

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403452
<b>Planning scheme:</b>	Brimbank Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	85 Sharps Road, Tullamarine 3043 (Lot 95 LP135452)

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which a permit is required</b>
32.01-1	Use the land for a utility installation.
32.01-4	Construct a building or construct or carry out works for a utility installation.
52.17-1	To remove, destroy or lop native vegetation, including dead native vegetation.
52.29-2	Create or alter access to a road in a Transport Zone 2.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

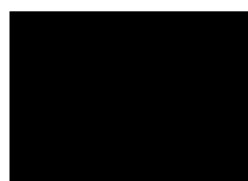
1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Commencement

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

#### Amended Plans

**Date of issue:** 11 April 2025 **Signature for the responsible authority:**



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

3. Before the use and development starts, excluding demolition, bulk excavation, piling works 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, be drawn to scale with dimensions, be generally in accordance with the Architectural Plans prepared by Greenbox Architecture, dated 03/09/2024, but amended to show the following details:
- a) The design of the primary entrance to the building and the office space area redesigned to define it as a focal point of the building through measures such as revised colours and material.
  - b) The following measures to achieve best practice in ESD:
    - i. Provide external shading for glazing:
      - Indicate the extent of shading on the elevations and plans, note the shading type and material (note: overhanging elements are inadequate to protect from low-angle, eastern and western summer sun).
      - Provide typical details for shading devices per orientation, with key dimensions appropriate to demonstrate their effectiveness.
    - ii. Indicate the Visible Light Transmission (VLT) for glazing, per the daylight modelling.
    - iii. Position the electric vehicle charging points to allow each to be used across two car parking bays.
  - c) Location of end-of-trip facilities as specified in the Green Travel Plan prepared by LID Consulting dated 19 December 2024
  - d) An arborist report including a Tree Protection Management Plan in accordance with Condition 5.
  - e) Any changes required as per Conditions 5, 7, 9, 22, 27 and 34.
  - f) Any changes required as per Head, Transport Victoria Condition 42.
- All to the satisfaction of the responsible authority.

**Layout Not Altered**

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

**Tree Protection**

5. Prior to works commencing on site an arborist report including a tree protection management plan must be submitted and approved in writing to the Responsible Authority. The report must:
- a) Identify trees to be removed, retained or transplanted.

Date of issue: 11 April 2025    Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- b) Identify possible impacts on trees to be retained.
  - c) Explain design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated Tree Protection Zone (TPZ).
  - d) Recommend measures necessary to protect the trees throughout all demolition and construction stage and measures identified in Appendix D: Tree Protection Measures of the *Preliminary Arboricultural Assessment 85 – 95 Sharps Road, Tullamarine* prepared by EMKC Cubed Management Pty Ltd dated 29/11/2024.
  - e) Review architectural, services and landscape plans to provide an accurate impact assessment.
  - f) Include a tree protection plan (drawing) showing the TPZs for trees being retained, including construction documentation.
  - g) Include location of tree protection measures to be shown on other documents such as demolition, bulk earth works, construction and landscape plans.
6. All recommendations as provided by the arborist report are to be adhered to, to the satisfaction of the Responsible Authority.
7. Before the development (including demolition) starts, a tree protection fence must be erected around the trees to be retained (insert location) to define a 'Tree Protection Zone' in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites. The tree protection fence must remain in place until construction is completed.
8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

**Environment**

9. To offset the removal of 0.325 hectares of native vegetation approved as part of this permit (as identified in Native Vegetation Removal Report NVR ID: 308\_20240723\_DVE), the permit holder must secure a native vegetation offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* and the *Native Vegetation Gain Scoring Manual* (Department of Environment Land Water and Planning 2017) as specified below:
- A general offset must:
- a) Contribute gain of 0.113 general habitat units
  - b) Be located within the Melbourne Water CMA boundary or Brimbank municipal district.
  - c) Have a minimum strategic biodiversity value of 0.1372.
10. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset

**Date of issue:** 11 April 2025    **Signature for the responsible authority:**



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

requirements set out in this permit and be in accordance with the requirements of the Guidelines for the removal, destruction or lopping of native vegetation and the Native Vegetation Gain Scoring Manual (Department of Environment Land Water and Planning 2017). Offset evidence can be either:

- a) A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan.
- b) A credit register extract from the Native Vegetation Credit Register.

