

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2604311
Planning scheme:	Yarra Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	173-177 Barkly Avenue, Burnley (Lot 1 PS613840L)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which a permit is required
34.02-1	Use the land for warehouse (C2Z)
34.02-4	Construct a building or construct or carry out works (C2Z)
42.03-2	Construct a building or construct or carry out works (SLO2)
43.02-2	Construct a building or construct or carry out works (DDO2)
52.05-11	Construct or put up for display internally illuminated signage
52.05-11	Construct or put up for display high wall signage
52.05-11	Construct or put up for display business identification signage
52.29-2	Create or alter access to a road in a Transport Zone 2

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Commencement of Permit

1. This permit will operate from the issued date of this permit

Compliance with documents approved under this permit

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Approved and endorsed plans – changes required

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3. Before the development starts, excluding demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority and be generally in accordance with the plans prepared by Gray Puksand, Rev A, dated 24 March 2026, but modified to show:
- a) The width of the vehicle crossings along Barkly Avenue and Adam Street.
 - b) The width of the development's entrance along Barkly Avenue and exit along Adam Street.
 - c) The visibility triangle at the exit lane of the Barkly Avenue and Adam Street frontages.
 - d) The clearance height above the car park entrance and exits.
 - e) All bicycle spaces dimensioned in accordance with the requirements of AS2890.3.
 - f) Window operability to be notated on the elevations.
 - g) Any changes required to be consistent with the endorsed Façade Strategy.
 - h) Any changes required to be consistent with the endorsed Sustainable Management Plan.
 - i) Any changes required to be consistent with the endorsed Wind Impact Assessment.

Layout not altered

4. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Tree Protection

5. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection management plan must be approved and endorsed by Yarra City Council. The plan must be prepared to the satisfaction of Yarra City Council by a suitably qualified arborist and must make recommendations for:
- a) The protection of street trees adjacent the Adam Street frontage:
 - i. pre-construction;
 - ii. during construction; and
 - iii. post construction
 - b) The provision of any barriers.
 - c) Any pruning necessary.
 - d) Watering and maintenance regimes.

Façade Strategy

6. Concurrent with the endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority and be generally in accordance with the plans prepared by Gray Puksand, Rev A, dated 24 March 2026, and must include:
- a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details.

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- b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form.
- c) Information about how the façade will be maintained, including any vegetation.
- d) Coloured drawings outlining colours, materials and finishes.

Materials and colours schedule

7. Concurrent with the endorsement of plans, a schedule of construction materials, external finishes and colours must be approved and endorsed by the responsible authority. The schedule must be prepared to the satisfaction of the responsible authority and be generally in accordance with the plans prepared by Gray Puksand, Rev A, dated 24 March 2026.

The responsible authority may consent in writing to vary these requirements.

Sustainable Management Plan

8. Concurrent with the endorsement of plans, a sustainable management plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Sustainable Management Plan prepared by Integrated Group Services and dated 24 March 2026.

Wind assessment

9. Concurrent with the endorsement of plans, a wind assessment must be approved and endorsed by the responsible authority. The report must be prepared to the satisfaction of the responsible authority and include the following details:
- a) Any modifications and mitigation measures required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas.

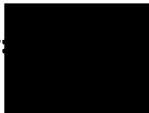
The recommendations of the wind assessment must be implemented to the satisfaction of the responsible authority.

Waste Management Plan

10. Concurrent with the endorsement of plans, a waste management plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 25 March 2026, but modified as follows:
- a) Deletion of any reference to hard-waste drop-off services or council transfer station.

Landscape Plan

11. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Landscape Plan prepared by Site Image and dated March 2026, but modified to include the following:
- a) No trees to be planted in the rain garden.
 - b) Plants to be a mix of suitable species for visual interest and increased biodiversity.
 - c) A root barrier along the interface to adjacent properties to 900mm depth, sufficient distance from the boundary and tree planter positions altered to suit.

