed acceptable from a flood risk perspective. Officer's Comments: No further action required.
Sustainable Transport Unit	No objections were raised to the proposed car parking reduction or the car parking design. The reduction in the overall car parking requirement, including the visitor parking requirement, is supported. However, to justify the complete waiver of the car parking requirement for dwelling 7, one of the following options are recommended: • Convert Dwelling 7 into a one-bedroom dwelling with zero car parking, which more closely aligns with ABS car ownership data. • The permit holder provides a contribution of \$1,200 to Council to cover the cost of installing a car share pod within the area, for use by surrounding residents, including future occupants of the dwelling. Officer's Comments: The applicant has nominated the second option, a contribution towards the provision of a car share pod, as their preferred approach. Accordingly, any permit issued will include a condition requiring this contribution.
ESD officer	No objections were raised to the proposed ESD response subject to the following amendments: Provide an amended Stormwater Assessment (WSUD Plan) and supporting model in accordance with the Townhouse and Low-Rise Code Guidelines (2025). The revised submission must: • Correctly configure the STORM model, with roof areas shown as separate line items including bedroom numbers and tank connections and clearly delineate all remaining impervious and permeable areas consistent with the WSUD Plan. • Update the WSUD Plan to clearly label and dimension all pervious/impervious areas, site boundaries, downpipes, flow directions, LPOD location, and all pipe connections, including untreated driveway areas. • Ensure each dwelling is provided with a minimum 2000L rainwater tank achieving at least 80% reliability in the STORM or MUSIC model. • Update architectural drawings to show the location, scale, and toilet connections of all rainwater tanks.

Internal Business Unit	Comments
	Refer to the Townhouse and Low-Rise Development Guidance Document (2025) for detailed requirements. Officer's Comments: Amended plans received 15 July, satisfactorily address these points. As a landscape plan would be required as a condition, the final WSUD response may change. A condition requiring a final WSUD plan will form any approval issued. Any permit issued will also include conditions requiring that the development is constructed in accordance with the agreed scope of ESD requirements.

5.0 PLANNING POLICY

The following policies are of most relevance to this application:

Planning Policy Framework (PPF):

- Municipal Planning Strategy (Clause 2):
 - Transport (Clause 02.03-7)
- Housing (Clause 16):
 - Housing growth (Clause 16.01L-01).
- Transport (Clause 18):
 - Land use and transport integration (Clause 18.01-1S)
 - Sustainable and safe transport (Clause 18.01-3S & 18.01-3R)
 - Roads (Clause 18.02-4S)
 - Car parking (Clause 18.02-4L)

Zone:

- General Residential Zone – Schedule 2 (GRZ2).

Overlays:

- Development Contributions Plan Overlay – Schedule 1 (DCPO1).

Particular Provisions:

- Clause 52.06: Car Parking.
- Clause 53.03: Residential Reticulated Gas Service Connection.
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 55: Two or More Dwellings on a Lot.

Decision Guidelines:

- Clause 65: Approval of an Application or Plan (as applicable).

Planning Scheme Amendments:

- Amendment VC267 gazetted on 6 March 2025, replaced ResCode and its operation under Clause 55, with the new Townhouse and Low-Rise Code which implements new residential development planning assessment provisions.

- Amendment VC289 gazetted on 15 September 2025, includes a new consideration for canopy trees. Transitional provisions apply to that policy, meaning that it does not apply to this application as it was lodged before the approval date of the amendment.

6.0 RESPONSE TO OBJECTOR CONCERNS

The following key issues raised by objectors are addressed in **Section 7** of this report:

- Traffic congestion, insufficient on-site parking provision.
- Overdevelopment and neighbourhood character.
- Scale/bulk.
- Overlooking.
- Overshadowing.
- Overshadowing of solar panels.
- Walls on boundary.
- Noise.
- Insufficient private open space to support vegetation.
- Insufficient landscaping.
- Sustainability of proposed development.
- Inadequate bin storage.

Responses to the remaining grounds of objection are provided below.

Overshadowing of habitable windows

Concerns were raised about overshadowing of adjoining habitable room windows from the proposed development. Standard B4-3 (Overshadowing secluded open space) only considers overshadowing of secluded private open space. The State Planning Provisions do not allow Council to consider overshadowing impacts to windows.

The proposal complies with the standards applicable to protecting habitable room windows, including Standard B4-1 – Daylight to existing windows and Standard B4-2 – Existing north-facing windows.

Inaccurate traffic engineering report

Concerns were raised about possible inaccuracies of the accompanying traffic engineering report.

The report was reviewed by Council's Transport Unit, and no concerns were raised in relation to methodologies, car ownership rates and the overall assessment provided in the report.

Environmental concerns

Concerns were raised regarding the removal of existing vegetation, the increase in hard surfaces, and the potential reduction in biodiversity. The proposal complies with Standards B2-5 (Site Coverage), B2-7 (Tree Canopy), and B5-1 (Permeability and Stormwater Management Objective) of Clause 55, which collectively ensure landscaping opportunities, canopy cover, and sustainable stormwater outcomes are achieved in line with State Planning Policy.

Gas hot water

The plans indicate the provision of gas hot water systems. Clause 53.03 (Residential Reticulated Gas Service Connection) prohibits new gas connections and requires the inclusion of a mandatory planning permit condition to prohibit the use of gas in all residential developments. This condition would be applied to any permit that may issue. Consequently, the proposed hot water system must be amended to an all-electric system to ensure compliance with this clause.

Documentation errors and inconsistencies

Concerns were raised that the submitted plans and documentation contain errors or inconsistencies. The information provided with the application was considered to provide sufficient detail and clarity to enable a thorough assessment of the proposal against the requirements of Clause 55 and 52.06.

7.0 PLANNING ASSESSMENT

In assessing this application, regard has been given to the Standards and Objectives of Clause 55 of the Darebin Planning Scheme, objections received and the merits of the application.

7.1 Does the development require a Cultural Heritage Management Plan (CHMP)?

The subject site is not located within an Area of Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (under the Aboriginal Heritage Act 2006) is not required.

7.2 Does the proposal have strategic policy support?

On the 31 March 2025, State Government of Victoria Planning Scheme Amendment VC267 changed the operation of Clause 55 (Two or more Dwellings) to prevent Council from considering the Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.

Consequently, Clause 55 cannot consider any state or local planning policy unless a specific standard is not met. In that instance, the decision guidelines of that standard direct Council to consider the Municipal Planning Strategy and Planning Policy Framework.

The two non-compliant standards are Clause 55.02-3 (Standard B2-3: Side and Rear Setbacks) and Clause 55.04-4 (Standard B4-4: Overlooking). Both standards require a consideration of *any relevant neighbourhood character objective, policy or statement set out in this scheme and the design response*.

The Darebin Housing Strategy 2013-2033 (currently referenced within the Darebin Planning Scheme) includes the housing change framework plan that indicates *"the appropriate level of change in terms of the intensity and type of residential development that could be accommodated in areas that permit residential use."*

The subject site is identified as an area of incremental change in the Strategic Housing Framework Plan at Clauses 02.03-5, 02.04-2 and Clause 16.01. The Framework Plan builds on the directions for residential land use and development in Darebin, as set out by the Darebin Housing Strategy (2013-2033).

The surrounding area has experienced housing change in line with the incremental change designation, including earlier examples of medium density housing and more recent infill housing of a similar scale and with similar setbacks, landscaping, amenity outcomes and car parking provision.

The proposed dwelling setbacks and typology, comprising a row of attached east–west oriented townhouses, are consistent with the surrounding context. The two-storey scale and use of brickwork respond appropriately to the prevailing built form character and materiality of the area. The proposal also aligns with the Council-adopted objectives of the *Darebin Good Design Guide for Medium Density Housing*, through the use of robust materials, well-integrated building services, discrete communal bin storage areas and centralised car parking.

As a reduction in car parking provision is sought, consideration of state and local policy in this regard is also appropriate.

Clause 02.03-7 (Transport) of the Darebin Planning Scheme seeks to manage the provision of car parking and road congestion in Darebin. The clause also seeks to encourage the use of sustainable transport modes to reduce congestion and car parking demand.

Clause 18.02-4L (Car Parking) directs Council to consider existing car parking demand levels when assessing applications to waive car parking. The Traffic Engineering Assessment specifically included an inventory of on-street car parking, identifying 256 mostly unrestricted on-street car spaces within 200m of the site, with 46% vacancy at the time of the survey. This empirical data shows there is on-street car parking capacity within the area.

Clause 18.02-4L (Car Parking) specifically encourages vehicle access to be provided from a side or rear street where possible, particularly for multi-residential developments, and discourages additional crossovers to the primary street frontage. The proposal is consistent with this policy direction by providing vehicle access via the rear right of way (ROW) and removing the existing crossover to Flinders Street.

New Darebin Housing Strategy (August 2025)

Whilst not yet gazetted into the Darebin Planning Scheme, the new Darebin Housing Strategy (August 2025) includes a revised housing change framework plan that indicates that the subject site will be included in the Increased Change Areas (Activity Centre Outer Catchment) which is defined as *"established residential areas that are within a reasonable walking catchment of activity centres and public transport"*.

Increased Change Areas include objectives to *"encourage an increased level of housing growth and change in established residential areas proximate to activity centres and public transport"* and *"support a mixed variety of housing such as apartment and townhouse development in a way that responds to the preferred character of the area"*.

The proposal aligns with the (August 2025) Housing Strategy's objectives for the subject site, with the proposed seven (7) dwelling development providing an appropriate mix of housing that is responsive to the area's character.

7.3 Has adequate car parking been provided?

The proposal provides six (6) on-site car parking spaces for the seven (7) dwellings, representing a reduction of eight (8) spaces against the requirements of Clause 52.06 (Car Parking). As a result, the development will have no on-site visitor parking, and no car parking space for one (1) two-bedroom dwelling.

Flinders Street provides unrestricted on-street parking, with parking controls provided closer to High Street, approximately 500 metres to the east. Should parking pressures increase in the future, these restrictions could be extended along Flinders Street to manage local conditions. Further, the dwellings may not be eligible to receive a Parking Permit for on street parking, and a note has been added to the permit to highlight this fact.

The site benefits from good access to public transport. While located just outside the Principal Public Transport Network (PPTN), it is within walking distance of Thornbury Railway Station and approximately 650 metres from the High Street tram corridor. In addition, the surrounding bicycle network provides convenient opportunities for active transport.

The State Government of Victoria Planning Practice Note 22 highlights the distinction between the assessment of:

- Likely demand for car parking spaces and;
- Whether it is appropriate to allow the provision of fewer spaces.

The ABS car ownership data represents the most appropriate empirical dataset to determine the expected car parking demands for this local area.

Census data for this local area identifies that 13% of occupants of two-bedroom dwellings do not own a car and 57% of occupants of three-bedroom dwellings in the area own one vehicle or less. This indicates a demonstrated willingness of local households to live with limited reliance on private motor vehicles, particularly multiple private motor vehicles.

In terms of dwelling 7, which seeks a car parking reduction to zero, Council's Transport Unit has identified that while some households do not own a car (13%), the majority of occupants of townhouse developments have at least one (1) car parking space. The applicant's car parking demand assessment aligns with this, where it identifies that within the suburb of Thornbury occupants of two-bedroom dwellings own 1.2 vehicles per dwelling on average.

While it is acknowledged that there will be some demand for private vehicle use by residents of Dwelling 7, it is recommended that a condition require a contribution toward the provision of a car-share pod within the surrounding street network. Dwelling 7 is also provided with a secure ground-level storage area capable of accommodating an electric bicycle or cargo bicycle, providing a sustainable alternative to private vehicle ownership.

In terms of visitor car parking, demand is expected to peak during weekday evenings and in the afternoon to evening period on weekends, with only minimal demand anticipated during weekday daytime hours. As such, visitor parking demand is likely to occur at times when most residents have already parked their vehicles on site or left them in place during the weekend, thereby minimising potential amenity impacts on the surrounding on-street parking network. The removal of the existing crossover to Flinders Street will create an additional on-street parking space directly outside the site, which will assist with meeting such demand.

Within the context of the site's access to alternative transport options and services, the risk of adverse impacts to the on-street parking network from the proposed car parking reduction is expected to be low. The proposal's broader alignment with planning policy objectives to increase housing density in accessible locations, together with its high level of compliance with ResCode standards, supports a flexible approach to car parking provision.

7.4 What impact would the proposal have on vehicle congestion and traffic in the local area?

Councils Transport Engineer has reviewed the proposal and determined that the estimated two (2) vehicle trips per hour along the laneway ensures capacity remains well within the suggested maximum 30 vehicles per hour.

Vehicle movements are expected to remain within the street's design capacity and are not expected to cause traffic congestion problems inconsistent with the expectations of a residential area.

7.5 What impact does the proposal have on safety, amenity and access in the surrounding area?

Vehicle access to the site is proposed via the adjoining ROW, which operates as a low-speed environment providing connections to both St David Street and Tharratt Street. The use of the ROW for vehicle access is appropriate and does not raise any safety concerns given the limited traffic volumes and low vehicle speeds.

The removal of the existing crossover to Flinders Street will improve pedestrian and cyclist safety and contribute positively to the streetscape by removing the existing vehicle access point to the frontage.

7.6 Does the proposal provide an acceptable response to Clause 55?

The assessment below addresses the key Clause 55 standards that determine whether the proposal complies with the applicable requirements. In addition, other standards that relate to areas of direct non-compliance with key Clause 55 standards but are considered to satisfy the relevant Clause 55 objectives, are also assessed below.

As not all standards are met, including the rear setback requirement, the review rights of objectors remain active.

The table at **Appendix E** of this report provides an overview of compliance with all Clause 55 standards and objectives. All objectives of Clause 55 are satisfactorily met through the current design, with some Standards of Clause 55 to be complied with via conditions of approval.

Standard B2-1 – Street setback

A new building should be setback from a street in accordance with Table B2-1.

There is an existing building on both the abutting allotments facing the same street, therefore the front setback should be the same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.

The two adjoining buildings are setback 7.8 and 6.1 metres respectively. Therefore a 6-metre setback is required to meet the standard.

A 6.0 metre front setback is proposed.

The proposal complies with the standard and the objective.

Standard B2-2 – Building Height

A new building should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

The maximum height specified in the zone is 11 metres. The proposed maximum height is 6.91 metres.

Therefore, the proposal complies with the standard and the objective.

Standard B2-3 – Side and rear setback

A new building not on or within 200mm of a boundary is to be set back from side or rear boundaries in accordance with either standard B2-3.1 or B2-3.2.

Standard B2-3.1 has been nominated as the standard to be met by the proposed development. Standard B2-3.1 specifies:

The building is to be set back at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

The proposal complies with the standard along the eastern and western boundaries.

The northern first-floor wall to the rear laneway is proposed to have a height of 6.40 metres, which requires a setback of 1.84 metres to comply with the standard. The wall is, however, setback 1.08 metres, resulting in a shortfall. 600mm window shrouds are also proposed, which exceeds the 500mm allowable encroachment specified under the standard.

This means that the proposed northern first-floor rear setback is between 1.08 to 0.48 metres.

The proposed variation to the standard is appropriate as:

- The site has the benefit of a laneway to the rear, meaning the setback to the residential lots opposite is greater than required when the width of the laneway is taken into account.
- The character of the area features recent examples of single and double storey buildings adjacent the ROW, including a shear double storey form at the rear of 69a, 69b and 69c Flinders Street.
- The immediate context on the opposite side of the ROW includes a single and double storey buildings located on or adjacent to the opposite side of the of the ROW, including garages and first floor living spaces.
- The amenity impact on habitable room windows or private open space is limited as the wall is opposite adjacent garages located along the rear lane.
- The design response is appropriate. The provision of first-floor habitable room windows to a ROW will enhance the safety of the ROW through natural surveillance.
- The proposed wall height is above the proposed car parking area and therefore any increase to the set back to achieve compliance would not facilitate any additional canopy trees to what is currently proposed.

Standard B2-4 – Walls on boundaries

This standard requires that a new wall constructed on or within 200mm of a side or rear boundary, or a carport constructed on or within 1 metre of a side or rear boundary, must not abut the boundary for a length exceeding the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary must not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

The proposal complies with the requirements of the standard as follows:

Boundary & length	Maximum length allowable	Proposed length
Eastern: 56.33 metres	21.58 metres	14.68 metres (in two sections of 8.22 metres and 6.46 metres)
Western: 57.33 metres	21.58 metres	7.46 metres

The wall heights do not exceed an average of 3.2 metres or a maximum of 3.6 metres in compliance with the standard.