11. Within 48 hours prior to the felling / lopping / removal of trees and vegetation, or other potential fauna habitat identified for removal; the vegetation must be examined by a suitably qualified and experienced zoologist for the presence of fauna. If nests, dreys or other likely habitat (hollows, large crevices, and flaking bark) are identified, the removal of the tree/vegetation or other potential habitat must be directly supervised by the zoologist. If native fauna are located, they must be salvaged and relocated in accordance with all relevant legislation, approvals and best practice guidelines. Any persons engaged in the salvage and/or handling of native fauna during any vegetation/habitat removal works must have management authorisation under the Wildlife Act 1975. If injured fauna species are recovered, they must be taken to a wildlife carer or a local vet. Deceased reptiles must be collected, recorded and offered to the Museum.
12. A final rapid search must be conducted on the day of works commencement to ensure there are no obvious signs of fauna. Prior to the commencement of tree/vegetation removal, all habitat must be reduced or removed where possible in stages, to reduce the likelihood of fauna being injured during works. The appointed zoologist or fauna handler must work in collaboration with the machinery operator/s during tree removal; looking out for fauna as the site is gradually cleared. Any terrestrial fauna found during these steps must be inspected for injury and relocated close by (in accordance with the Survey Guidelines). Where injured fauna is recovered, they must be taken to a wildlife carer or a local vet. Deceased fauna must be collected, recorded and offered to the Museums Victoria. If fauna species are detected during any works when the fauna handler or zoologist is not present, works must stop in that part of the works area, and the designated zoologist contacted immediately to come and remove the individuals if practical; or provide guidance to the contractor for avoiding impacts to fauna.
13. A fauna management report / letter of advice must be provided to Council's Environment Department no later than 2 weeks after the fauna inspection (for treed and/or ground habitat) and commencement of any salvage works. The report must include a description of the survey, any fauna found, and steps taken to protect fauna during the works required by the Permit condition. Any instances of harm or death to fauna need to be reported. The report must also include if any fauna relocations were undertaken, and where animals were relocated for management and monitoring purposes. Any fauna relocation areas (retained trees or other areas) must remain signposted post-works, to ensure no encroachment of work impacts.

**Date of issue:** 11 April 2025    **Signature for the responsible authority:**



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

Management within relocation areas must be considered and adjusted as required to ensure no adverse effects on relocated animals. If a third party is managing the relocation areas, the third party must be briefed on the outcome of any fauna surveys and/or relocation.

14. All large trees (greater than 30cm dbh) permitted to be removed must be offered to a conservation management organisation or similar authority for inclusion as large logs in Brimbank conservation reserves. These logs must be relocated under the direction of a suitably qualified ecologist, in collaboration with the Brimbank Environment Department. Contact must be made with the Brimbank Environment Department (to discuss log salvage opportunities prior to the commencement of tree removal works).

**Landscaping**

15. Prior to the commencement of Occupation, unless otherwise agreed in writing with the Responsible Authority (eg; to allow for seasonal planting), landscaping works as shown on the Landscaping Plan prepared by Greenbox dated 18/12/2024, must be completed to the satisfaction of the Responsible Authority.
16. The landscaping shown on the on the Landscaping Plan prepared by Greenbox dated 18/12/2024, must be maintained to the satisfaction of the Responsible Authority. This includes the (ie; within 30 days) replacement of any dead, diseased or damaged plants.

**Development Contribution Levy**

17. A Development Contribution in accordance with the approved Development Contributions Plan must be paid to Brimbank City Council. Payment of the Development Infrastructure Levy (DIL) must:
- a) Be paid prior to the issue of a building permit for the land or prior to Statement of Compliance (SOC) for the subdivision of the land associated with the development permit, whichever comes first; OR
  - b) When a staged subdivision is sought, be paid prior to the issue of a Statement of Compliance based on the net increase within each stage.

**Amenity**

18. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, 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
  - d) Presence of vermin.

**Date of issue:** 11 April 2025    **Signature for the responsible authority:**



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

19. Provision must be made on the land for the storage of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority
20. The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area.
21. Goods, equipment or machinery must not be stored or left exposed in a position that can be seen from the street.