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- d) Soil volumes for all planted areas that is adequate to sustain tree and plant species.
- e) Additional information of the raingarden including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (from rooftop or otherwise), overflow prevention measures, edge treatment and maintenance access.
- f) Information on automatic irrigation system including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation) for all planted areas within the subject site (ground level and upper level).
- g) Irrigation connected to the rainwater tank, as specified within the endorsed Sustainable Management Plan.
- h) Drainage information demonstrating that all raised planters and planted areas are to be connected to stormwater (planters are not allowed to drain onto the footpath or roof slabs).
- i) A maintenance schedule, including task details and frequency for all planted areas and raingarden.

Completion of landscaping

12. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

The responsible authority may consent in writing to vary this requirement.

Landscaping maintenance

13. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Lighting plan

14. Before the development starts, excluding demolition, bulk excavation and site preparation works, a lighting plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and must include the following:
- a) Assessment of the impact of internal lighting to the west and north side façades and recommendations to ensure that the lighting does not adversely impact the amenity of nearby dwellings.

Control of light spill

15. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Lighting completion

16. Before the development is occupied, external lighting capable of illuminating access to the pedestrian entry must be provided within the property boundary. Lighting must be:
- a) located;
 - b) directed;
 - c) shielded; and



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- d) of limited intensity,
to the satisfaction of Yarra City Council.

Noise attenuation

17. Concurrent with the endorsement of plans, an acoustic report must be approved and endorsed by the responsible authority. The report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Acoustic Assessment Report prepared by Enfield Acoustics and dated 24 March 2026. The recommendations of the approved acoustic report must be implemented to the satisfaction of the responsible authority.

Noise control

18. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise must not be audible

19. Noise generated from within the premises must not be audible within the habitable rooms with windows closed of any nearby dwellings to the satisfaction of the responsible authority.

Operational Management Plan

20. Before the use starts, an Operational Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and must address how the use will be operated to minimise adverse impacts on the surrounding area and operate in a safe and secure manner. The plan must address (but not be limited to) the following:
- a) The information that will be provided to customers, including but not limited to:
 - i. Clear information about the types and dimensions of vehicles that can be accommodated on-site (consistent with endorsed plans).
 - ii. Contact phone numbers for the facility, including for emergency purposes.
 - b) Details of how the facility will be managed to ensure security and safety of the premises and customers and any additional procedures in place to minimise amenity impact on the surrounding area. This must include:
 - i. The provision of an intercom system that is operational during working hours for customers of the facility and the display of a contact phone number adjacent the Adam Street frontage that is clearly legible from the public realm (including at nighttime) and ensures that the facility management (or representatives) can be reached.
 - ii. Confirmation that any alarm systems connected will not be externally audible.
 - iii. Confirmation if security cameras are to be provided and, if so, confirmation that they will be compliant with section 7(1) of the *Surveillance Devices Act 1999* (Vic).
 - iv. Confirmation that internal lighting to the building, outside of office hours (apart from emergency lighting), to be on motion detection and in accordance with the approved Lighting Plan.

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Deliveries

21. Delivery and collection of goods to and from the land for business operations (except for customers) may only occur between 7am and 7pm Monday to Saturday, and between 9am and 6pm on a Sunday or public holiday, except for those allowed under any relevant local law.

General amenity provision

22. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) the transport of materials, goods or commodities to or from land;
 - b) the appearance of any buildings, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - d) the presence of vermin,
- to the satisfaction of Yarra City Council.

Street trees

23. Before the development starts, excluding demolition, bulk excavation and site preparation works, the permit holder must make a one-off contribution of \$8,261 (inclusive of GST and subject to annual CPI increase) to Yarra City Council to be used for new street tree plantings along Adam Street that are required as a result of the development.
24. Before the development starts, the permit holder must provide an Asset Protection Bond of \$20,000 (ex GST) for the existing street trees on Adam Street, unless otherwise advised by Yarra City Council. The security bond:
- a) must be provided to Yarra City Council in the form of a bank cheque or guarantee;
 - b) may be held by Yarra City Council until the works are completed to the satisfaction of the Yarra City Council; and
 - c) must be in accordance with the requirements of this permit.
25. Before the development is occupied, the permit holder must notify Yarra City Council in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.
26. Any pruning required to be undertaken for the street trees along the subject site's frontage must be completed by an approved tree maintenance contractor (to the satisfaction of Yarra City Council) with all associated costs to be borne by the permit holder.