Clause 55.02-5 – Standard B2-5 – Site Coverage

The site coverage of buildings should not exceed the maximum specified in the zone or in Table B2-5, which specifies a maximum site coverage of 65% for this site.

The site coverage is 61.95% (571.95 sqm), meaning the proposal complies with the standard and the objective.

Clause 55.02-6 – Standard B2-6 – Access

The width of proposed accessways or car spaces (other than to a rear lane) should not exceed:

- 33 per cent of the street frontage; or
- 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.

The proposal involves the removal of the existing crossover to Flinders Street, which will be reinstated to nature strip. This reinstatement will be required as a condition of any permit that may be issued. Vehicle access is provided via the ROW only.

The proposal complies with the standard and the objective.

Clause 55.02-6 – Standard B2-7 – Tree Canopy

The standard requires a minimum canopy cover as specified in Table B2-7.1 (using a combination of existing and/or new trees as detailed in Table B2-7.2). With a site area of 922.59 sqm, a canopy coverage of 10% (92.26 sqm) is required. The proposal is supported by a landscape plan that includes a tree canopy plan, specifying a canopy coverage of 11.7% (107.8 sqm), which is achieved through the provision of nine (9) canopy trees.

The proposal complies with the standard and the objective.

Clause 55.02-8 – Standard B2-8 – Front Fences

This standard requires that a new front fence within 3 metres of a street should not exceed the heights specified in Table B2-8.

Flinders Street is not in a Transport Zone 2, meaning that the maximum allowable fence height is 1.5 metres.

The proposed front fence is to provide a maximum height of 1.5 metres.

The proposal complies with the standard and the objective.

Clause 55.04-1 – Standard B4-1 – Daylight to Existing Windows

This standard requires that new buildings opposite an existing habitable room window provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

An area of at least 3.0 square metres with a minimum dimension of 1.0 metre clear to the sky is provided opposite all existing adjacent habitable room windows, in compliance with the standard and objective.

Clause 55.04-2 – Standard B4-2 – North Facing Windows

There are no north-facing habitable room windows on adjoining properties which would be affected by the proposed development in accordance with the requirements of this standard and objective.

Clause 55.04-4 – Standard B4-3 – Overshadowing

The apartment building to the immediate west does not include secluded private open space along the boundary of the site, rather it includes common area. Overshadowing of common areas is not regulated by the Planning Scheme, nor is there opportunity for Council to consider the local contextual circumstances due to the deemed to comply nature of the State Planning Provisions.

Overshadowing by the proposal of the neighbouring property to the east is minimal, ensuring that it has at least 25 square metres of that secluded private open space with a minimum dimension of 3.0 metres receiving a minimum of five (5) hours sunlight between 9am and 3pm on 22 September.

The level of overshadowing complies with the standard and the objective.

Standard B4-4: Overlooking

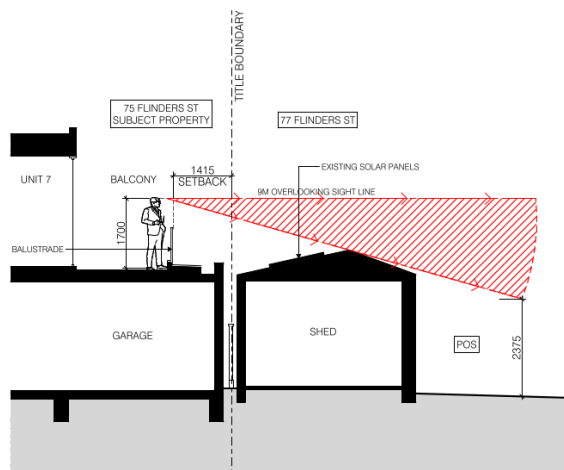
The standard requires that any proposed habitable room window (excluding bedroom windows), balcony, podium, terrace, deck or patio must be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the adjacent window, balcony, terrace, deck or patio.

All first-floor habitable room windows associated Dwellings 1-6 are all associated with bedrooms. Therefore, the standard does not apply.

No habitable room windows or secluded private opens space is located within 9 metres of the proposed first-floor north-facing habitable room windows associated with Dwelling 7.

The proposed balcony for Dwelling 7 provides views within 9 metres of the secluded private open space of the adjoining dwelling located to the east – no. 77 Flinders Street.

The following section diagram demonstrates that the existing shed located within the rear of No. 77 Flinders Street and located adjacent to the proposed balcony of dwelling 7 will limit views within 9 metres of the secluded open space.



S1 - OVERLOOKING SECTION

Figure 1: Overlooking Section.

In response to this context, Dwelling 7 provides a staggered balustrade height ranging from 1.0 to 1.7 metres. The balustrade is set at 1.7 metres where compliance with the standard is required and then reduces in height where views over the non sensitive areas, being the adjacent shed and ROW are provided. While the proposed balcony does not strictly meet the standard, the location and height of the existing shed ensure that direct views within 9 metres are obstructed, thereby satisfying the objective of the standard to *limit views into existing secluded private open space and habitable room windows*.

The decision guidelines also require consideration of the impact that 1.7-metre-high screening measures may have on the amenity of the associated secluded private open space or habitable room window. In balancing the need to limit overlooking opportunities against the potential impact of screening measures on the internal amenity of dwelling 7, the proposal is considered to satisfy the objective. Increasing the balustrade height to 1.7 metres along the full perimeter of the balcony would unreasonably diminish the internal amenity of Dwelling 7, contrary to the decision guidelines.

Clause 55.05-2 – Standard B5-2 – Overshadowing domestic solar energy

To comply with this standard, any part of a new building that reduces sunlight to an existing domestic solar energy system between 9am and 4pm on 22 September must be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

The adjoining property at No. 77 Flinders Street provides solar panels on the roof of the dwelling and on the roof of the shed located in the northwestern corner of the property, adjacent to the common boundary. The image below shows the location of the solar panels at no. 77 Flinders Street, with the subject site located to the left of the solar panels.

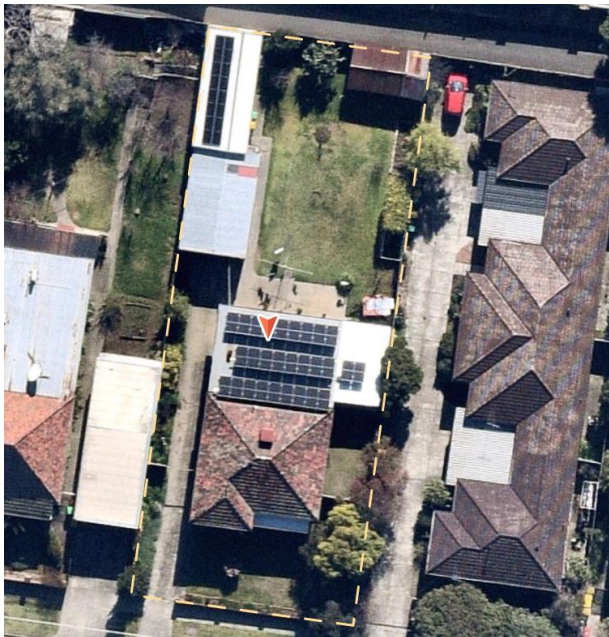


Figure 2: No. 77 Flinders Street. Source: Nearmap, 3 August 2025.

Although the development may result in overshadowing of these solar panels at other periods, Council is not permitted to consider impacts beyond the requirements of the Standard. The proposed built form along the eastern boundary complies with the requirements and building setbacks of this standard, meaning that the proposal complies with the standard and the objective.

Standard B5-3 – Rooftop solar energy generation area

The standard requires the provision of a minimum roof area of 26 square meters, dedicated to the provision of solar panels, for each 2 and 3-bedroom dwelling that provides:

- A minimum dimension of 1.7 metres.
- A minimum area in accordance with Table B5-3.
- A north, west or east orientation.
- A position on the top two thirds of a pitched roof.
- A contiguous area or multiple smaller areas.
- A location which is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

The proposal provides 26 square metres of unobstructed roof area to each dwelling for the installation of solar panels. While no panels are currently proposed, the standard only requires that sufficient roof space be available should panels be installed at a future time. However, there is no indication that the roof forms are pitched toward the north, east, or west as sought by the standard. A suitable pitch can also be achieved through the use of supporting structures, which are commonly employed to tilt solar panels and maximise solar gain on flat roof forms.

Therefore, the proposed flat roof and rooftop solar energy generation areas meet the requirements of the objective.

Standard B5-5 – Waste and recycling

The standard requires provision of shared bin storage areas with a minimum area of 1 square metre per dwelling, plus an additional 4 square metres, with a minimum depth of 0.8 metres and a minimum height of 1.8 metres.

As seven (7) dwellings are proposed, a minimum area of 11 square metres of shared waste and recycling storage is required. A shared bin area of 8.8 square metres is proposed.

The shared waste storage area accommodates nine (9) 240L bins and five (5) 120L bins, consistent with the requirements of Darebin's Waste Management Policy. The proposed shared bin arrangement creates an efficiency which allows other waste bins including glass to be accommodated.

The shared bin area is appropriately located adjacent to the communal car parking area, approximately 50 metres from the kerbside collection point, a travel path that is step free.

The variation to the standard is considered appropriate, as the proposed area can adequately accommodate the required number of bins and the location of the shared bin area within the car parking to the rear is preferable to within the front street setback.

A condition on any permit issued will require the bin storage area to be provided with a tap and drain for bin washing purposes.

7.7 Does the proposal provide a suitable response to environmental and sustainability requirements?

Planning Scheme Amendment VC267 changed the operation of Clause 55 (Two or more Dwelling Applications) to remove Council ability to consider:

- The Municipal Planning Strategy and Planning Policy Framework, unless an applicable decision guideline specifies otherwise.

Therefore, the application is exempt from the Environmentally Sustainable Development Policy of Clause 15.01-2L-01 of the Darebin Planning Scheme.

The table at **Appendix E** of this report provides an overview of compliance with all Clause 55.05 Sustainability standards and objectives.

8. CONCLUSION

Following detailed consideration of all objections received and an integrated planning assessment, it has been determined that the proposed development represents an acceptable response to all applicable Planning Scheme policy.

In this regard, the proposal ensures that the interests of net community benefit and sustainable development have been achieved through the integration of, and appropriate design response to, relevant environmental, social and economic factors.

It is recommended that a Notice of Decision to Grant a Planning Permit D/204/2025 be issued for the construction of seven (7) dwellings and reduction in the car parking requirement, subject to conditions included in the recommendation of this report.

POLICY IMPLICATIONS

Environmental Sustainability

All new dwellings are required to achieve a minimum seven (7) star energy rating under the relevant building controls.

Social Inclusion and Diversity

Nil.

Other

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the determination of this application.

FUTURE ACTIONS

Nil.

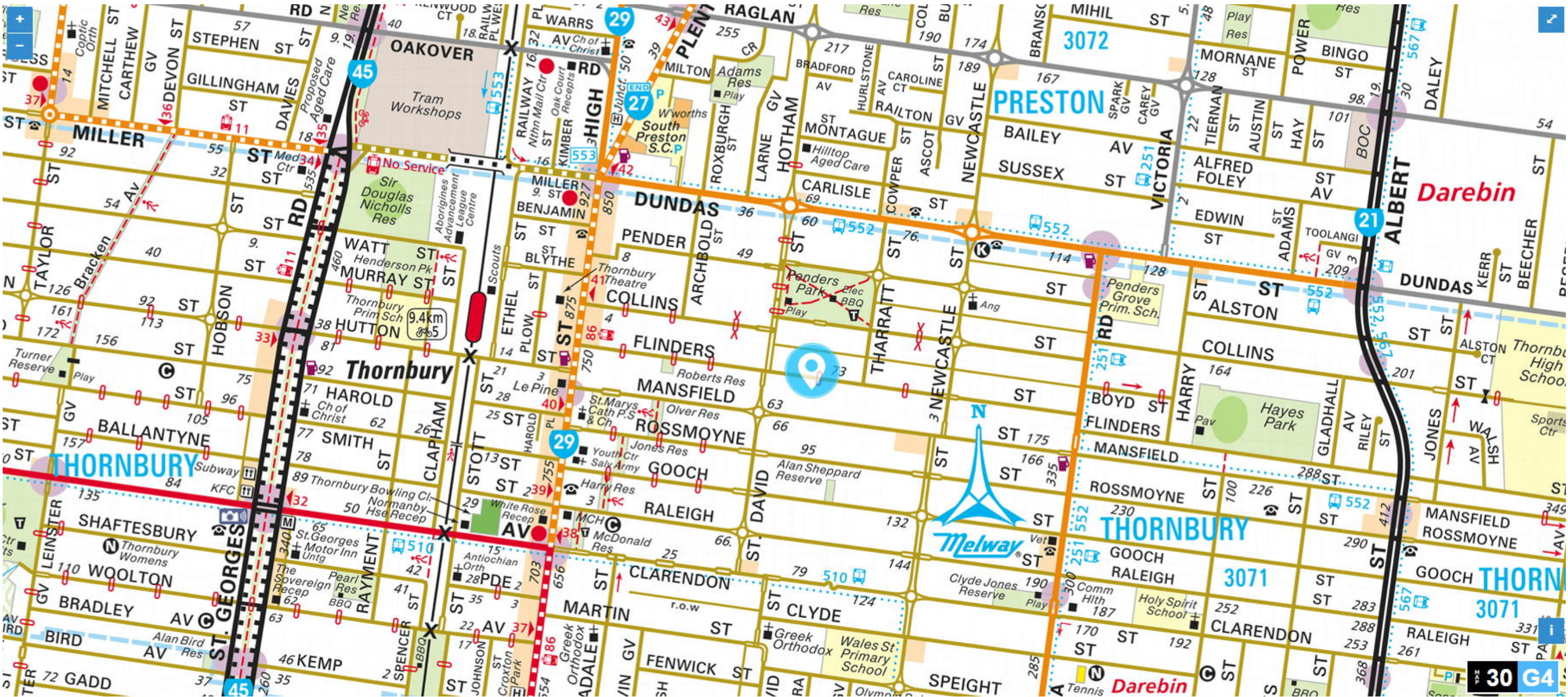
APPENDICES

- Appendix A - Location Map - 75 Flinders Street THORNBURY VIC 3071 - D-204-2025 (**Appendix A**) [↓](#) 
- Appendix B - Zone Map - 75 Flinders Street THORNBURY VIC 3071 - D-204-2025 (**Appendix B**) [↓](#) 
- Appendix C - Plans - 75 Flinders Street THORNBURY VIC 3071 - D-204-2025 (**Appendix C**) [↓](#) 
- Appendix D - Objector Map - 75 Flinders Street THORNBURY VIC 3071 - D-204-2025 (**Appendix D**) [↓](#) 
- Appendix E - Clause 55 Assessment - 75 Flinders Street THORNBURY VIC 3071 - D-204-2025 (**Appendix E**) [↓](#) 