**General / CEMP**

22. Prior to works commencing, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. When approved, this CEMP will form part of this permit. The CEMP must be in accordance with Council's CEMP template and guidelines. The approved CEMP must be implemented at all times, to the satisfaction of the Responsible Authority.
23. Vehicles, machinery, equipment and industrial waste bins must not be placed or left standing in the nature strip during the construction phase.
24. During the construction phase of the development, the following conditions shall be met:
  - a) Only clean rainwater shall be discharged to the stormwater drainage system;
  - b) Stormwater drainage system protection measures shall be installed as required to ensure
  - c) that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
  - d) Vehicle borne materials shall not accumulate on the roads, nature strips and footpaths abutting the site;
  - e) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
  - f) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;

**Traffic Requirements**

25. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the Architectural Plans prepared by Greenbox Architecture, dated 03/09/2024, must be:
  - a) Constructed in concrete or asphalt;
  - b) Properly formed to such levels that they can be used in accordance with the plans;

**Date of issue:** 11 April 2025 **Signature for the responsible authority:**



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- c) Drained;
- d) Illuminated;
- e) Line marked to indicate each car space and all access lanes and
- f) Clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the Responsible Authority. Car spaces, access and driveways must be maintained and must not be used for any other purpose that would prevent vehicles accessing and using the on-site parking.

- 26. Prior to the commencement of the occupation / use hereby approved, a vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) in every location shown on the architectural plans prepared by Greenbox Architecture, dated 03/09/2024, to the satisfaction of the Responsible Authority. A Vehicle Crossing Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.
- 27. Prior to the commencement of occupation, all disused or redundant vehicle crossings must be removed and replaced with kerb and channel, and the nature strip and footpath reinstated to the satisfaction of the Responsible Authority. A permit must be obtained from Council's Engineering Department prior to the commencement of these works.
- 28. The owner/developer is responsible for determining the location of any road infrastructure or non-road infrastructure in the road reserve (e.g. pits, poles, water mains, gas mains, telecommunications cables etc.) that could be affected by the installation of the new crossover(s) or related works. Any existing road infrastructure or non-road infrastructure located within or adjacent to the new crossover(s) must be altered, relocated or reconstructed to the satisfaction of the Responsible Authority and/or the relevant utility provider or infrastructure manager at the expense of the owner/developer.
- 29. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
- 30. The largest vehicle permitted on site is an articulated vehicle.

### Engineering

- 31. Access to the site and ancillary road works must be constructed in accordance with the requirements of the Responsible Authority.

Date of issue: 11 April 2025    Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

32. An on-site stormwater drainage retention/detention system must be designed by a qualified Engineer and installed on the subject land to the satisfaction of the Responsible Authority. The on-site retention/detention system is to be constructed before occupancy permit or statement of compliance whichever is the earliest.
33. The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the Responsible Authority.
34. The developer is to incorporate Water Sensitive Urban Design (WSUD) principles into the design. The design is to be certified by a competent Engineer and provided to the Responsible Authority.
35. The developer is required to treat flows from the site to eliminate contaminants entering the system to the satisfaction of the Responsible Authority.
36. Polluting matter must not be allowed to discharge directly or indirectly into any watercourse controlled by the relevant water authority.
37. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
38. Vehicles delivering to the site must not queue or park in Sharps Road or any public roads adjacent or nearby the site.

**Waste Management**

39. Before the use and development starts, a waste management plan must be approved and endorsed by the responsible authority. The waste management plan must be prepared to the satisfaction of the responsible authority, and must include the following:
  - a) anticipated volumes of waste and recycling that will be generated and how they are determined
  - b) the type and number of waste bins
  - c) the type and size of trucks required for waste collection
  - d) a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins
  - e) frequency of waste collection
  - f) hours for waste collectionThe responsible authority may consent in writing to vary these requirements.

Date of issue: 11 April 2025    Signature for the responsible authority:





### **WorkSafe**

40. Prior to Building Permit Approval (except for construction of those preliminary works that are outside the scope of the hazard studies), the following documents must be submitted to and approved by the Responsible Authority and WorkSafe Victoria:
- a) Develop a suitable emergency management plan for the completed (Phase 1 to 4) facility, including relevant pre-incident plans. Guidance on this matter may found in Fire Rescue Victoria's Fire Safety Guideline GL-52: Development of Pre-Incident Plans at Major Hazard Facility and Dangerous Goods Sites.
  - b) Obtain and have regard to written advice from the relevant fire authority's Dangerous Goods unit regarding the proposed fire protection system and the emergency management plan developed as part of items 1&2, and as required by Regulations 52(1) and 53(3) of the Dangerous Goods Storage and Handling Regulations 2022.