Public realm plan

27. Before the development starts, excluding demolition, bulk excavation and site preparation works, a public realm plan must be approved and endorsed by the responsible authority in consultation with Yarra City Council. The plan must be prepared to the satisfaction of the responsible authority and must include:
- a) All public realm improvements associated with the development.



- b) Kerb outstands to provide pedestrian amenity, accessibility and safety. The design of the kerb outstands should consider:
 - i. Rationalisation of on-street parking bays with street tree and pedestrian amenities.
 - ii. Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently.
 - iii. Compliance with relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant.
- c) Layout plan indicating all existing and proposed features and surface levels.
- d) All existing and proposed streetscape infrastructure.
- e) Clearly dimensioned elements including pedestrian paths and parking bays.
- f) Drainage infrastructure including any existing or new drainage pits.
- g) Reconstruction of all footpaths, kerbs, channels and crossovers adjacent to the property.
- h) A clear paving delineation between public and private land.
- i) Pavements that meet Yarra City Council and all relevant Australian Standards including for slip resistance.

Public realm plan – detailed design plans

28. Before the development starts, excluding demolition, bulk excavation and site preparation works, public realm plan detailed design drawings must be approved and endorsed by Yarra City Council. The plans must be prepared to the satisfaction of Yarra City Council.

Public realm plan – implementation

29. Before the development is occupied, all works shown on the endorsed detailed design plans must be fully constructed and completed to the satisfaction of Yarra City Council.

Development Infrastructure Levy

30. Before the development commences, excluding demolition, bulk excavation, site preparation, soil removal and retention works, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Civil Works

31. Before the development starts, excluding demolition, bulk excavation and site preparation works, vehicle crossing designs must be approved and endorsed by Yarra City Council. The plans must be prepared to the satisfaction of Yarra City Council.

32. Before the development is occupied:

- a) All new vehicle crossings must be constructed in accordance with the endorsed plans.
- b) Any redundant vehicular crossing must be demolished and reinstated as standard footpath, verge (if applicable), and kerb and channel.
- c) Any damage to Council infrastructure resulting from the development must be reinstated.



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- d) Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly.
- e) Any on-street parking reinstated as a result of development works must be approved.
to the satisfaction of Yarra City Council.

Head, Transport for Victoria conditions

- 33. Prior to the occupation of the development all disused or redundant vehicle crossings along Barkly Avenue must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 34. Before the use approved by this permit commences the following must be completed at no cost to and to the satisfaction of the Responsible Authority:
 - a) The installation of sign/s, line marking (left turn pavement arrow on exiting), and associated road works prohibiting all right turn vehicular movements in and out of the site from Burnley Avenue.
 - b) Modification or removal of any existing car parking spaces and associated road works on Burnley Avenue to accommodate the new vehicular access arrangement.

Car parking

- 35. Before the development is occupied, the areas set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans 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-seal coat
 - d) drained
 - e) line marked to indicate each car space and all access lanes
 - f) clearly marked to show the direction of traffic along access lanes and driveways,
to the satisfaction of the responsible authority.

Signs

- 36. The location and details of the signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
- 37. The signs must not be animated or contain any flashing or intermittent light.
- 38. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.
- 39. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.
- 40. This permit as it relates to signs will expire 15 years from the issued date of this permit.
On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.

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In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

Expiry

41. This permit will expire if one of the following circumstances applies:

- a) The development is not started within 3 years of the issued date of this permit.
- b) The development is not completed within 5 years of the issued date of this permit.
- c) The use does not start within 2 years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

- (the following information does not form part of this permit)
- The permitted use or development may need to comply with, or obtain the following further approvals:
 - A building permit under the *Building Act 1993*.
 - A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Yarra Council's Construction Management Branch on Ph. 9205 5555 to confirm



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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 five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of 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 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 REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review 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 application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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