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

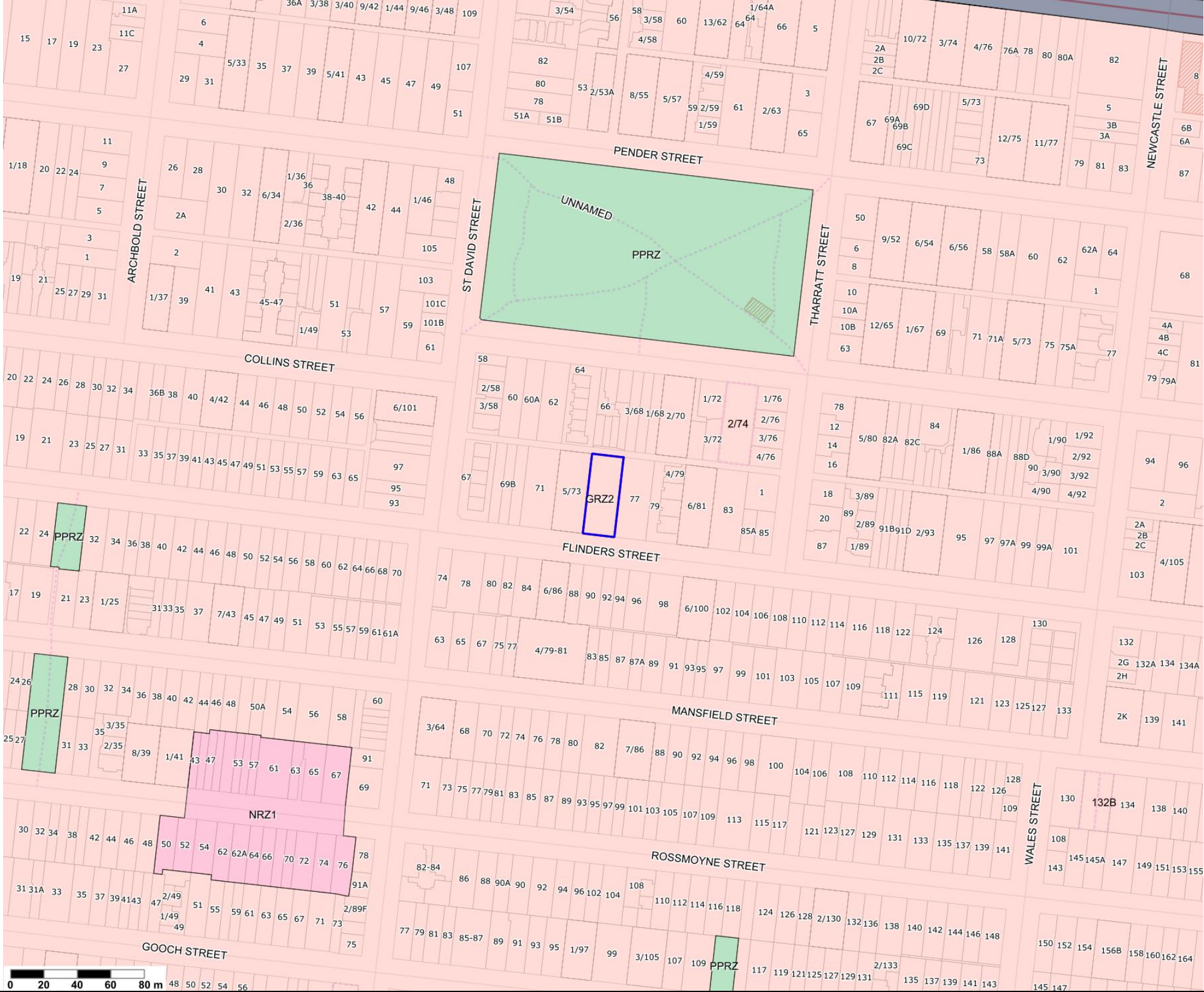


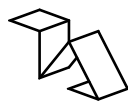
75 FLINDERS STREET THORNBURY 3071

Darebin City Council
6/10/2025



Suburb:	Thornbury
Ward:	South Central
Property No	75
Area (m²)	923.08 sqm
Planning Zone	GRZ2, Schedule
DCPO:	DCPO1
Aboriginal Heritage	N/A
Neighbourhood Character	C2 : Victorian/Edwardian/Inter-war/Post-war Mix
Housing Change Framework	INCREMENTAL





RESIDENTIAL DEVELOPMENT

TOWN PLANNING

AUG 2025



NEIGHBOURHOOD SITE DESCRIPTION PLAN

SITE CONTEXT

THE EXISTING CHARACTER IS GENERALLY SPLIT BETWEEN SINGLE STORY DWELLINGS, AND DOUBLE STORY DWELLINGS, WITH MAJORITY FORMED WITH WEATHERBOARD OR BRICK, WITH A HIP AND GABLE ROOF. GARDENS GENERALLY CONSIST OF SCATTERED TREES AND SHRUBS WITH A SMALL FRONT YARD AREA BEHIND A FENCE.

THE SITE ABUTS A RESIDENTIAL ROAD, WHICH HAS CONTRIBUTED TO THE CREATION OF A VARIED BUILT FORM.

EXISTING CONDITIONS + ORIENTATION

- A SITE HAS A SOUTH TO NORTH ORIENTATION
- B THE SITE HAS A GRADUAL FALL OF APPROX. 0.20M FROM WEST TO EAST AND A 0.65M FALL FROM NORTH TO SOUTH OF THE SITE.

VEGETATION

- C VEGETATION ON THE LAND
- D1 PEDESTRIAN ACCESS IS AVAILABLE FROM FLINDERS STREET.
- D2 VEHICULAR ACCESS IS AVAILABLE FROM FLINDERS STREET
- E1 EXISTING STREET CROSSOVER

DRAINAGE + SERVICES

- G SITE HAS ACCESS TO INFRASTRUCTURE (SEWER, WATER SUPPLY, ELECTRICITY, GAS AND COMMUNICATIONS)

FENCING, BOUNDARIES + EASEMENTS

- H1 BRICK FENCE
- H2 TIMBER FENCE
- H3 WIRE FENCE
- H4 BRICK WITH WIRE INFILL FENCE
- H5 RENDER FENCE
- H6 TIMBER & BRICK FENCE
- H7 NOT FENCED

LOCATION/USE OF SURROUNDING BUILDINGS

- J1 SINGLE STOREY WEATHERBOARD HOUSE
- J2 SINGLE STOREY BRICK HOUSE
- J3 SINGLE STOREY BRICK & RENDER HOUSE
- J4 TWO STOREY BRICK HOUSE
- J5 TWO STOREY WEATHERBOARD HOUSE
- J6 TWO STOREY BRICK & COMPOSITE HOUSE
- J7 TWO STOREY MIXED CLADDINGS HOUSE
- J8 TWO STOREY RENDER HOUSE

TOPOGRAPHY OF LAND

- K LEVELS AT SITE BOUNDARIES FOLLOW TOPOGRAPHY OF THE LAND

S.P.O.S + HABITABLE ROOM WINDOWS

- L SECLUDED PRIVATE OPEN SPACE ON ADJOINING PROPERTIES
- M HABITABLE ROOM WINDOWS WITHIN 9M OF THE SITE
- N POTENTIAL OVERSHADOWING TO ADJOINING PROPERTIES

NEARBY PUBLIC OPEN SPACE

- P1 PENDERS PARK (0.19KM NORTH)
 - INCLUDES ELECTRIC BBQ
 - INCLUDES PLAY AREA
- P2 HAYES PARK (0.99KM EAST)
 - INCLUDES PAVILION
- P3 ALAN SHEPPARD RESERVE (0.27KM SOUTH)
- P4 ROBERTS RESERVE (0.31KM WEST)

LOCAL SHOPS

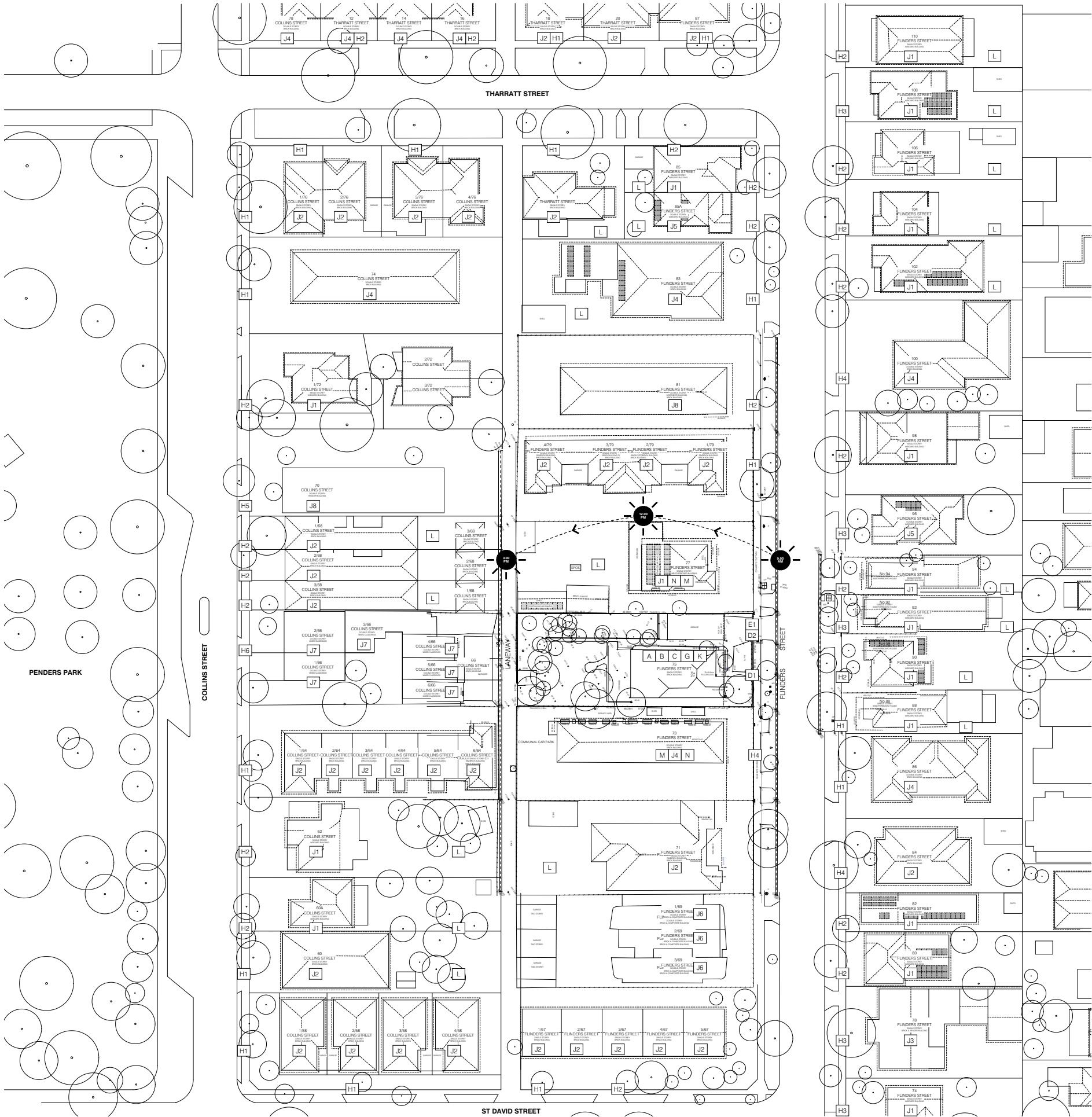
- Q1 PRESTON ARCADE (0.59KM NORTH)
- Q2 NORTHCOOTE PLAZA (1.32KM SOUTH)

PUBLIC TRANSPORT

- R1 BUS ROUTES 552 ON DUNDAS ST
- R2 TRAM ROUTES 86 ON HIGH STREET

SCHOOLS/EDUCATION

- S1 WALES STREET PRIMARY SCHOOL (0.62KM SOUTH)
- S2 THORNBURY HIGH SCHOOL (1.54KM EAST)
- S3 ST MARYS SCHOOL (0.47KM WEST)
- S4 SANTA MARIA COLLEGE (1.65KM SOUTH)



REVISION	
-	09.05.25 ISSUE FOR TOWN PLANNING
A	02.07.25 ISSUE FOR TOWN PLANNING RFI
B	12.08.25 MIRRORED BUILDING ORIENTATION



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PROJECT
**RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORNBURY VIC 3071**

CLIENT

DRAWING TITLE
NEIGHBOURHOOD SITE DESCRIPTION PLAN

SCALE 1:400 @ A1 JOB No. 25-13

DATE
AUG 2025

ISSUE
TOWN PLANNING

DRAWN
CF

DRAWING No. TP_01 REVISION B

Darbin City Council Received 12-08-2025

DESIGN RESPONSE PLAN

THE PROPOSAL

THE SUBJECT LAND IS LOCATED IN THORNBURY ON THE NORTHERN SIDE OF FLINDERS STREET. THE SITE HAS A REGULAR SHAPE WITH A FRONTAGE OF 19.11m AND AN OVERALL AREA OF 922.59m².

THE PROPOSAL INCLUDES THE DEVELOPMENT OF THE LAND FOR SEVEN (7) DOUBLE STORY TOWNHOUSES. THE EXISTING CROSSOVER ON FLINDERS STREET IS TO BE REMOVED AND THE NATURE STRIP AND KERB IS TO BE REINSTITATED. A NEW CROSSOVER IS PROPOSED ALONG THE WIDTH OF THE REAR LANEWAY TO PROVIDE VEHICULAR ACCESS FOR DWELLINGS.

DWELLING 1-6:

G.F. CONSIST OF A POWDER ROOM, LAUNDRY, STUDY, KITCHEN WITH CABINETRY AND A LIVING AREA.

F.F. CONSISTS OF A MASTER BEDROOM WITH ENSUITE, TWO SECONDARY BEDROOMS AND BATHROOM.

DWELLING 7:

F.F. CONSISTS OF A MASTER BEDROOM WITH ENSUITE, A SECONDARY BEDROOM, BATHROOM, LAUNDRY, KITCHEN WITH CABINETRY AND A LIVING AREA.

CAR PARKING IS PROVIDED WITH ACCESS VIA THE REAR LANEWAY.

LEGEND

A LAND USE AND DENSITY RESPONDS TO:
- LOCATION WITHIN ESTABLISHED RESIDENTIAL AREA
- OVERALL AREA OF 922.59m² WITH A STREET FRONTAGE OF 19.11m
- ACCESSIBILITY TO PUBLIC TRANSPORT, OPEN SPACE AND LOCAL SHOPPING

B1 MINIMAL CUT & FILL IS REQUIRED, THIS IS NOT A DESIGN CONSTRAINT

B2 NOT LOCATING GROUND FLOOR A SUBSTANTIAL DISTANCE ABOVE NATURAL GROUND

C LOCATING PRIVATE OPEN SPACE TO ENSURE THEY HAVE SUFFICIENT NATURAL DAYLIGHT

D PROVIDING LIVING AREAS WITH DIRECT CONNECTION TO PRIVATE OPEN SPACE

E PROVIDING SUFFICIENT SETBACKS TO ALLOW GOOD DAYLIGHT ACCESS TO HABITABLE ROOM WINDOWS

F THERE IS A COMMON WALKWAY AND SHARED CARPARKING AREA

G 6 COVERED CAR SPACES ARE PROVIDED

H1 EXISTING VEHICULAR CROSSOVER REMOVED AND NATURE STRIP TO BE REINSTITATED

H2 PROPOSED VEHICULAR CROSSOVER

THE PROPOSAL MINIMISES THE IMPACT ON THE ADJOINING PROPERTIES AND INTERNAL DWELLINGS BY:

I LIMITING POTENTIAL FOR OVERSHADOWING TO ADJOINING PROPERTIES TO THE EAST AND WEST BY CAREFULLY SITING BUILT FORM AWAY FROM THE TITLE BOUNDARY

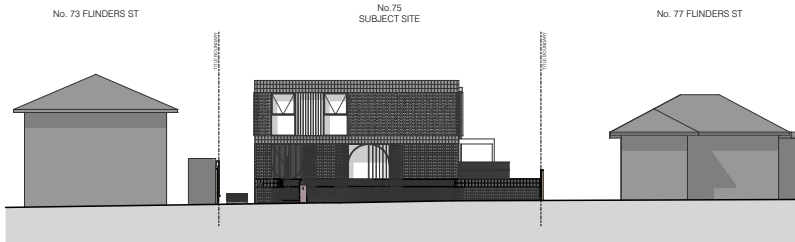
J LIMITING POTENTIAL FOR OVERLOOKING TO INTERNAL DWELLINGS BY CAREFULLY LOCATED UPPER LEVEL HABITABLE ROOM WINDOWS, USE OF HIGHLIGHT WINDOWS AND SCREENING TO 1.7m ABOVE FINISHED FLOOR LEVEL

K PROVIDING BUILDING FORMS WHICH ARE HEAVILY ARTICULATED TO REDUCE BULK

L PROVIDING A CONTEMPORARY DEVELOPMENT WITHIN THE STREETScape THAT IS COMPLEMENTARY TO THE PREVAILING CHARACTER OF THE AREA AND INVOLVES MATERIALS AND FORMS WHICH ARE NOT DOMINANT

