



Minutes

Planning Decisions Committee Meeting

6:33 pm, Tuesday 23 September 2025

Fitzroy Town Hall



Order of Business

1. Acknowledgement of Country.....3

2. Attendance, apologies and requests for leave of absence.....3

3. Declarations of Conflict of Interest3

4. Confirmation of Minutes4

5. Planning Committee Reports.....5

 5.1. PLN25/0181 - 418 Burnley Street, Richmond.....5

6. DTP Applications.....20

7. Confidential Planning Decisions Committee Reports.....20

1. Acknowledgement of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Stephen Jolly Mayor
- Cr Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho
- Cr Sophie Wade

Absent

- Cr Edward Crossland Parental Leave

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Danielle Connell Manager Statutory Planning (Acting)
- Joe Bryne Senior Statutory Planner

Governance

- Patrick O'Gorman Manager Governance and Integrity (Acting)
- Mel Nikou Governance Officer
- Milica Latu Coordinator Office of Mayor & Councillors (Acting)

3. Declarations of Conflict of Interest

Cr Aston, Cr Davies, Cr Gomez, Cr Jolly, Cr Harrison, Cr Ho, Cr McKenzie and Cr Wade declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

4. Confirmation of Minutes

COUNCIL RESOLUTION

Moved: Councillor Aston

Seconded: Councillor Harrison

That the minutes of the Planning Decisions Committee held on Tuesday 26 August 2025 be confirmed.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – PLN25/0181 - 418 Burnley Street, Richmond

Author	Joe Byrne – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves that had Council been in a position to make a decision, it would have issued a Notice of Decision to Grant Planning Permit PLN25/0181 at 418 Burnley Street, Richmond for:

Control	Clause	Matter for which the permit has been granted
Industrial 3 Zone	33.03-1	To use land for Offices and Restaurant/cafe
Industrial 3 Zone	33.03-4	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Signs	52.05-12	Construct and display High-wall, Business Identification and internally illuminated Signage
Car Parking	52.06-3	A reduction in the car parking requirements
Land Adjacent to the Principal Road Network	52.29-2	To create and alter access to a road in a Transport 2 Zone

subject to the following conditions:

1. Before the development commences, 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 decision plans prepared by Studio McCue and dated 22 April 2025 but modified to show:
 - (a) Tenancy 1 at ground level clearly shown as restaurant/café (not F&B);
 - (b) Setback Level 2 northern wall, 2.94m from the northern boundary, consistent with the setback of the north-west corner;
 - (c) Deletion of the gate within the lane;
 - (d) Deletion of the ground floor brick element between the entrance to the food and drink premises entry and the water meter;
 - (e) Deletion of the north side ground floor window to the lobby setback 0.665m and replacement wall to abut the boundary;
 - (f) The north-facing tower windows to be treated to visually break up the clear glazing using colour, tone, fritting or frosting of the windows;

- (g) CON02 material to the southern boundary wall to include further texture to ensure greater contrast to CON01 (e.g. ribbed concrete);
 - (h) The Madden Grove and Burnley Street, street wall brick colour revised to provide variation to the building;
 - (i) The street wall brick material, consistent with the Burnley Street and Madden Grove materiality, extended along the western boundary;
 - (j) The green wall adjacent to the ground floor entrance shown on the elevations;
 - (k) The southern, high wall sign to be shown within title boundaries;
 - (l) Clear delineation between the public and private site boundary through the use of alternate paving entirely within the title boundary;
 - (m) Footpath levels and finish floor levels at entrances and within setbacks provided to ensure seamless transition;
 - (n) Provide a minimum of 48 employee bicycle parking spaces;
 - (o) Relocate the two retail visitor bicycle spaces within the north-east corner entrance courtyard.
 - (p) Provide all visitor bicycle parking in a publicly accessible area at ground level;
 - (q) The width of all access paths to bicycle parking areas dimensioned in accordance with AS2890.3 requirements;
 - (r) Notation confirming bicycle storage room will be within a secure lockable compound to provide secure access for employees;
 - (s) Spacing between bicycle parking spaces dimensioned in accordance with AS2890.3 requirements;
 - (t) The wheel stop distance (measured to point of contact with vehicle tyre) dimensioned in accordance with Section 2.4.5.4 Wheel stops of AS/NZS 2890.1:2004;
 - (u) The width of the internal access ramp, including kerbs dimensioned;
 - (v) Any changes associated with conditions 55-64 (Head, Transport for Victoria);
 - (w) Any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (x) Any requirement of the endorsed Waste Management Plan (condition 8) (where relevant to show on plans); and
 - (y) Any requirement of the Glare Report (condition 24) (where relevant to show on plans).
2. 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.
3. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
-

- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, façade services (including service doors) and utilities and typical tower facade details;
 - (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; and
 - (d) coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Studio McCue or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Sustainable Management Plan

5. In conjunction with the submission of development plans as required by condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Environmental Solutions and dated 11 March 2025, but modified to include or show:
- (a) Deletion of ESD display and metering credit claimed as an Innovation in BESS report;
 - (b) Deletion of App to link building users and facility management credit claim as an Innovation in BESS report;
 - (c) Deletion of Digital noticeboard with various information displayed credit claimed as an Innovation in BESS report; and
 - (d) Clarify the commitment to purchasing 100% Green Power for a minimum 10 year period throughout the energy section of the SMP.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

7. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

8. In conjunction with the submission of development plans as required by condition 1, 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 amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated March 2025, but modified to require:
-

- (a) Deletion of reference to residential waste storage area in table 8.
- 9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

- 11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
 - (d) to the satisfaction of the Responsible Authority.

Use

- 12. No more than 90 patrons are permitted within the restaurant/café at any one time.
- 13. Except with the prior written consent of the Responsible Authority, the restaurant/cafe use authorised by this permit may only operate between the hours of 8.00am and 10.00pm.
- 14. Except with the prior written consent of the Responsible Authority, the Office use authorised by this permit may only operate between the hours of 8.00am and 8.00pm.
- 15. The communal roof area to be closed between 8.00pm and 8.00am on any day and accessible to office employees only.
- 16. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the 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 the Responsible Authority.
- 17. The provision of music within the restaurant/cafe must be at a background level only.
- 18. Speakers external to the building must not be erected or used.
- 19. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

20. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.
21. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Wind Assessment

22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

23. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Glare Report

24. Concurrent with the submission of Condition 1 plans, a Reflected Glare Assessment must be submitted to and approved by Responsible Authority. Once approved, the Reflected Glare Assessment will be endorsed and will then form part of the permit. The assessment must show, but not be limited to the following:
 - (a) Details of the reflected sunlight from the tower glazing and any potential interference with train driver visibility, interpretation of rail signals, surrounding roads, and residential properties.
25. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence) except with the written consent of the Responsible Authority.
26. External glazing and cladding materials and finishes must avoid disability glare to public transport operators and road users; and extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing and external cladding must be avoided or minimised to the satisfaction of the Responsible Authority.

Public Realm

27. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) Footpath, kerb & channel and road pavement works along all frontages;
 - (b) Kerb outstands and associated works in accordance with requirements outlined in the Condition 1 plans;
 - (c) Proposed or adjustment of existing utility services;
 - (d) Streetscape/landscape requirements;
 - (e) Any public realm infrastructure required under other permit conditions; and
 - (f) at the permit holder's cost,
-

to the satisfaction of the Responsible Authority.

28. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan, addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
29. Before the building is occupied, all associated works shown on the endorsed Detailed Design Plans (DDP) for the public realm must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Infrastructure

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details.
 34. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Burnley Street and Madden Grove frontages must be re-sheeted in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Burnley Street and Madden Grove frontages must be reconstructed:
 - (a) at the permit holder's cost; and
-

- (b) to the satisfaction of the Responsible Authority.
36. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
37. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
38. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and front entrance must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
- to the satisfaction of the Responsible Authority.

Street Tree Bond

41. Before the development commences, the permit holder must provide an Asset Protection Bond of \$500.00 (ex GST) per tree in Madden Grove adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
-

- (d) otherwise to the satisfaction of the Responsible Authority.

General

- 42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 43. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 44. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

Construction Management Plan

- 45. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

- (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
46. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
47. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
48. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Signage

49. The location and details of the signs, including the supporting structure, 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.
50. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
51. This permit expires 15 years from the date of the permit.
52. On expiry of this permit, the approved signs and structures built specially to support and illuminate signage must be removed.
53. The signs must not include any flashing or intermittent light, and only the approved northern sign is to be illuminated.
54. This permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.

Head, Transport for Victoria

55. Prior to the occupation of the development hereby approved, the modified crossover must be completed to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria. The widened crossover must keep minimum distance of 1 metre to the existing electrical pole.
56. All vehicles must enter and exit the site in a forward direction at all times.
57. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans or designers' reports, to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans and reports will be endorsed and will then form part of the permit. The plans and reports must be generally in accordance with those submitted with the application (dated 22/04/2025, Revision A, prepared by Studio Mccue) but modified to show that:
- (a) The designs prevent items from being thrown or falling onto railway land from any part of the building development;
 - (b) The development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals;
 - (c) The development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals;
 - (d) The development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations.
58. Any windows, doors and balconies that are set back from, and generally facing the railway land title boundary shall:
- (a) Be designed to prevent items from being thrown or falling onto railway land;
 - (b) Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals; and
 - (c) Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
59. Prior to the commencement of work on site, detailed construction/ engineering plans and structural computations for any construction in close proximity to railway infrastructure or railway land must be submitted and approved by VicTrack and the Head, Transport for Victoria. The plans must detail all basement excavation design, retention works and controls of the site in close proximity to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
- (a) Minimum clearances to all electrical assets and procedures for works in close proximity to such assets, including:
 - (i) Energy Safe Victoria (ESV) requirements for minimum clearances to electrical assets and works nearby;
 - (ii) Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design; and

