

## PLANNING PERMIT GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987

<b>Permit No.:</b>	PA2302143
<b>Planning Scheme:</b>	Hume Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	140-204 Western Avenue, Westmeadows (Lot 1 & 2, TP512682)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
33.03-2	Use of land for utility installation
33.03-3	Buildings and works

### 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.
2. Before the use and development start, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the amended plans prepared by Watson Young, Drawing Numbers TP01 – TP15, dated June 2022, but modified to show:
  - a) landscaping that is generally in accordance with the landscape master plan prepared by Tract dated 24 August 2023, Drawing titles 'Detail Master Plan 1 – Data Centre' and 'Detail Master Plan 2 – Data Centre';
  - b) all roofed areas to be coloured in non-reflective tones or constructed of suitable materials that absorb light to minimise glare that may cause visual distraction to pilots

**Date issued: 8 December 2023**

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- c) a revised layout for the bicycle storage room, in accordance with Figure 8.3 of the statement of evidence of Mr John Kiriakidis dated 28 August 2023
- d) where relevant to show on the plans, any changes as a result of the:
  - i. Sustainability Management Plan required by Condition 11, or
  - ii. Waste Management Plan required by Condition 17.
3. Groundwater must not be extracted from the land for potable mineral water supply, agricultural uses, parks and garden uses, stock watering, industrial uses, or primary contact recreation uses (eg swimming).
4. Any activity on the land must not result in the emissions of smoke, dust or other particulate matter, or the emission of steam or other gas, where those emissions can affect the ability of aircraft to operate in the applicable prescribed airspace for Melbourne Airport, to the satisfaction of the responsible authority in consultation with Melbourne Airport.
5. Once the development permitted by this permit starts, it must continue and be completed to the satisfaction of the responsible authority.
6. Before the development is occupied, the landscaping as shown on the endorsed plans must be completed to the satisfaction of the responsible authority, in consultation with Hume City Council. The landscaping must be maintained to the satisfaction of the responsible authority, including but not limited to removing weeds and replacing damaged, dead, and diseased plants in accordance with the planting schedule.
7. The site, including any landscaped and paved areas, must be drained and graded to the satisfaction of the responsible authority to prevent the discharge of stormwater, causing damage/nuisance from the site, across any adjoining footpath, land, or road. All stormwater tanks must have an overflow pipe connected to the legal point of discharge.
8. Any solar panels installed on the building must be designed and oriented to minimise glint and glare that may cause visual distraction to pilots.
9. Concurrent with plans being endorsed under Condition 2, a Sustainability Management Plan (SMP), which must be generally in accordance with the sustainability management plan prepared by Sustainable Development Consultants dated November 2022, must be submitted to and be approved by the responsible authority, in consultation with Hume City Council.
10. All environmentally sustainable design (ESD) measures outlined in the SMP must be carried out to the satisfaction of the responsible authority. Where alternative ESD measures are proposed to those specified in the SMP, the responsible authority may, if requested to do so in writing, agree to vary the required ESD measures, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
11. The stormwater management measures outlined in the SMP, and shown on the endorsed plans must be installed and maintained to the satisfaction of the responsible authority, in consultation with Hume City Council.

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12. Before the development is occupied, a report must be provided to the responsible authority by a qualified ESD consultant that demonstrates the delivery of all provisions, recommendations, and requirements on the SMP to the satisfaction of the responsible authority, in consultation with Hume City Council.
13. Before any buildings and works start, a Construction Site Environmental Management Plan (CSEMP), which describes how the site will be managed prior to and during the construction period, must be submitted to and be approved by the responsible authority, in consultation with Hume City Council. The CSEMP must address the requirements for managing:
  - a) erosion and sediment
  - b) stormwater
  - c) litter, concrete, and other construction wastes, and
  - d) chemical contamination.
14. The approved CSEMP must be implemented to the satisfaction of the responsible authority, in consultation with Hume City Council.
15. Concurrent with endorsement of plans under Condition 2, a Waste Management Plan (WMP), which must be generally in accordance with the waste management plan prepared by Leigh Design dated 14 November 2022, must be submitted to and be approved by the responsible authority, in consultation with Hume City Council.
16. Any new fencing required as part of the development is to be constructed at the permitholder/land owner(s) cost.
17. All works on or facing the boundaries of adjoining properties must be finished, and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the responsible authority.
18. Areas set aside for the parking of vehicles together with the aisles and access lanes must be properly formed to such levels that they can be utilised in accordance with the endorsed plans and must be drained and provided with an all-weather seal coat.
19. The areas identified in Condition 20 must be constructed, drained, and provided and maintained in a continuously useable condition to the satisfaction of the responsible authority, in consultation with Hume City Council.
20. Areas set aside for the parking and movement of vehicles as shown on the endorsed plans must be made available for such use, and not be used for any other purpose.
21. The loading and unloading of goods to and from vehicles must only be carried out on the land.
22. The boundaries of all car spaces (including disabled and associated share areas), ingress and egress lanes, and the direction in which vehicles should proceed along the access lanes must

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at all times be clearly indicated on the ground to the satisfaction of the responsible authority, in consultation with Hume City Council.

23. External lighting must be installed or baffled such that it does not cause light spillage above the horizontal plane.
24. No goods or packaging materials are to be stored or left exposed outside buildings, on the street frontage, and on any car park or landscaped area shown on the endorsed plans.
25. Waste receptacles must not be stored on the street frontage, and on any car park or landscaped area shown on the endorsed plans, unless for collection purposes.
26. Waste collection must only be collected by a private contractor, unless with the prior written consent of the responsible authority.
27. No polluted and/or sediment laden run off is to be discharged directly or indirectly into Hume City Council's drains or watercourses during and after construction.

**Permit Expiry**

28. This permit will expire if one of the following circumstances applies:
  - a) the development is not started within four (4) years from the issued date of this permit;
  - b) the development is not completed within six (6) years from the issued date of this permit;
  - c) the use is not started within two (2) years after the development starts;
  - d) the use is discontinued for a period of two (2) years.
29. The responsible authority may extend the periods referred to if a request is made in writing:
  - a) before or within six (6) months after the permit expiry date, where the use or development allowed by this permit has not yet started; or
  - b) within 12 months after the permit expiry date, where the development allowed by this permit has lawfully started before the permit expires.

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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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The responsible authority has issued a permit. This permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C269 to the Hume Planning Scheme.

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**WHEN DOES A PERMIT BEGIN?**

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The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

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**WHEN DOES A PERMIT EXPIRE?**

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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.

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**WHAT ABOUT REVIEWS?**

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In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Administrative Tribunal for a review of any condition in this permit.

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