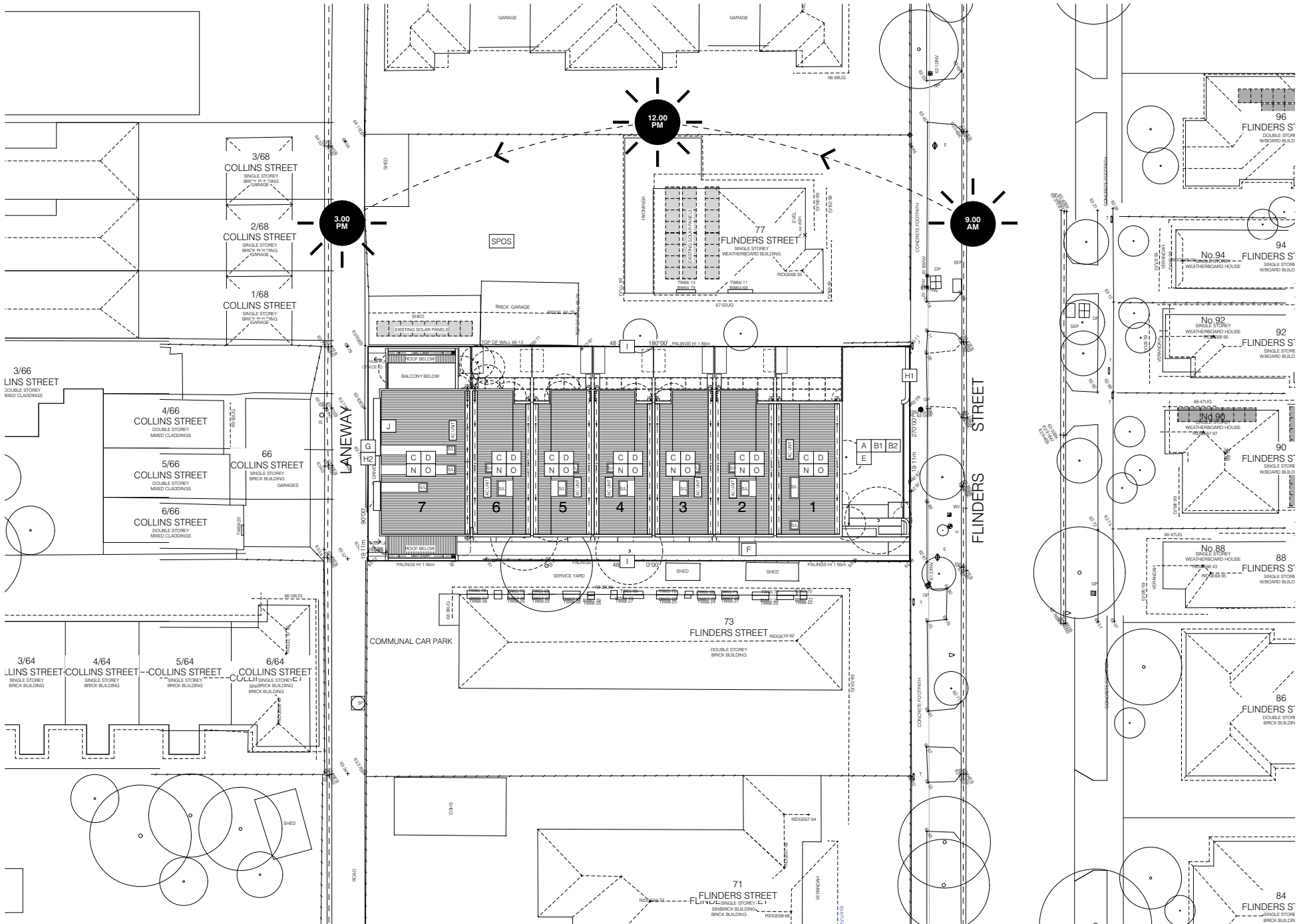
N ENSURING THAT EXTERNAL AREAS ARE LOW MAINTENANCE

O ENSURING THAT PRIVATE AREAS AND SPACES ARE MAXIMISED

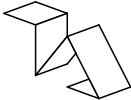


B1 B2 I J K L

STREETSCAPE ELEVATION [FLINDERS STREET]



REVISION
- 09.05.25 ISSUE FOR TOWN PLANNING
A 02.07.25 ISSUE FOR TOWN PLANNING RFI
B 12.08.25 MIRRORED BUILDING ORIENTATION



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PROJECT

**RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORNBURY VIC 3071**

CLIENT

DRAWING TITLE

DESIGN RESPONSE PLAN

SCALE

1:200 @ A1

JOB No.

25-13

DATE

AUG 2025

ISSUE

TOWN PLANNING

DRAWN

CF

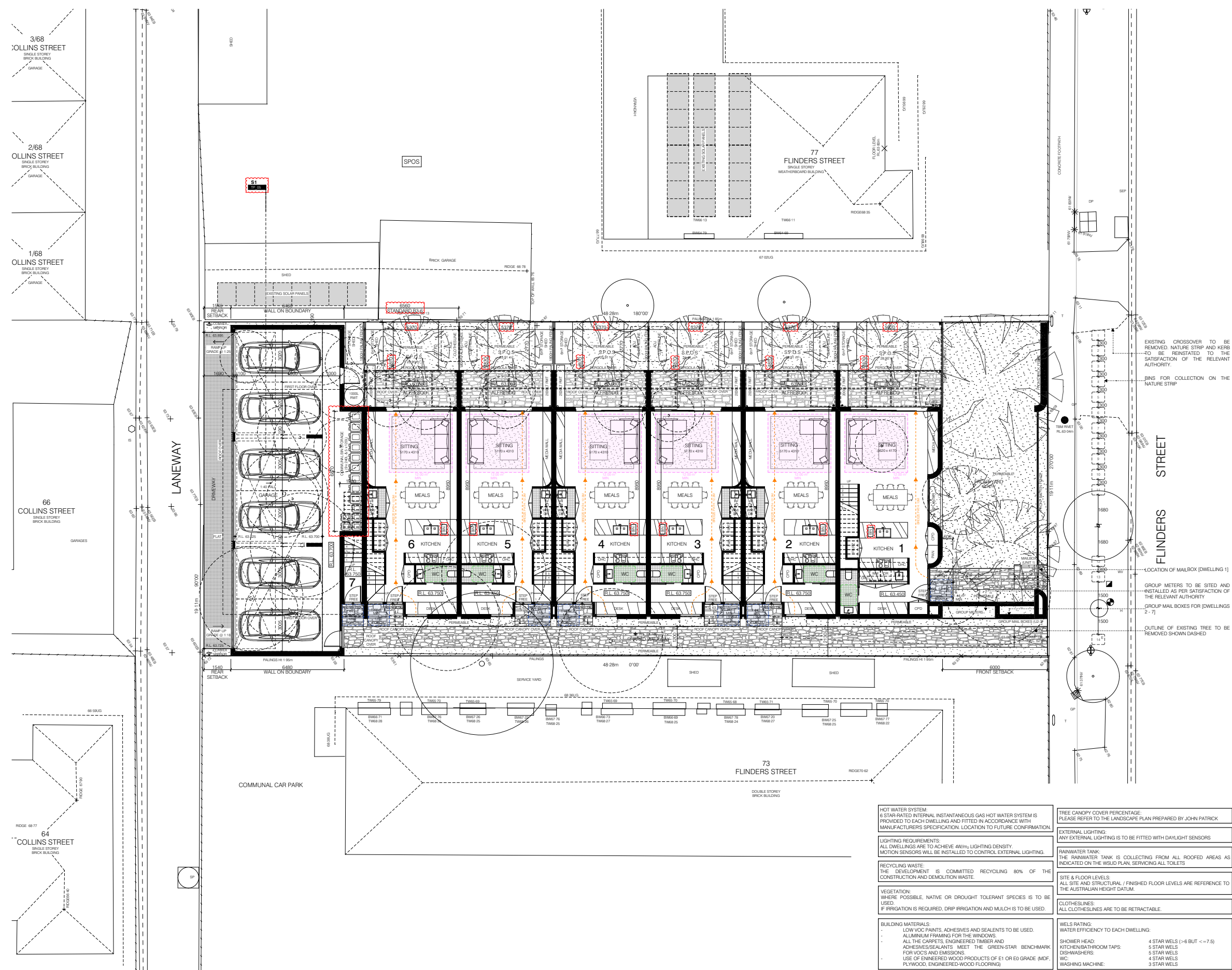
DRAWING No.

TP_02

REVISION

B

Darebin City Council Received 12-08-2025



AREA ANALYSIS

SITE AREA	922.59 m ²
SITE COVERAGE	61.95% 571.95 m ²
PERMEABLE SURFACE	23.83% 220.62 m ²
GARDEN AREA	35.14% 324.29 m ²
GARAGE	127.39 m ²

GROUND FLOOR	68.78 m ²
PORCH	2.64 m ²
FIRST FLOOR	71.86 m ²
FRONT YARD	97.76 m ²
S.P.O.S	28.95 m ²

GROUND FLOOR	63.64 m ²
PORCH	2.65 m ²
FIRST FLOOR	67.81 m ²
S.P.O.S	25.91 m ²

GROUND FLOOR	5.18 m ²
PORCH	1.64 m ²
FIRST FLOOR	104.39 m ²
BALCONY	29.54 m ²

- LEGEND
- INTERNAL WASTE BIN (MIN 0.07m² AND 250mm DEPTH)
 - AIR CONDITIONING UNIT LOCATION
 - BN LOCATION
 - 1200 x 900mm CIRCULATION SPACE IN FRONT OF TOILET PAN
 - CONVEX MIRROR
 - NATURAL VENTILATION (STANDARD B3-10): MIN BREEZE PATH: 5M | MAX BREEZE PATH: 18M
 - ENTRY AREA (STANDARD B3-4): MIN 1.44m² WITH MIN DIMENSION OF 1.2m
 - FUNCTIONAL LAYOUT (STANDARD B3-7): MIN LIVING ROOM AREA (MIN 12m²)

REVISION

-	09.05.25	ISSUE FOR TOWN PLANNING
A	02.07.25	ISSUE FOR TOWN PLANNING RFI
B	12.08.25	MIRRORED BUILDING ORIENTATION

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410 QUEENS PARADE, FITZROY NORTH 3048

**RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORNBURY VIC 3071**

CLIENT: _____

DRAWING TITLE: **GROUND FLOOR PLAN**

SCALE: 1:100 @ A1

DATE: **AUG 2025**

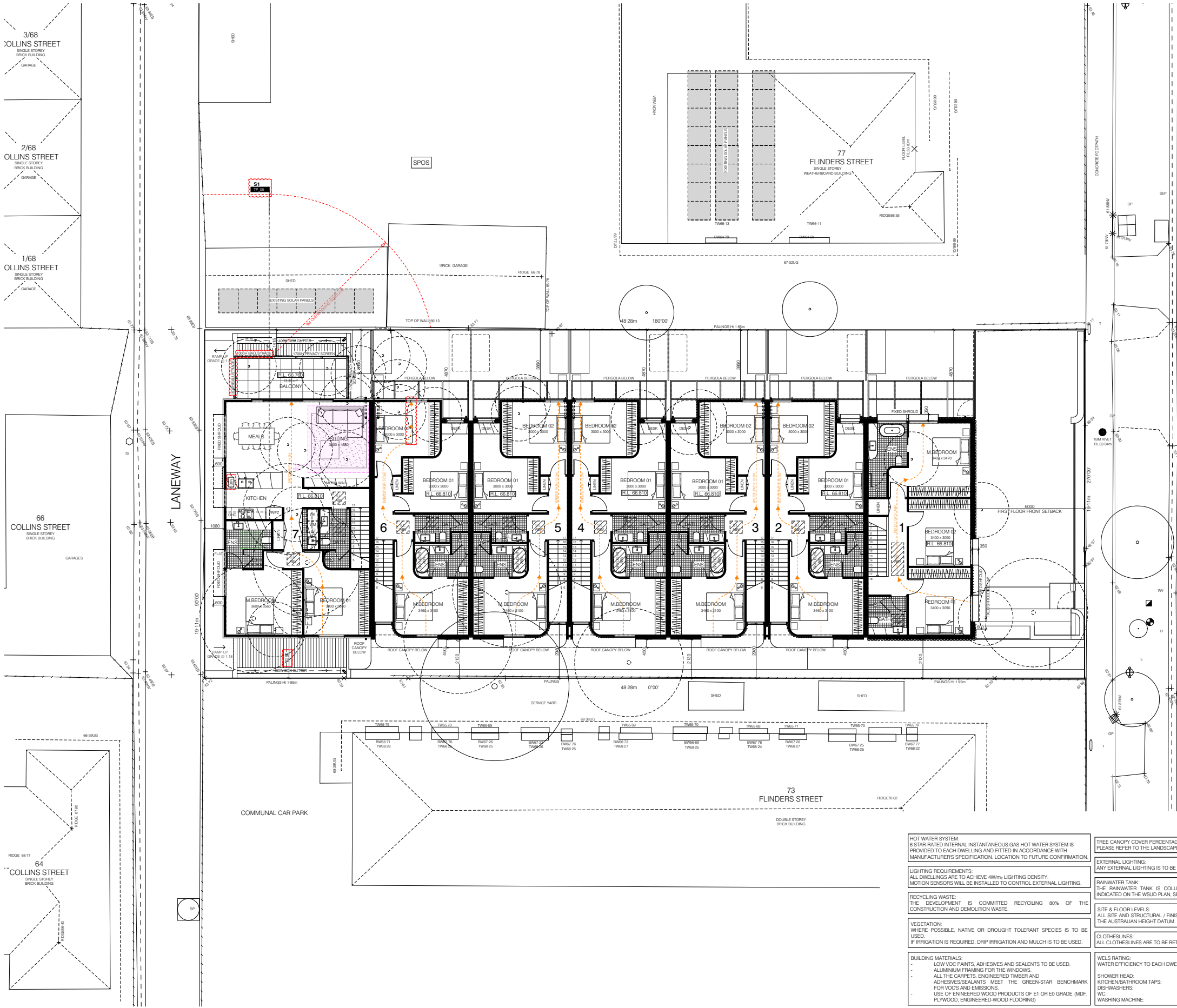
ISSUE: **TOWN PLANNING**

DRAWN: **CF**

DRAWING No: **TP_03**

REVISION: **B**

- HOT WATER SYSTEM:
6 STAR-RATED INSTANTANEOUS GAS HOT WATER SYSTEM IS PROVIDED TO EACH DWELLING AND FITTED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION. LOCATION TO FUTURE CONFIRMATION.
- EXTERNAL LIGHTING:
ANY EXTERNAL LIGHTING IS TO BE FITTED WITH DAYLIGHT SENSORS.
- RAINWATER TANK:
THE RAINWATER TANK IS COLLECTING FROM ALL ROOFED AREAS AS INDICATED ON THE WSUD PLAN, SERVING ALL TOILETS.
- SITE & FLOOR LEVELS:
ALL SITE AND STRUCTURAL / FINISHED FLOOR LEVELS ARE REFERENCE TO THE AUSTRALIAN HEIGHT DATUM.
- CLOTHESLINES:
ALL CLOTHESLINES ARE TO BE RETRACTABLE.
- WELS RATING:
WATER EFFICIENCY TO EACH DWELLING:
- 4 STAR WELS (>6 BUT <~7.5)
 - 5 STAR WELS
 - 4 STAR WELS
 - 3 STAR WELS
- SHOWER HEAD:
KITCHEN/BATHROOM TAPS:
DISHWASHERS:
WC:
WASHING MACHINE:
- VEGETATION:
WHERE POSSIBLE, NATIVE OR DROUGHT TOLERANT SPECIES IS TO BE USED.
IF IRRIGATION IS REQUIRED, DRIP IRRIGATION AND MULCH IS TO BE USED.
- RECYCLING WASTE:
THE DEVELOPMENT IS COMMITTED TO RECYCLING 80% OF THE CONSTRUCTION AND DEMOLITION WASTE.
- BUILDING MATERIALS:
- LOW VOC PAINTS, ADHESIVES AND SEALANTS TO BE USED.
- ALUMINIUM FRAMING FOR THE WINDOWS.
- ALL THE CARPETS, ENGINEERED TIMBER AND ADHESIVES/SEALANTS MEET THE GREEN-STAR BENCHMARK FOR VOCs AND EMISSIONS.
- USE OF ENGINEERED WOOD PRODUCTS OF E1 OR E0 GRADE (MDF, PLYWOOD, ENGINEERED-WOOD FLOORING).