### **Fire Rescue Victoria**

41. Prior to the development's Phase 1 building permit approval (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the planning department may agree, the Applicant must prepare and submit a Fire Safety Study (FSS) for the completed (Phase 1 to 4) facility. The FSS must:
- a) Meet the operational requirements of FRV;
  - b) Address the relevant aspects of the:
    - FRV fire safety guidelines GL -54 Fire Safety Study; and
    - FRV Fire Safety Guideline GI-12 for contaminated water retention and treatment systems; and
  - c) Consider the operational capability of local fire agencies and the need for the facility to achieve an adequate level of on-site fire and life safety independence.
  - d) Verify that the final design of the fire safety system(s) complies with:
    - AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles (Standards Australia, 2000);
    - IEC 62619:2022 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications (Standards Australia, 2023).
    - FM Global Loss Prevention Data Sheet 5- 32 – Data centre or equivalent; and
    - NFPA 855:2023 Standard for the Installation of Stationary Energy Storage Systems or equivalent.

In the event of an inconsistency between the requirements listed above, the requirements as agreed to with FRV shall prevail to the extent of inconsistency.



**Head, Transport Victoria**

42. Unless otherwise approved in writing from the Head, Transport for Victoria, prior to commencement of the development (excluding demolition works) amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans (Impact Plans 29/08/2024 drawing number IMP2407002-DRG -02-01 revision C) submitted but modified to show:
- a) removal of any arrow line marking indicating the slip lane at crossing C1
  - b) all features such as pavement, kerb/shoulders, line marking, power poles, trees, and other road furniture along the frontage of the property. All crossings must be 1 metre clear of any road infrastructure.
  - c) Left in left out signage for all other crossings as appropriate.
43. The entry and exits from Sharps Road & Keilor Park Drive as shown on the endorsed plans must not be altered without the prior written consent of the Head, Transport for Victoria.
44. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety to the satisfaction of the Head, Transport for Victoria.
45. All vehicles must always enter and exit the site in a forward direction to the satisfaction of the Head Transport for Victoria.
46. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the occupation of the development, the crossings and associated works shown on the endorsed plans must be completed to the satisfaction and at no cost to the Head, Transport for Victoria.
47. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the occupation of the development, the permit holder must demonstrate that all land to be vested as road or reserve, for which the Head, Transport for Victoria is to be responsible, must be vested in the name of the Head, Transport for Victoria to the satisfaction of and full cost to the permit holder.
48. Unless otherwise agreed in writing with the Head, Transport for Victoria if the use permitted under this permit ceases to operate crossing C1 (closest to the round-a-bout) must be closed, removed and the reinstated to nature strip (including the deceleration lane) at no cost and to the satisfaction of the Head, Transport for Victoria.



### Time Limit – Use and Development

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within six years of the date of this permit.
- c) The use is not commenced within five years of the date of this permit.
- d) The use, once commenced, ceases for a period of two or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- a) Within six months afterwards for commencement, or
- b) Within twelve months afterwards for completion.

### PERMIT NOTES

1. The permitted use or development may need to comply with, or obtain the following further approvals:
  - o A building permit under the Building Act 1993.
2. Prior to any works commencing on site, an Asset Protection Permit must be obtained from Council's Engineering Department (Phone: 9249 4430). Checking and supervision fees will be required by Council's Engineering Department.
3. *The use must be conducted in a manner that it does not emit 'unreasonable noise' or cause to be emitted from the land an 'unreasonable noise', as defined in section 3(1) of the Environment Protection Act 2017.*
4. *Prior to the removal of the street tree/s identified on the endorsed plans for removal, approval must be obtained from, and any associated fees and charges must be paid to, Council's Urban Design Department (Phone: 9249 4000).*
5. The proposed development requires construction of new crossovers and deceleration lanes within the road reserve. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

### IMPORTANT INFORMATION ABOUT THIS PERMIT

Date of issue: 11 April 2025    Signature for the responsible authority:



# Planning and Environment Regulations 2015

## Form 4

Sections 63, 64, 64A and 86

---

### WHAT HAS BEEN DECIDED?

---

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

---

### 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.

Date of issue: 11 April 2025    Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- 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.

**Date of issue:** 11 April 2025    **Signature for the responsible authority:**