- (iii) Any other reasonable safety requirements required by the Rail Operator.
 - (b) The required rail collision loadings and collision protection measures for the building supports in close proximity to the rail tracks in accordance with AS5100 Part 1 – ‘Bridge Design, Scope and General Principals’;
 - (c) Earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – ‘Structural Design Actions, Earthquake Actions in Australia’; and
 - (d) Demonstration that ground stabilisation devices, such as temporary or permanent ground anchors, soil nails, reinforced earth straps, do not penetrate onto railway land.
60. Prior to the commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator’s conditions and safety requirements. Furthermore, the developer is required to contact the Developer Interface Projects team, Department of Transport and Planning to obtain guidance and information regarding preconstruction and construction activities, via developerinterfaceprojects@transport.vic.gov.au.
61. Before the development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to, and approved by, the Head of Transport for Victoria. The Traffic Management Plan must provide for:
- (a) How public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
 - (b) How any traffic impact to the railway land and associated infrastructure assets will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria.

All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the Head, Transport for Victoria.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

62. Before the development starts (including demolition and bulk excavation), separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of the permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
- (a) The buildings, works and other measures necessary to:
 - (i) Protect railway land, track, overhead power and associated infrastructure; and
 - (ii) Prevent or minimise disruption to the operation of the railway;
 - (b) The remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure;
 - (c) Details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules;
-

- (d) Arrangements for:
- (i) Any hoarding associated with the construction of the development that encroaches onto or overhangs railway land;
 - (ii) Piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;
 - (iii) Crane location(s), slew radius and slew locking proposals iv. The deposit or store of waste, fill or other materials associated with the development on the railway land;
 - (iv) Air and dust management;
 - (v) Operating hours;
 - (vi) Noise and vibration controls;
 - (vii) The management of site drainage, effluent and waste; and
 - (viii) The security of the railway land and associated infrastructure.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria.

The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria. The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

63. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.
64. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement with the by the Head, Transport for Victoria and the relevant Rail Transport Operator(s).

Development Contribution

65. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Permit Expiry

66. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) the use is not commenced within five 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 six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

For the submission of plans pursuant to Condition 34, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website www.epa.vic.gov.au/meeting-your-obligations for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

All future business (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for business parking permits unless the development has heritage controls where parking would adversely affect the integrity of the heritage place, or if there's no increase in separate occupancies and the development does not reduce existing on-site parking. For more information refer to www.yarracity.vic.gov.au/residents/transport/parking/parking-permits.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Head, Transport for Victoria Notes:

The proposal requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria prior to commencing any works within the road reserve.

Please contact the Department of Transport and Planning prior to commencing any works. Please refer to the following link for further information:

<https://transport.vic.gov.au/business/road-and-traffic-management/road-permits-andcharges/working-within-the-road-reserve>.

Public Submissions

The following people addressed the Committee:

Shem Curry, Contour Consultants Australia Pty Ltd (Applicant);

Mark Trescowthick; and

Dorothy James.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Davies

That a Position of Refusal PLN25/0181 be issued for:

Control	Clause	Matter for which the permit has been granted
Industrial 3 Zone	Clause 33.03-1	To use land for Offices and Restaurant/cafe
Industrial 3 Zone	Clause 33.03-4	To construct a building and construct and carry out works
Design and Development Overlay	Clause 43.02-2	To construct a building and construct and carry out works
Signs	Clause 52.05-12	Construct and display High-wall, Business Identification and internally illuminated Signage
Car Parking	Clause 52.06-3	A reduction in the car parking requirements
Land Adjacent to the Principal Road Network	Clause 52.29-2	To create and alter access to a road in a Transport 2 Zone

at 418 Burnley Street, Richmond Vic 3121 on the following grounds:

1. The proposal would be substantially taller than other buildings on the south side of the railway lines and would provide an unacceptable design response in relation to building height, form and mass.
2. The car parking on site is insufficient and fails to comply with provisions at Clause 18.02-4L-01 and Clause 52.06-7 of the Yarra Planning Scheme.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Harrison and Councillor Ho

Against: Councillor McKenzie and Councillor Wade

CARRIED

6. DTP Applications

Nil.

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 7.22pm.

Confirmed on Tuesday 28 October 2025

Mayor