AREA ANALYSIS

SITE AREA		922.59 m ²
SITE COVERAGE	61.95%	571.95 m ²
PERMEABLE SURFACE	23.83%	220.62 m ²
GARDEN AREA	35.14%	324.29 m ²
GARAGE		127.39 m ²

DWELLING 1

GROUND FLOOR	68.78 m ²
PORCH	2.64 m ²
FIRST FLOOR	71.86 m ²
FRONT YARD	97.76 m ²
S.P.O.S	28.95 m ²
OVERALL (NOT INC. ALFRESCO)	143.28 m ²

DWELLINGS 2-6

GROUND FLOOR	63.64 m ²
PORCH	2.65 m ²
FIRST FLOOR	67.81 m ²
S.P.O.S	25.91 m ²
OVERALL (NOT INC. ALFRESCO)	134.10 m ²

DWELLING 7

GROUND FLOOR	5.18 m ²
PORCH	1.64 m ²
FIRST FLOOR	104.39 m ²
BALCONY	29.54 m ²
OVERALL (NOT INC. ALFRESCO)	111.21 m ²

- LEGEND
- INTERNAL WASTE BN (MIN 0.07m² AND 250mm DEPTH)
 - AIR CONDITIONING UNIT LOCATION
 - BN LOCATION
 - 1200 x 900mm CIRCULATION SPACE IN FRONT OF TOILET PAN
 - CONVEX MIRROR
 - NATURAL VENTILATION (STANDARD BS-10): MIN BREEZE PATH: 5M | MAX BREEZE PATH: 18M
 - ENTRY AREA (STANDARD BS-4): MIN 1.44m² WITH MIN DIMENSION OF 1.2m
 - FUNCTIONAL LAYOUT (STANDARD BS-7): MIN 12.00m² LIVING ROOM AREA (MIN 12m²)

REVISION

-	09.05.25	ISSUE FOR TOWN PLANNING
A	02.07.25	ISSUE FOR TOWN PLANNING RFI
B	12.08.25	MIRRORED BUILDING ORIENTATION

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410 QUEENS PARADE, FITZROY NORTH 3048

RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORNBURY VIC 3071

CLIENT

DRAWING TITLE
FIRST FLOOR PLAN

SCALE
1:100 @ A1

DATE
AUG 2025

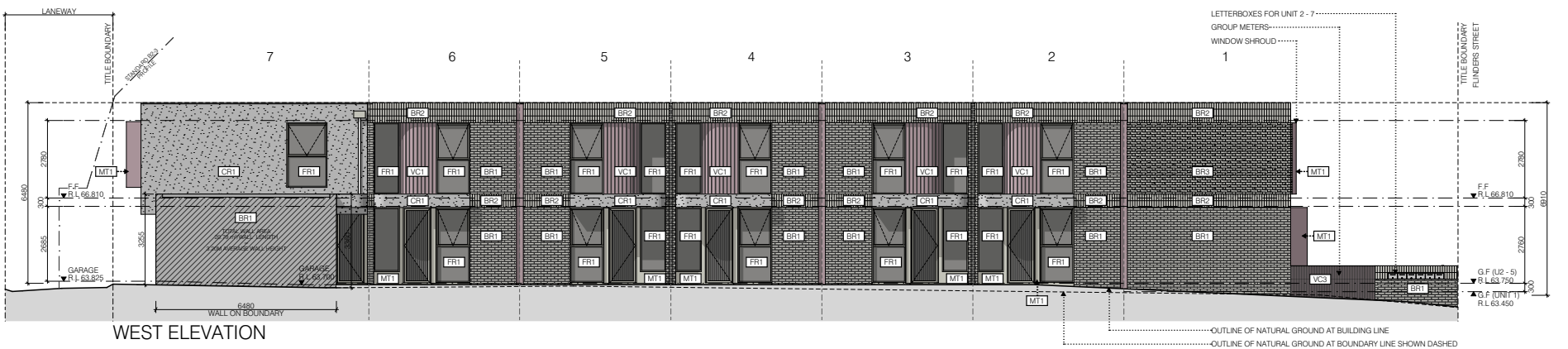
ISSUE
TOWN PLANNING

DRAWN
CF

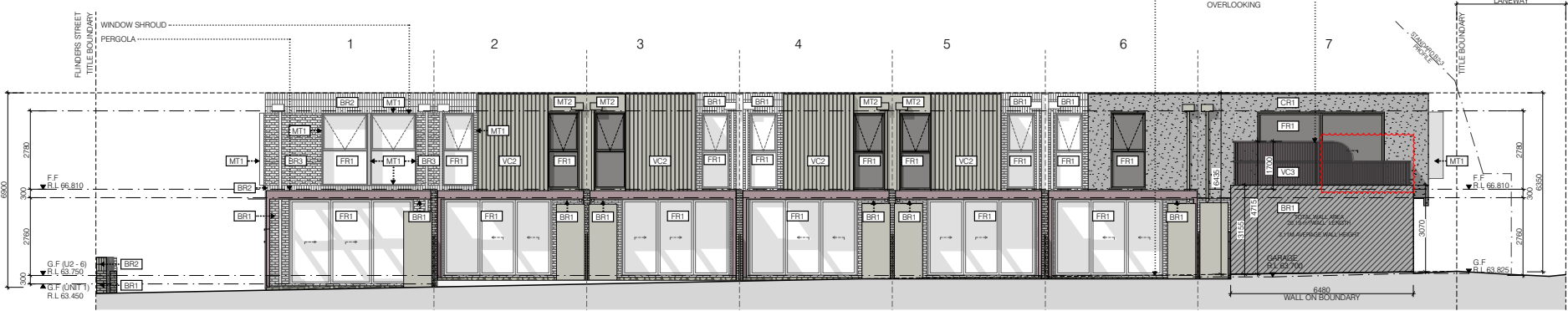
DRAWING No.
TP_04

REVISION
B

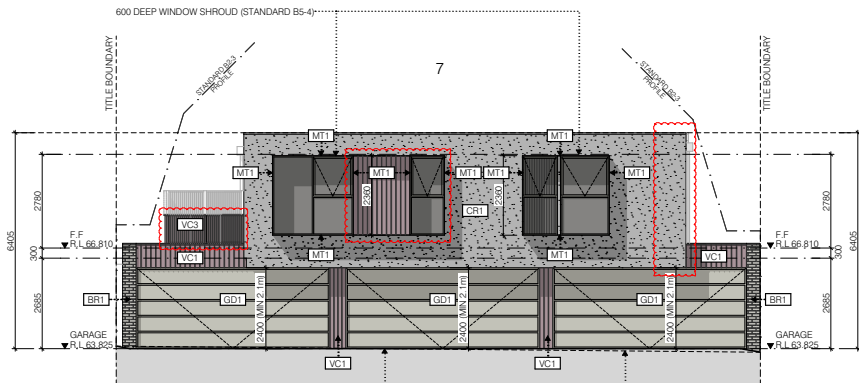
- HOT WATER SYSTEM:
6 STAR-RATED INTERNAL INSTANTANEOUS GAS HOT WATER SYSTEM IS PROVIDED TO EACH DWELLING AND FITTED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATION. LOCATION TO FUTURE CONFIRMATION.
- LIGHTING REQUIREMENTS:
ALL DWELLINGS ARE TO ACHIEVE 4W/m² LIGHTING DENSITY. MOTION SENSORS WILL BE INSTALLED TO CONTROL EXTERNAL LIGHTING.
- RECYCLING WASTE:
THE DEVELOPMENT IS COMMITTED TO RECYCLING 80% OF THE CONSTRUCTION AND DEMOLITION WASTE.
- VEGETATION:
WHERE POSSIBLE, NATIVE OR DROUGHT TOLERANT SPECIES IS TO BE USED. IF IRRIGATION IS REQUIRED, DRIP IRRIGATION AND MULCH IS TO BE USED.
- BUILDING MATERIALS:
- LOW VOC PAINTS, ADHESIVES AND SEALANTS TO BE USED.
- ALUMINUM FRAMING FOR THE WINDOWS.
- ALL THE CARPETS, ENGINEERED TIMBER AND ADHESIVES/SEALANTS MEET THE GREEN-STAR BENCHMARK FOR VOCs AND EMISSIONS.
- USE OF ENGINEERED WOOD PRODUCTS OF E1 OR E0 GRADE (MDF, PLYWOOD, ENGINEERED-WOOD FLOORING).
- WELS RATING:
WATER EFFICIENCY TO EACH DWELLING:
- SHOWER HEAD: 4 STAR WELS (>6 BUT <~7.5)
KITCHEN/BATHROOM TAPS: 5 STAR WELS
DISHWASHERS: 4 STAR WELS
WC: 4 STAR WELS
WASHING MACHINE: 3 STAR WELS
- THREE CANOPY COVER PERCENTAGE:
PLEASE REFER TO THE LANDSCAPE PLAN PREPARED BY JOHN PATRICK.
- EXTERNAL LIGHTING:
ANY EXTERNAL LIGHTING IS TO BE FITTED WITH DAYLIGHT SENSORS.
- RAINWATER TANK:
THE RAINWATER TANK IS COLLECTING FROM ALL ROOFED AREAS AS INDICATED ON THE WSUD PLAN, SERVICING ALL TOILETS.
- SITE & FLOOR LEVELS:
ALL SITE AND STRUCTURAL / FINISHED FLOOR LEVELS ARE REFERENCE TO THE AUSTRALIAN HEIGHT DATUM.
- CLOTHESLINES:
ALL CLOTHESLINES ARE TO BE RETRACTABLE.



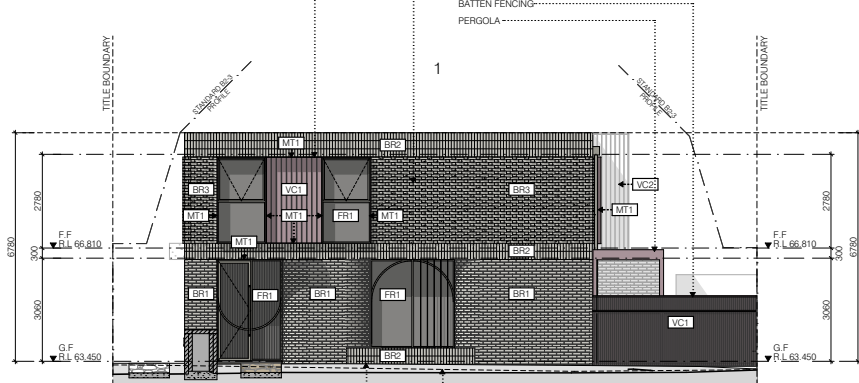
WEST ELEVATION



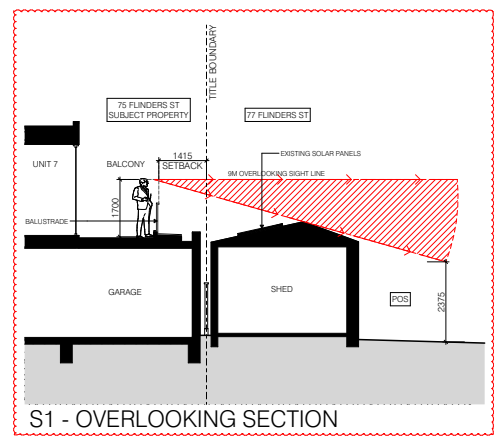
EAST ELEVATION



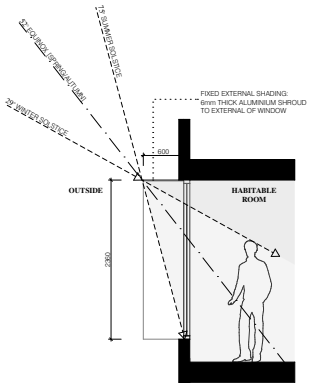
NORTH ELEVATION



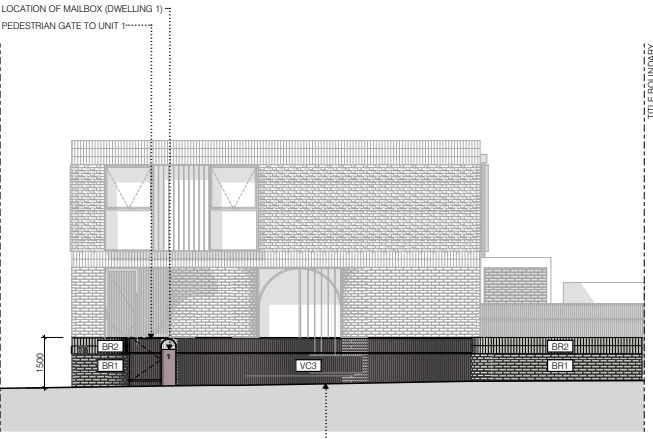
SOUTH ELEVATION



S1 - OVERLOOKING SECTION



EXTERNAL FIXED SHADING



FRONT FENCE ELEVATION

MATERIALS + FINISHES SCHEDULE

BR1	VC1
FACE BRICKWORK - RUNNING BOND: LIGHT GREY/CREAM COLOUR	VERTICAL CLADDING: FEATURE COLOUR
BR2	VC2
FACE BRICKWORK - SOLDIER BOND: LIGHT GREY/CREAM COLOUR	VERTICAL CLADDING: LIGHT GREY/CREAM COLOUR
BR3	VC3
3D FACE BRICKWORK - FLEMISH BOND: LIGHT GREY/CREAM COLOUR	VERTICAL BATTEN FENCING: FEATURE COLOUR
CR1	FR1
CONCRETE RENDER: LIGHT GREY/CREAM COLOUR	METAL ROOFING: COLORBOND WHITE/OFF WHITE
MT1	FR2
METAL CLADDING / SHROUD: POWDERCOATED - WHITE/OFF WHITE	WINDOW/DOOR FRAMES: POWDERCOATED - WHITE/OFF WHITE
MT2	GD1
METAL CLADDING / SHROUD: POWDERCOATED - WHITE/OFF WHITE	GARAGE DOOR: LIGHT GREY/CREAM COLOUR

SITE & FLOOR LEVELS:
ALL SITE AND STRUCTURAL / FINISHED FLOOR LEVELS ARE REFERENCE TO THE AUSTRALIAN HEIGHT DATUM.

REVISION
- 09.05.25 ISSUE FOR TOWN PLANNING
A 02.07.25 ISSUE FOR TOWN PLANNING RFI
B 12.08.25 MIRRORED BUILDING ORIENTATION

TAOUKARCHITECTS

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PROJECT
RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORNBURY VIC 3071

CLIENT
-

DRAWING TITLE
ELEVATIONS

SCALE
1:100, 1:50 @ A1

DATE
AUG 2025

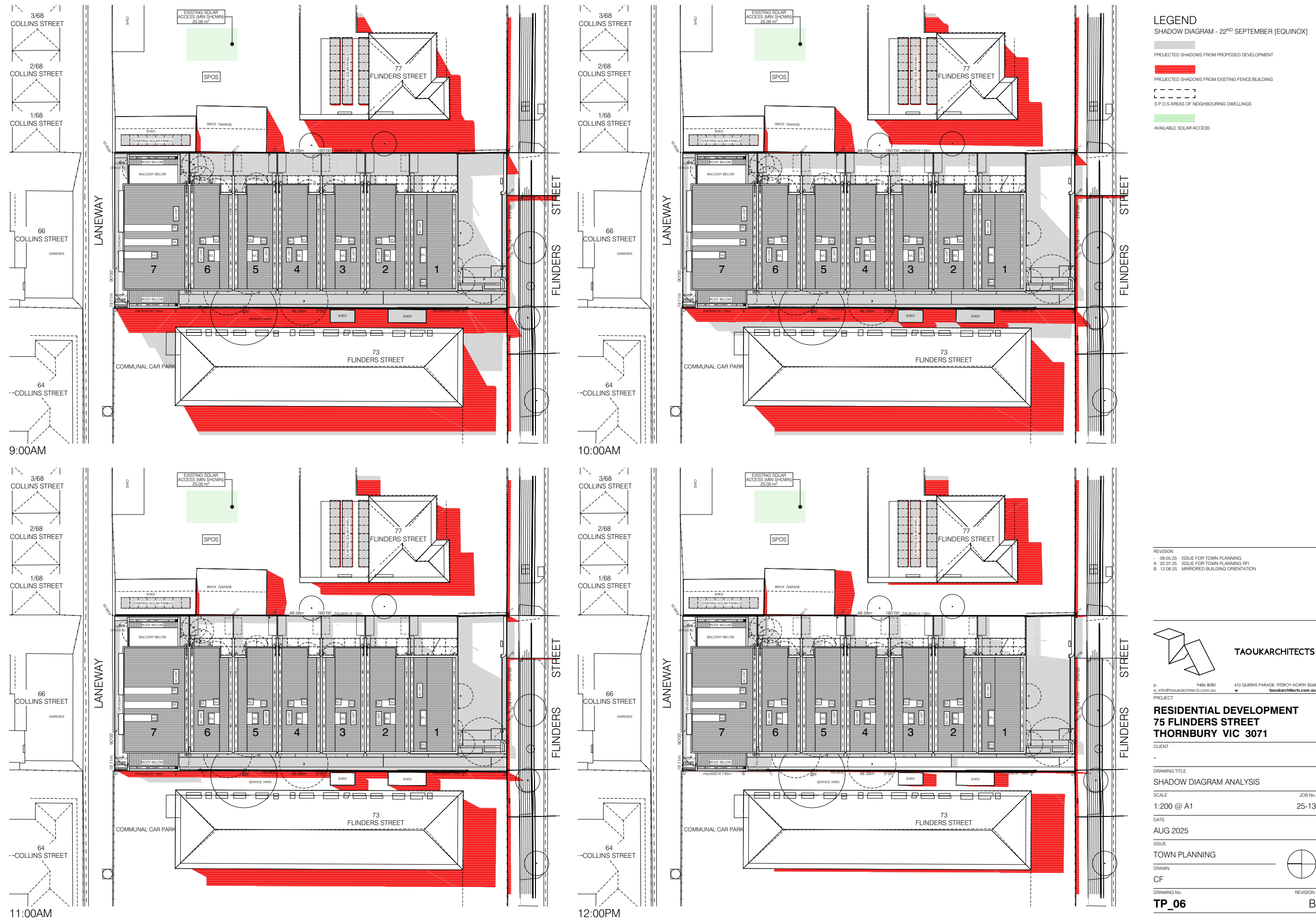
ISSUE
TOWN PLANNING

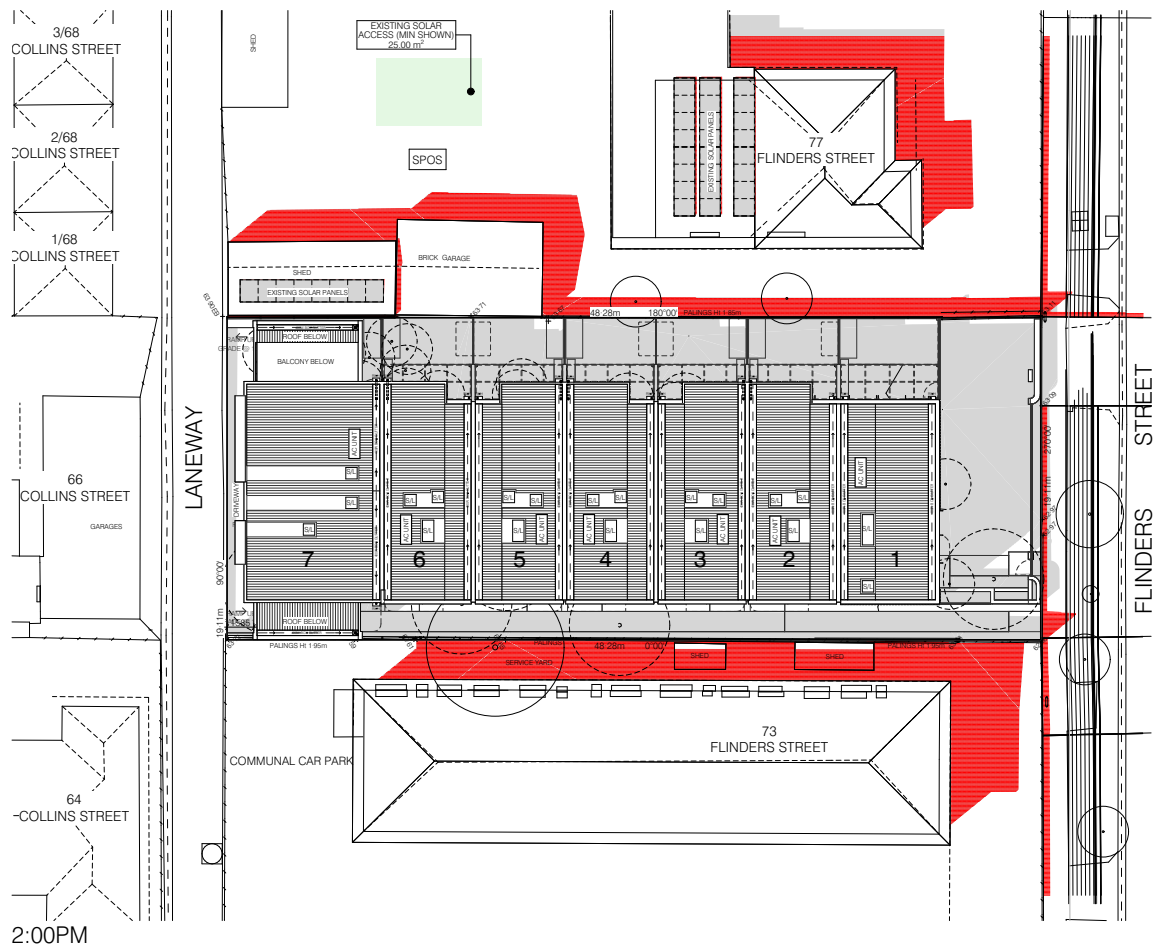
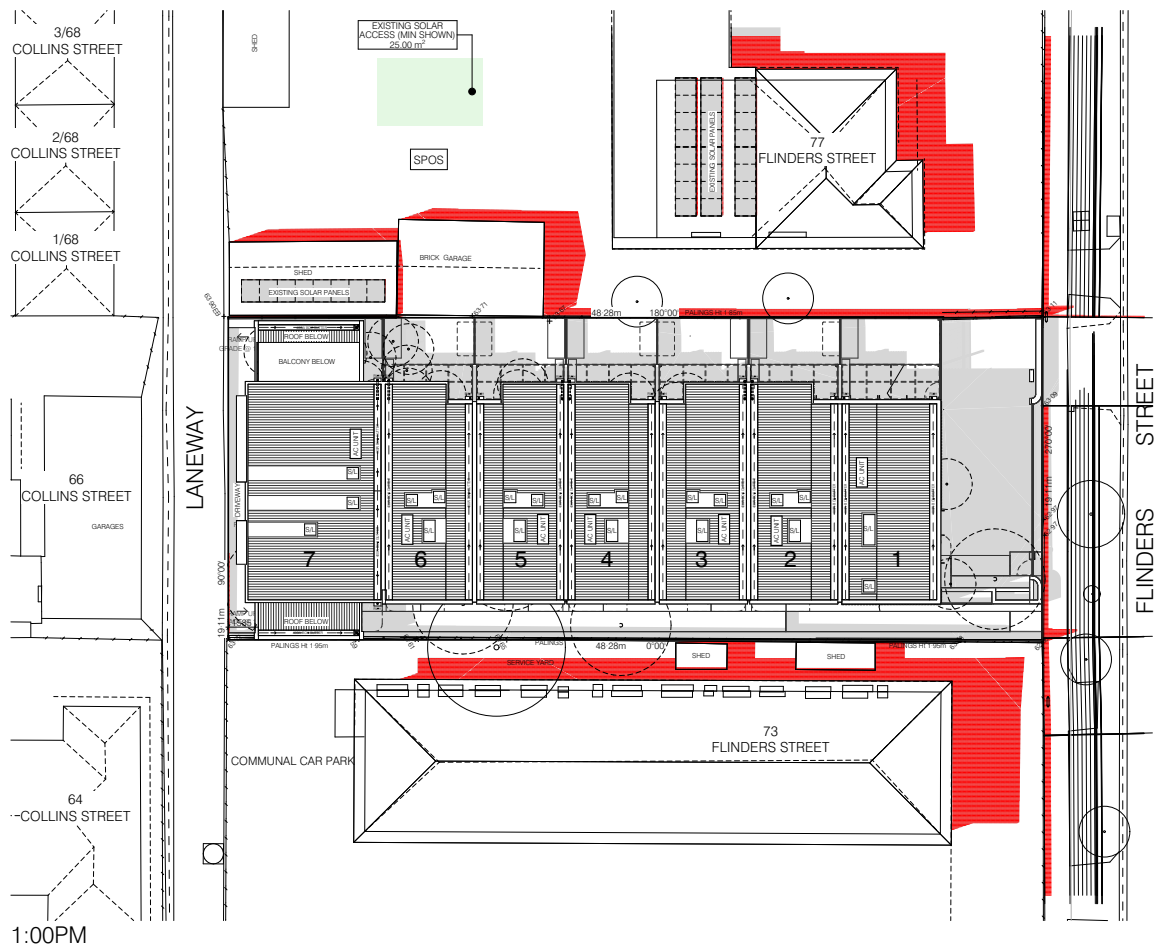
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DRAWING No.
TP_05

REVISION
B

Darebin City Council Received 12-08-2025



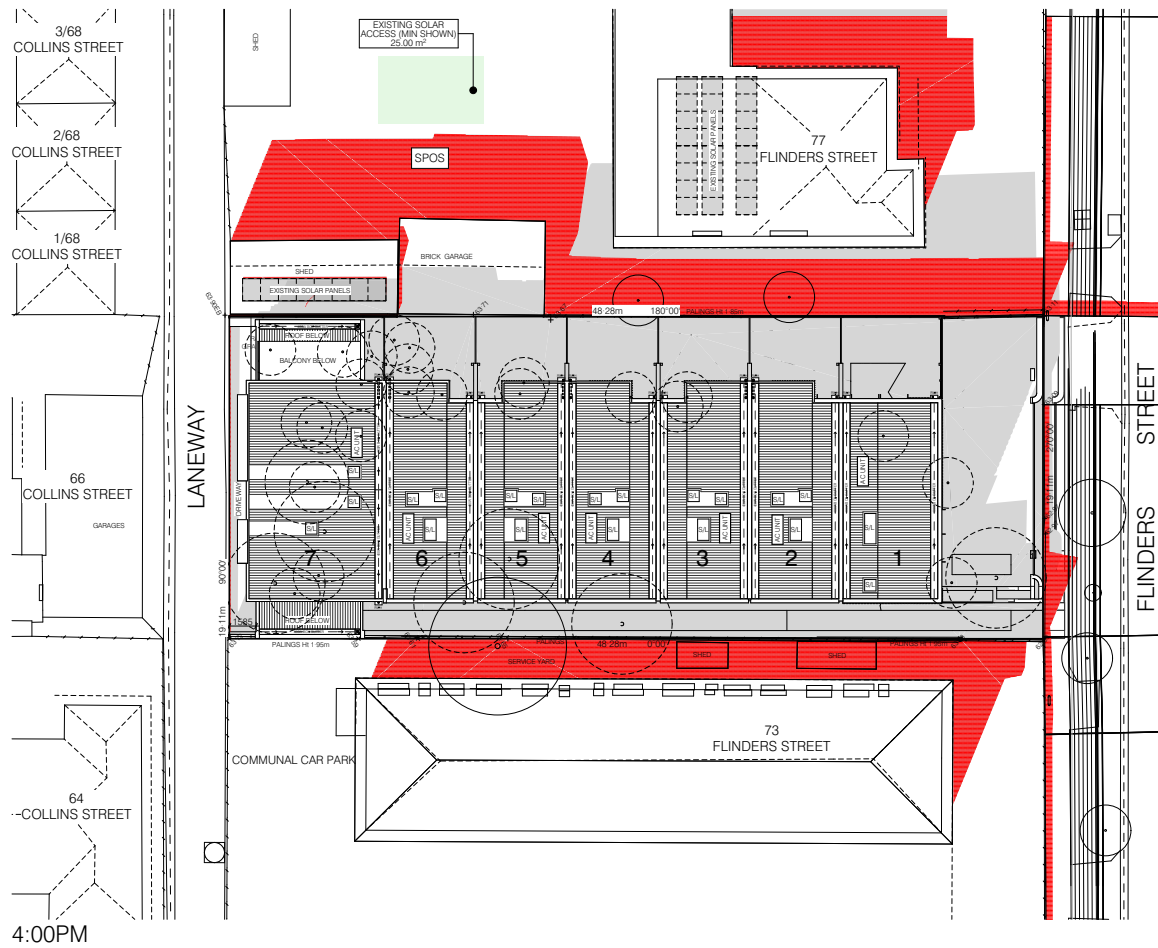
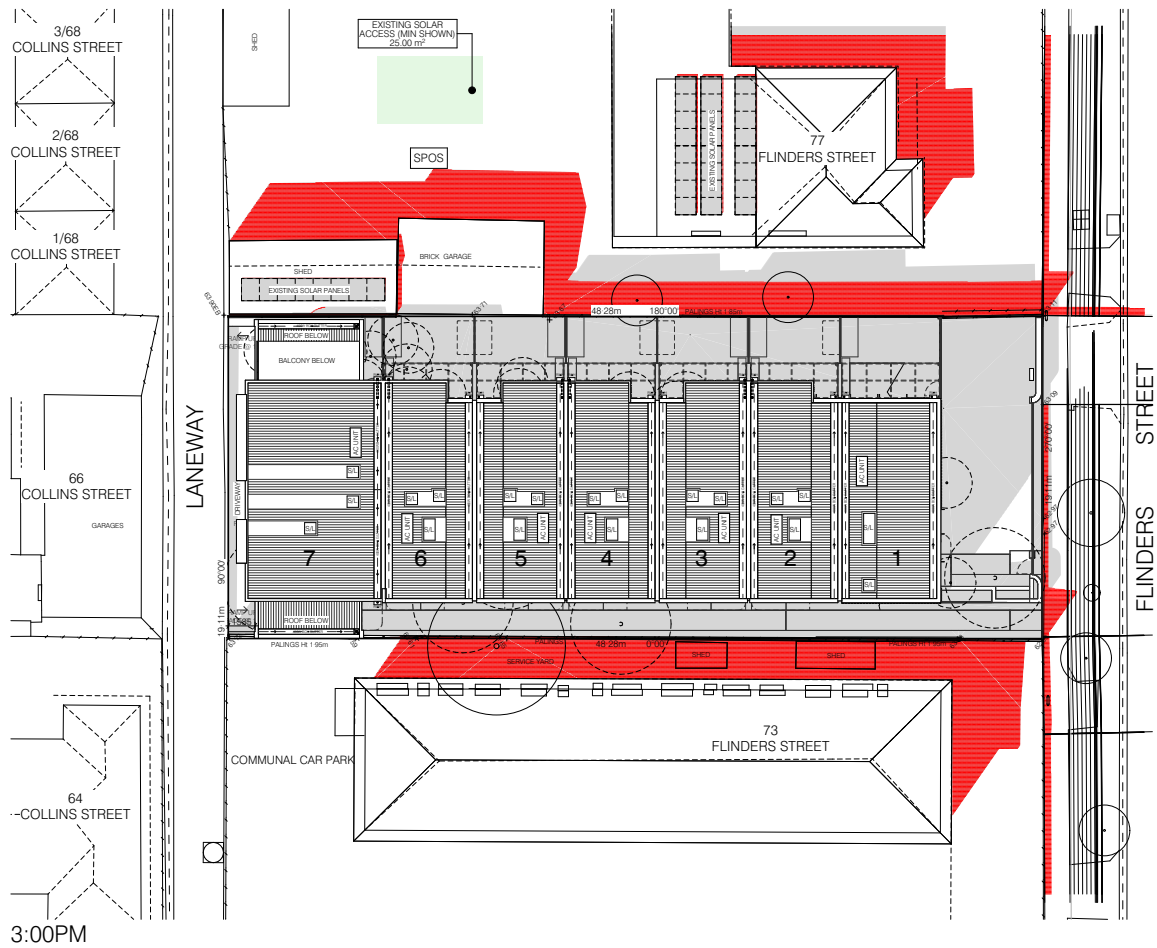


LEGEND
SHADOW DIAGRAM - 22ND SEPTEMBER [EQUINOX]

- PROJECTED SHADOWS FROM PROPOSED DEVELOPMENT
- PROJECTED SHADOWS FROM EXISTING FENCE/BUILDING
- S.P.O.S. AREAS OF NEIGHBOURING DWELLINGS
- AVAILABLE SOLAR ACCESS

AREA ANALYSIS

SITE AREA	922.59 m ²
SITE COVERAGE	61.95% 571.95 m ²
PERMEABLE SURFACE	23.83% 220.62 m ²
GARDEN AREA	35.14% 324.29 m ²



REVISION

- 09.05.25 ISSUE FOR TOWN PLANNING
- 02.07.25 ISSUE FOR TOWN PLANNING RFI
- 12.08.25 MIRRORED BUILDING ORIENTATION

TAOUKARCHITECTS

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PROJECT
RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORN BURY VIC 3071

CLIENT

DRAWING TITLE
SHADOW DIAGRAM ANALYSIS/G.A

SCALE 1:200 @ A1 **JOB No.** 25-13

DATE AUG 2025

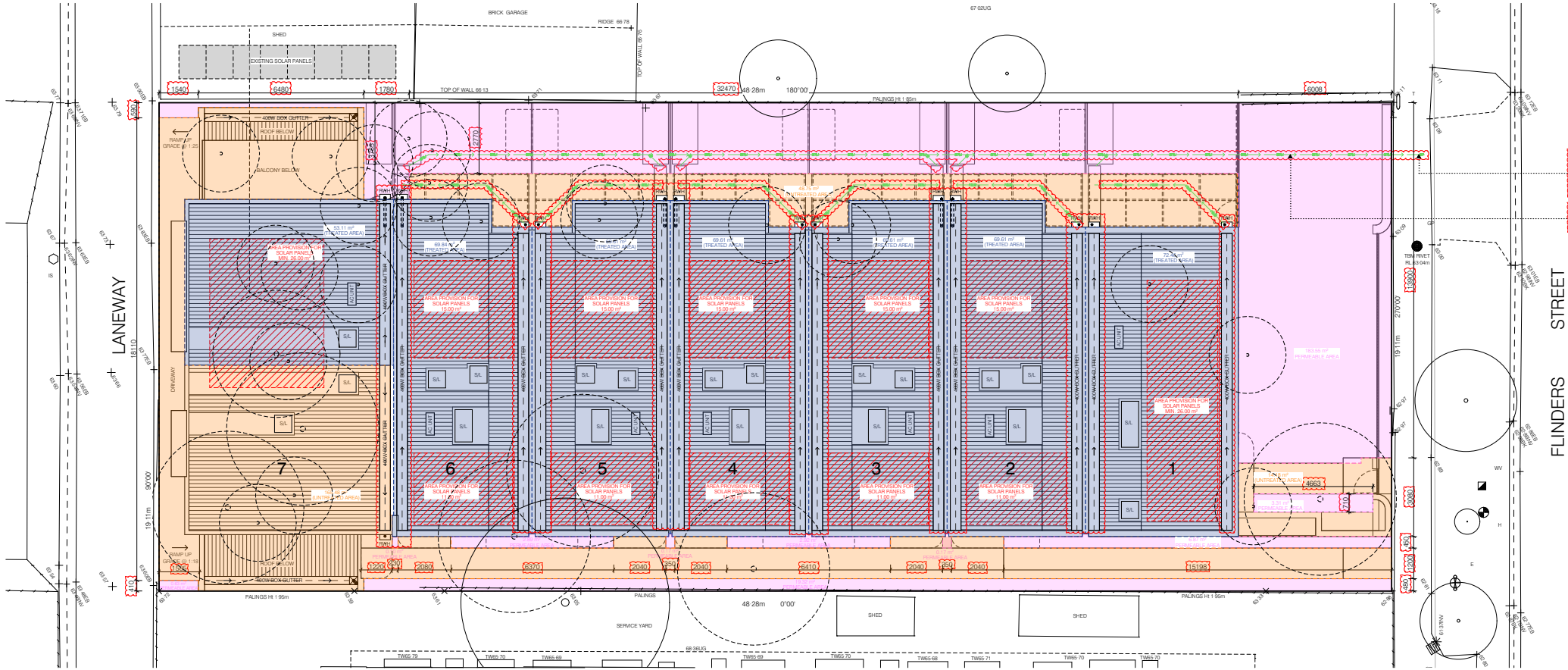
ISSUE TOWN PLANNING

DRAWN CF

DRAWING No. TP_07 **REVISION** B

Darebin City Council Received 12-08-2025

ROOF/WSUD PLAN



AREA ANALYSIS

SITE AREA		922.59 m ²
SITE COVERAGE	61.95%	571.95 m ²
PERMEABLE SURFACE	23.83%	220.62 m ²
GARDEN AREA	35.14%	324.29 m ²

STORMWATER TO BE CONNECTED TO LEGAL POINT OF DISCHARGE AS PER AUTHORITY'S APPROVAL. LPOD SHOWN IS INDICATIVE AND TO BE CONFIRMED IN THE FUTURE.

STORMWATER CONNECTION SHOWN IS INDICATIVE AND TO BE CONFIRMED BY FUTURE DRAINAGE PLAN.

RAINWATER TANKS:

DWELLING 1 ROOF CATCHMENT AREA (72.46m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 2 ROOF CATCHMENT AREA (69.61m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 3 ROOF CATCHMENT AREA (69.61m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 4 ROOF CATCHMENT AREA (69.61m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 5 ROOF CATCHMENT AREA (69.61m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 6 ROOF CATCHMENT AREA (69.61m²) IS TO BE COLLECTED INTO A 2000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

DWELLING 7 ROOF CATCHMENT AREA (53.11m²) IS TO BE COLLECTED INTO A 1000L RWT AND IS TO BE CONNECTED TO TOILETS FOR FLUSHING.

IF CHARGED PIPE SYSTEM IS REQUIRED, NO PIPEWORK IS TO RUN UNDERNEATH THE BUILDING FOOTPRINT.

UNTREATED AREA: ORANGE HATCH DENOTES THE EXTENT OF UNTREATED AREA WITHIN THE DEVELOPMENT WHICH AMOUNTS TO A TOTAL OF 226.4m².

PERMEABLE SURFACES: PURPLE HATCH DENOTES THE EXTENT OF PERMEABLE AREA WITHIN THE DEVELOPMENT.

ROOF AREA: BLUE HATCH DENOTES THE EXTENT OF ROOF CATCHMENT TO BE DIVERTED TO RAINWATER TANK.

GARDEN AREA: GREEN HATCH DENOTES THE EXTENT OF GARDEN AREA WITHIN THE DEVELOPMENT.

REVISION

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- 02.07.25 ISSUE FOR TOWN PLANNING RFI
- 12.08.25 MIRRORED BUILDING ORIENTATION

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PROJECT

**RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORN BURY VIC 3071**

CLIENT

DRAWING TITLE

GARDEN AREA / WSUD PLAN

SCALE

1:100 @ A1

DATE

AUG 2025

ISSUE

TOWN PLANNING

DRAWN

CF

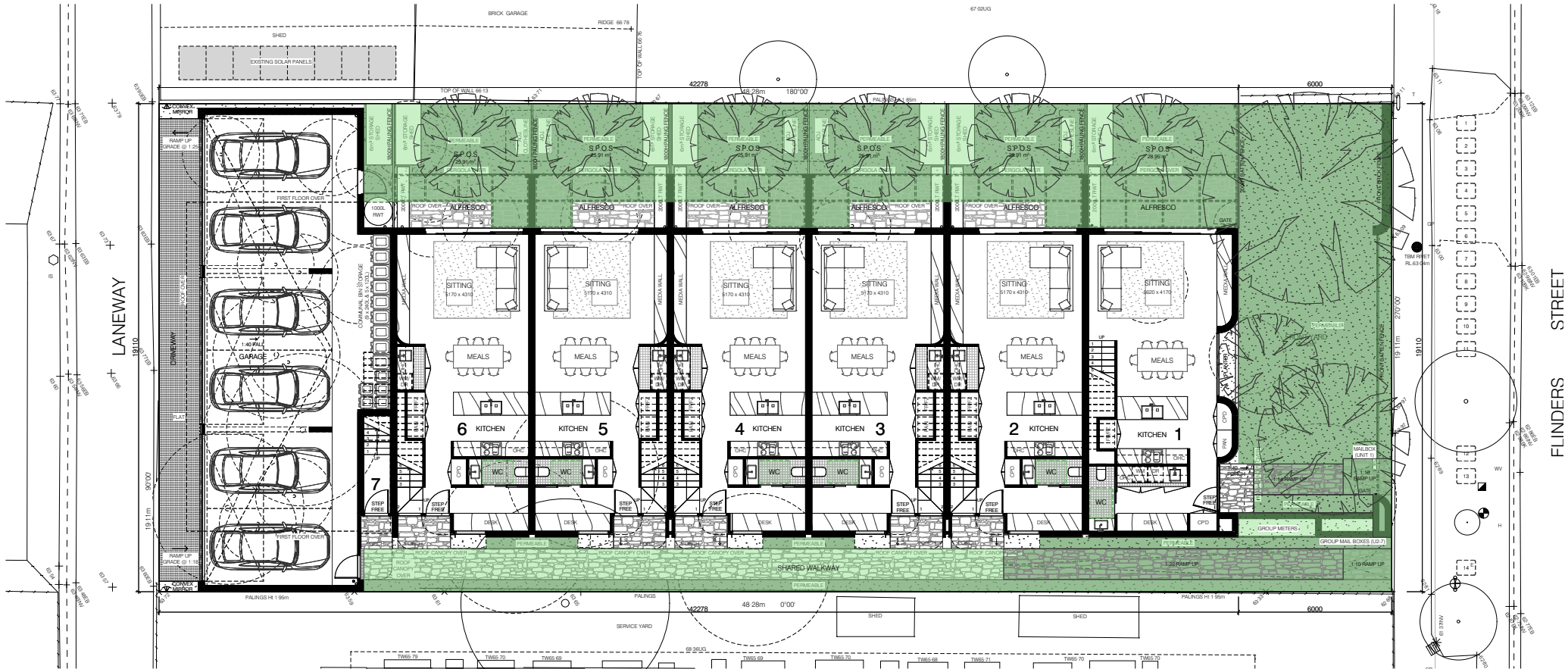
DRAWING No.

TP_08

REVISION

B

GARDEN AREA PLAN



CANOPY TREE COVER PLAN

DEEP SOIL AREA PLAN

AREA ANALYSIS

SITE AREA		922.59 m ²
SITE COVERAGE	61.95%	571.95 m ²
PERMEABLE SURFACE	23.83%	220.62 m ²
GARDEN AREA	35.14%	324.29 m ²

CANOPY TREE COVER

CLAUSE 55.02-7 - REFER TO LANDSCAPE PLAN PREPARED BY JOHN PATRICK FOR DETAILS

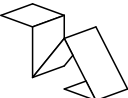
AREA / ZONE	TOTAL AREA	PERCENTAGE
SITE AREA	922.59m ²	
CANOPY COVER (REQUIRED)	92.26m ²	10%
CANOPY COVER (PROVIDED)	107.8m ²	11.7%
DEEP SOIL	149.4m ²	

SITE AREA LESS THAN 1000m² - REQUIRES 10% TREE CANOPY COVER

DEEP SOIL AREA
GREEN HATCH DENOTES THE EXTENT OF DEEP SOIL AREA WITHIN THE DEVELOPMENT.

CANOPY COVER
PINK HATCH DENOTES THE EXTENT OF CANOPY COVER AREA WITHIN THE DEVELOPMENT.

REVISION
- 09.05.25 ISSUE FOR TOWN PLANNING
A 02.07.25 ISSUE FOR TOWN PLANNING RFI
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**RESIDENTIAL DEVELOPMENT
75 FLINDERS STREET
THORN BURY VIC 3071**

CLIENT

DRAWING TITLE
CANOPY TREE COVER / DEEP SOIL AREA PLAN

SCALE
1:100 @ A1

DATE
AUG 2025

ISSUE
TOWN PLANNING

DRAWN
CF

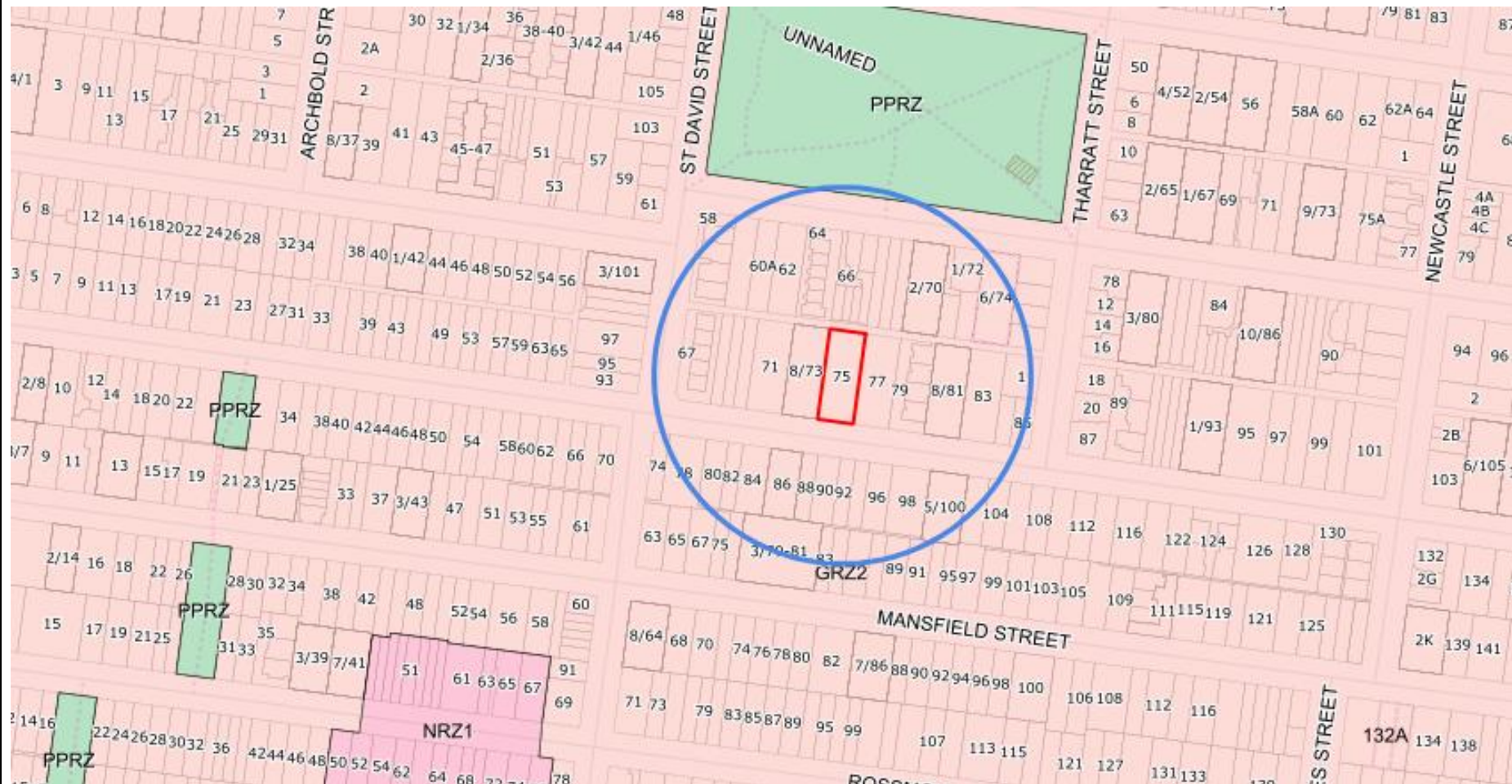
DRAWING No.
TP_09

REVISION
B

Address: 75 Flinders Street THORNBURY VIC 3071

Application Number: D/204/2025

Map: 12 total objections: Ten (10) objections received within 100 metres radius (shown using blue circle) of the subject site (shown selected in red), two (2) objections received outside of the 100 metres radius.



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APPLICATION FOR PLANNING PERMIT - D/204/2025
75 FLINDERS STREET THORNBURY VIC 3071

CLAUSE 55 COMPLIANCE SUMMARY

Clause 55.02 Neighbourhood Character		
Standard B2-1 – Street setback	Standard met?	Yes
	Objector rights of appeal?	No
See: TP_03 and TP_05. Setback: 6 metres. Porch encroachment: 1.2 metres. Porch height: 3.06 metres.		
Standard B2-2 – Building height	Standard met?	Yes
	Objector rights of appeal?	No
See: TP_05. 6.91 metres.		
Standard B2-3 – Side and rear setbacks	Standard met?	No
	Objector rights of appeal?	Yes
Refer to Section 7.6 of this report.		
Standard B2-4 – Walls on boundaries	Standard met?	Yes
	Objector rights of appeal?	No
See: TP_03 and TP_05. Eastern and Western Boundaries: 48.28 metres. Maximum length: 18.07 metres. Eastern: 6.48 metres. Average Height: 3.11 metres, Maximum Height: 3.15 metres. Western: 6.48 metres. Average Height: 3.2 metres. Maximum Height: 3.36 metres.		

Standard B2-5 – Site coverage	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03. Site Coverage: 61.95% (571.95 sqm).		
Standard B2-6 – Access	Standard met?	Yes
	Objector rights of appeal?	No
See TP_04. Access via ROW to rear of the subject site.		
Standard B2-7 – Tree canopy	Standard met?	Yes
	Objector rights of appeal?	No
See TP_09 and Landscape Plan. Required canopy coverage: 10% (92.26 sqm). Canopy coverage provided: 11.7% (107.8 sqm). Canopy trees: Type A: Seven (7). Type B: One (1). Three (3) trees are proposed within the front setback and side (rear setbacks) for each dwelling except Dwelling 7.		
Standard B2-8 – Front fences	Standard met?	Yes
	Objector rights of appeal?	No
Proposed height: 1.5 metres.		
Clause 55.03 Liveability		
Standard B3-1 – Dwelling diversity	Standard met?	NA
	Objector rights of appeal?	No
Not applicable: Less than 10 dwellings proposed.		
Standard B3-2 – Parking location	Standard met?	NA

	Objector rights of appeal?	No
Not applicable: No habitable room windows with sill heights less than 3 metres are proposed adjacent to a shared accessway/car parking area.		
Standard B3-3 – Street integration	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03 and TP_05. Ground and first-floor habitable room windows provided. Total cumulative width of all site services within 3 metres of the street is 5.07% (0.97 metres). All proposed meters are to be located behind the front fence, be enclosed and screened. Mailboxes for each dwelling are provided adjacent to the shared accessway (Dwelling 2-7) and to in the front fence (Dwelling 1).		
Standard B3-4 – Entry	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03. Dwelling 1 entry is visible from the street. Dwellings 2-7 visible from the shared walkway. Dwelling 1-6: 2.5 sqm porches with a minimum dimension of 1.3 metres. Dwelling 7: 1.44 sqm porch with a minimum dimension of 1.2 metres.		
Standard B3-5 – Private open space	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03 and TP_04. Dwellings 1-6: Ground Level. Dwelling 1: 28.95 sqm. Dwelling 2-6: 25.91 sqm. Clotheslines are provided in each ground level SPOS. Dwelling 7: 13.35 sqm balcony. All SPOS have direct access from living rooms. No cooling or heating unit is proposed in any of the SPOS.		
	Standard met?	Yes

Standard B3-6 – Solar access to open space	Objector rights of appeal?	No
See TP_03 and TP_05. Dwelling 6 SPOS Wall height: 3.155 metres. Required depth: 4.84 metres. Proposed depth: 6.56 metres.		
Standard B3-7 – Functional layout	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03 and TP_04.		
Standard B3-8 – Room depth	Standard met?	Yes
	Objector rights of appeal?	No
See TP_04 and TP_05. Floor to Ceiling Height: 2.78 metres. Allowable depth: 6.95 metres. No proposed single aspect room has a depth greater than 6.95 metres.		
Standard B3-9 – Daylight to new windows	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03 and TP_04. A window in an external wall of the building is provided to all habitable rooms. An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot is provided for all windows.		
Standard B3-10 – Natural ventilation	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03 and TP_04.		
Standard B3-11 – Storage	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03.		

All dwellings are provided with 6 cubic metres of externally accessible storage.		
Standard B3-12 – Accessibility for apartment developments	Standard met?	NA
	Objector rights of appeal?	No
Not applicable: no apartments proposed.		
Clause 55.04 External amenity		
Standard B4-1 – Daylight to existing windows	Standard met?	Yes
	Objector rights of appeal?	No
See TP_03, TP_04 and TP_05. The upper-level setback is greater than 50% the height of the new proposed wall: Eastern: Wall height – 6.62 metres. Setback – 8.6 metres Western: Wall height – 6.69 metres. Setback – 5.25 metres.		
Standard B4-2 – Existing north-facing windows	Standard met?	NA
	Objector rights of appeal?	No
Not Applicable: No north-facing windows within 3m of site.		
Standard B4-3 – Overshadowing secluded open space	Standard met?	Yes
	Objector rights of appeal?	No
See TP_06 and TP_07. A minimum of 25 sqm of solar access is provided for the existing SPOS located to the east.		
Standard B4-4 – Overlooking	Standard met?	No
	Objector rights of appeal?	Yes
Refer to Section 7.6 of this report.		
Standard B4-5 – Internal views	Standard met?	Yes
	Objector rights of appeal?	No
The proposed balcony for Dwelling 7 has a direct view to the SPOS of Dwellings 5 and 6.		

Internal overlooking has been addressed through the provision of a 1.7-metre-high screen.		
Clause 55.05 Sustainability		
Standard B5-1 – Permeability and stormwater management	Standard met?	Yes
	Objector rights of appeal?	No
See TP_08 and WSUD Report. 23.83% (220.62 sqm) of permeable surfaces. STORM report demonstrating 111% rating provided. WSUD plan and stormwater system report provided.		
Standard B5-2 – Overshadowing domestic solar energy systems	Standard met?	Yes
	Objector rights of appeal?	No
See TP_04 and TP_05. Solar panels are located on the roof of the dwelling to the east. All walls that will reduce the solar panels on the roof of the adjoining dwelling have been setback according to the standard.		
Standard B5-3 – Rooftop solar energy generation area	Standard met?	No
	Objector rights of appeal?	No
Refer to Section 7.6 of this report.		
Standard B5-4 – Solar protection to new north-facing windows	Standard met?	Yes
	Objector rights of appeal?	No
See TP_04 and TP_05. Fixed shrouds of 600 mm depth have been provided to all north-facing windows.		
Standard B5-5 – Waste and recycling	Standard met?	No
	Objector rights of appeal?	No
Refer to Section 6.6 of this report.		
Standard B5-6 – Noise impacts	Standard met?	Yes
	Objector rights of appeal?	No

See TP_08. All AC units have been appropriately located on the roof, well distance from adjoining habitable room windows.		
Standard B5-7 – Energy efficiency for apartments	Standard met?	NA
	Objector rights of appeal?	No
Not applicable. No apartments are proposed.		

6. OTHER BUSINESS

6.1 APPLICATIONS DETERMINED BY VCAT - REPORT FOR PLANNING COMMITTEE

EXECUTIVE SUMMARY

The General Planning Information attached at Appendix A contains:

- A summary of decisions by VCAT to date in financial year 2025-2026, at Table 1; and
- A summary of decisions issued since last reported to Council (financial year 2025-2026) at Table 2.

Officer Recommendation

That the General Planning Information attached as **Appendix A** be noted.

Context for VCAT appeals

For the three months of August to October 2025, Council's Statutory Planning team have:

- Received a total of 432 applications and determined 470, more than was received. This consisted of:
 - 136 new **statutory** applications and determination of 170.
 - 219 new **non-statutory** (Secondary Consents, Extensions of Time, etc) applications and determination of 226.
 - 36 new **subdivision** applications and determination of 39.
 - 41 new **VicSmart** applications and determination of 35.
- Have refused three (3) applications (less than 0.7%).
- Been notified of 4 new appeals to the Victorian Civil and Administrative Tribunal.
- As outlined in the attached report, Council has successfully defended 5 of 6 appeals this calendar year (some arising from the prior year), for a success rate of 83%.

Although not correlated with the number of applications received (as the appeals arose from some applications received in the previous financial year), 6 appeals equates to only 1% of the 607 applications received financial year-to-date.

APPENDICES

- Applications Determined by VCAT (**Appendix A**) [!\[\]\(569ff5d1aa9137b5defb690d1175fea6_img.jpg\) !\[\]\(59bff645cb030955f45f21c74e7ddbd4_img.jpg\)](#)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



TABLE 1: SUMMARY OF DECISIONS UPHELD BY FINANCIAL YEAR TO DATE – OCTOBER 2025

	Number of VCAT Decisions	Percentage of decisions upheld (as reported to LGPRF*)
Council decisions	0	-
Delegate decisions	6	5/6
All decisions	6	83%

There have been four (4) decisions since the previous report to Council on 8 September 2025 (details available in **Table 2**). These decisions relate to the current 2025 – 2026 financial year reporting period.

Comment on performance and trends.

Council has received six (6) Victorian Civil and Administrative Tribunal (VCAT) decisions so far this financial year, with 83% of these decisions determined in Council’s favour. These results compare favorably with last year’s results.

The number of VCAT matters reflects a continuing decline in appeals since the onset of the pandemic and the subsequent downturn in housing construction. Recent legislative reforms, including the introduction of revised Clauses 54 and 55 with “deemed to comply” standards and reduced third-party appeal rights, are expected to further contribute to this downward trend in appeals to the Tribunal. Another major reform that commenced on 16 October 2025 now allows applicants to obtain planning permission for two dwellings on a lot without public notice and removes third-party appeal rights, subject to compliance with selected Clause 55 standards. The development of two dwellings in Darebin is a common form of infill housing, and this change is therefore expected to further reduce the number of applications subject to review at VCAT.

In terms of appeal types, section 77 (Refusal) and section 82 (Objector) appeals make up most applications to VCAT (though these are expected to reduce in future as discussed above). Many of these appeals relate to medium density housing developments of two or more dwellings within the General Residential Zone and it is increasingly common for Section 82 appeal types to be resolved via mediation.

Issues frequently raised by residents in Section 82 (Objector) appeals are neighbourhood character, off-site amenity impacts, provision of car parking, traffic and on-street car parking issues.

Issues commonly raised by Council in Section 77 (Refusal) appeals relate to context, built form, neighbourhood character and the on-site amenity provided to the future occupants of medium density housing and apartment developments.

In addition to the above trends, the number of amendment applications (Section 87A) lodged directly with the Tribunal, without first coming to Council, has increased in recent years. These applications are often associated with larger, multi-storey developments that have previously attracted objections. Section 87A applications are enticing to permit holders as they can shorten overall decision timeframes, particularly in cases where objectors are expected to remain actively involved in the process.

PLANNING COMMITTEE MEETING

10 November 2025

Council’s performance at the Tribunal remains broadly comparable with that of similar metropolitan municipalities. Notably, over the past three financial years, the proportion of Council decisions upheld at VCAT has exceeded the all-Council average by approximately 10%, with around 73% of Darebin decisions upheld compared with an average of 62% across all Councils.

Contents of Table 1

Table 1 includes VCAT decisions as collated by the LGPRF. Column 3 of Table 1 provides the results as reported to LGPRF.

Notes on Table 1

Council decisions are decisions made by the Planning Committee.

Delegate decisions are decisions made under Council’s delegation instrument by Planning Officers in the Statutory Planning Unit.

Council and delegate decisions are both decisions of the Responsible Authority.

Column 3 summarises VCAT decision types and outcomes reported to the Local Government Performance Reporting Framework (LGPRF), including all mediated outcomes.

Withdrawn appeals and some less common VCAT application types are not reported to LGPRF (e.g. S87 applications to the Tribunal to amend or cancel a permit and S149 declaration proceedings). This financial year to date, there have been two (2) Tribunal appeals that are not reported to LGPRF. One (1) appeal was withdrawn by the permit applicant, and one (1) appeal was dismissed by the Tribunal (details available in **Table 2).*

PLANNING COMMITTEE MEETING

10 November 2025

TABLE 2: SUMMARY OF VCAT DECISIONS ISSUED SINCE LAST REPORT TO COUNCIL (FINANCIAL YEAR 2025-2026)

Council & VCAT references	Address	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/670/2012/C P1198/2024	15A Anderson Rd THORNBURY	Amend preamble to include function and education centre uses, increase patron numbers, reduction of car parking and the provision of car parking on another site.	Incomplete application	n/a	87A	No hearing	Withdrawn	n/a
Discussion In appeal P1198/2024, the applicant applied directly to the Tribunal under section 87A to amend a permit issued at the direction of the Tribunal. The applicant sought approval to include function and education centre uses, increase patron numbers, reduce car parking and provide some of the car parking on another site on Anderson Road, associated with an existing museum. Following discussions at the Compulsory Conference, the applicant withdrew their appeal and is working with Council to resolve the issues which are primarily related to car parking and bus access to and from the site, prior to a future planning submission.								
Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/965/2004/B P533/2025	2a Hamilton St/13 Grange Rd ALPHINGTON	Amend a permit condition to allow operability to a bathroom window.	Support	Delegate	S114 and S120 of the VCAT Act.	PDH	Dismissed	Yes

PLANNING COMMITTEE MEETING

10 November 2025

Discussion In appeal P533/2025, the Tribunal summarily dismissed the proceeding under section 75 (enforcement) of the Victorian Civil and Administrative Tribunal Act 1998 on the basis that it was misconceived or lacking in substance. The material before the Tribunal confirmed that the bathroom window had been constructed in accordance with Condition 1(k) of the amended permit. Accordingly, there was no breach of the amended permit capable of being addressed through the enforcement order application, and it would have been inappropriate for the Tribunal to require compliance with a superseded permit condition. The objector's other principal concern, the manner in which the amended permit was issued, was also not a matter that could be pursued through an enforcement proceeding before the Tribunal.								
Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/345/2024 P452/2025	738 High Street THORNBURY	Buildings and works to a commercial premises, on land affected by the Commercial 1 Zone and Heritage Overlay and a reduction of car parking.	Support (NOD)	Delegate	S82	CC	Varied	Yes
Discussion In appeal P452/2025, a mediated outcome was achieved, resulting in the issue of a varied permit. The permit applicant agreed to a number of changes to the proposal to address objector concerns, including increased ground and first floor rear setbacks, the relocation of the waste storage area and bicycle parking, and additional details regarding the carriageway easement. The Tribunal was satisfied that the amended proposal sat within the broad range of acceptable outcomes for the site, having regard to the zoning controls and the site context, and accordingly directed that a varied permit be issued.								

PLANNING COMMITTEE MEETING

10 November 2025

Council & VCAT references	Address & ward	Proposal	Council position	Council or Delegate decision?	VCAT application type*	Hearing type**	VCAT decision	Was Darebin's final position upheld?
D/562/2024 P519/2025	41 Flinders Street THORNBURY	A double storey dwelling on a lot of less than 300m2	Support (NOD)	Delegate	S82	CC	Varied	Yes
Discussion In appeal P519/2025, a mediated outcome was achieved, resulting in the issue of a varied permit. The permit applicant agreed to a number of changes to the proposal to address objector concerns, including increased ground and first floor front setbacks, amendments to the design of the porch and a reduction to the height of the boundary wall and eave width. The Tribunal accepted that the agreement reached was within the range of broadly acceptable outcomes for the land and found that the proposal would achieve a satisfactory level of compliance with the objectives of Clause 54, with the variations to standards considered reasonable given the size of the site.								

Notes on Table 2

**VCAT appeal types explained:*

***S77** – Section 77 Application for review of Council's refusal to grant a planning permit, by the applicant.*

***S78** – Section 78 Application for review of notice or information requirements requested by Council, by the applicant.*

***S79** – Section 79 Application for review of Council's failure to determine the application within the 60-day statutory timeframe, by the applicant.*

***S80** – Section 80 Application for review of Council's conditions on a planning permit, by the applicant.*

***S81** – Section 81 Application for review of Council's decision to not extend a planning permit, by the applicant.*

***S82** – Section 82 Application for review of Council's decision to support a proposal, by objectors.*

PLANNING COMMITTEE MEETING

10 November 2025

S87A – Section 87A Application to amend a permit issued at direction of Tribunal.

S114 – Section 114 Application for enforcement order

S120 – Section 120 Application for interim enforcement orders

****VCAT hearing types explained:**

Practice Day Hearing (PDH) – Administration hearing - VCAT gives direction on how the case will proceed, sets dates, discusses preliminary legal issues, etc

Compulsory Conference (CC) – Prior to the full hearing, parties confidentially discuss ways to resolve the case with the help of a VCAT member, may result in a mediated outcome being reached.

Hearing – VCAT hearing where parties present their case, and the decision is made after consideration by VCAT.

None (decision made on the papers) – decision reached without the need for a hearing, usually where parties reached a mediated outcome outside of the Tribunal or where an appeal is withdrawn or struck out for administrative reasons.

Major Case (MC) – Major cases are heard sooner and can reach a resolution quicker than other planning cases. Most cases are eligible to be heard as a major case, but one of the parties must pay higher fees. Applications for review under Sections 77, 79, 80 and 82 are all eligible.

Short Case (SC) – These are cases which are not complex and can be handled in a short amount of time, typically involving limited issue/s and less parties. These cases are heard sooner, and decisions are typically made orally at the hearing.

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

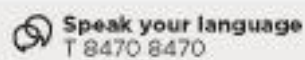
8. CLOSE OF MEETING

CITY OF DAREBIN

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