

Planning and Environment
Regulations 2015

Form 4

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PLANNING PERMIT

Permit No.:	PA2503571
Planning scheme:	Horsham Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Freight Terminal Road, Dooen (formally described as Lot S3 PS848949)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
37.01-1-2	Use of the land for the purposes of Industry and Warehouse
37.01-1-4	To construct a building or construct or carry out works
43.01-2	To construct a building or construct or carry out works
52.05-2	To construct or put up for display a sign in Section 2
52.06-3	To reduce the number of car parking spaces required under Clause 52.06-5
52.17-1	To remove, destroy or lop native vegetation, including dead native vegetation

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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 Minister for Planning.
2. The use and development as shown on the endorsed plans must not be altered (unless the Horsham Planning Scheme specifies that a permit is not required) without the prior written consent of the Minister for Planning.

Commencement

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

Approved and Endorsed Staging Plan

4. Before the development commences (excluding demolition, bulk excavation, site preparation, soil removal, import fill and retention works), a staging plan must be approved and endorsed by the Minister for Planning. The staging plan must be generally in accordance with the staging plan on drawing number TP.15 of the architectural plans prepared by F2 Architecture, dated 25 February 2025, but modified to show:
 - a) Each stage of the proposed use and development on separate pages, documenting all proposed buildings and works and land uses that require a planning permit.
 - b) Indicative timing for the commencement and completion of each stage.
5. The development must proceed in the order of the stages as shown on the endorsed staging plan, except with the written consent of the Minister for Planning.
6. Once each stage of the development has started it must be completed to the satisfaction of the Minister for Planning.

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Amended Plans

7. Before the development commences (excluding demolition, bulk excavation, site preparation, soil removal, import fill and retention works), plans must be approved and endorsed by the Minister for Planning in consultation with Horsham Rural City. The plans must be prepared to the satisfaction of the Minister for Planning, be drawn to scale with dimensions, be generally in accordance with the architectural plans prepared by F2 Architecture, dated 25 February 2025, but amended to show:
- a) Floor levels constructed to be a minimum of 300mm above natural ground level in accordance with the approved Wimmera Intermodal Freight Terminal, Stage 1 Development Plan.
 - b) Elevations of proposed Sign 8 – Pylon identity signage.

Stormwater Management

8. Before the development commences (excluding demolition, bulk excavation, site preparation, soil removal, import fill and retention works), a Stormwater Management Plan must be approved and endorsed by the Minister for Planning in consultation with the Horsham Rural City Council. The report must be prepared to the satisfaction of the Minister for Planning, generally in accordance with that produced by Afflux Consulting, dated 26 February 2025.
9. The stormwater management system approved by the Minister for Planning and included in the endorsed Stormwater Management Plan must be constructed, managed and maintained to the satisfaction of the Horsham Rural City Council.

Construction and Environmental Management Plan (CEMP)

10. Before any stage of the development commences (excluding demolition, bulk excavation, site preparation, soil removal, import fill and retention works), a Construction and Environmental Management Plan must be approved by the Minister for Planning for that stage, in consultation with the Horsham Rural City Council, and must:
- a) be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA, 2020);
 - b) adopt the form of the EMP template included in the EPA guide and must address the following risks:
 - noise and vibration

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- erosion, sediment and dust
 - contaminated land and groundwater
 - chemicals
 - waste
- c) include a traffic management plan showing:
- access routes for construction vehicles
 - swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction
 - proposed parking locations for construction vehicles and construction workers' vehicles
 - any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.

Landscape Plan

11. Within six months of the commencement of the development (excluding demolition, bulk excavation, site preparation, soil removal, import fill and retention works), a landscape plan must be approved and endorsed by the Minister for Planning in consultation with Horsham Rural City Council. The landscape plan must be prepared to the satisfaction of the Minister for Planning, be drawn to scale with dimensions, generally in accordance with Landscape Concept Plan and Visual Impact Assessment prepared by Landform Architects, dated February 2025, and must include the following:
- a) layout of landscaping and planting within all open areas of the subject land
 - b) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - c) Plantings generally in accordance with the Wimmera Intermodal Freight Terminal Stage 1 Development Plan.
 - d) details of surface finishes of pathways and driveways
 - e) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) the proposed watering system and maintenance schedule
 - g) clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
 - h) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

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Lighting Plan

12. Before the use commences, a lighting plan must be approved and endorsed by the Minister for Planning in consultation with the Horsham Rural City Council. The plan must be prepared to the satisfaction of the Minister for Planning, generally in accordance with the General Arrangement Plan on page 13 of the Lighting Assessment prepared by Arup, dated 18 December 2024, but amended to specify:
- a) Optical control applied to all lighting to pathways around the storage buildings that face toward the site's boundaries, to mitigate light spill beyond the site and to reduce impact on passing trains.
 - b) Lighting around the car park, roadways, pathways, external plant areas deliberately arranged to face away from the nearest site boundaries.
 - c) Light spill optical controls applied to any floodlights facing toward the nearest site boundaries, to minimise potential impacts on identified light spill receptors.
 - d) 'Full cut-off' optics applied to all wall and pole mounted lights to ensure no illumination will be directed upwards into the night sky.
 - e) Light spill shields/optics must be applied as and when required to the luminaires to reduce potential light spill impacts.
 - f) Light dimming controls to ensure all external lighting will be dimmed to a nominal lower output from the hours of 11 pm to 6 am using a timeclock control, linked to site operations.

Complaint Investigation and Response Plan

13. Before the use commences a Complaint Investigation and Response Plan must be submitted to, approved and endorsed by the Minister for Planning, in consultation with the Horsham Rural City Council. When endorsed the plan will form part of this permit. The Complaint Investigation and Response Plan must:
- a) respond to all aspects of the construction and operation of the food processing facility
 - b) be prepared in accordance with Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations.
 - c) include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
14. The endorsed Complaint Investigation and Response Plan must:
- a) be implemented to the satisfaction of Horsham Rural City Council.
 - b) not be altered or modified without the written consent of the Horsham Rural City Council.

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Publishing Information About Complaints Handling

15. Before the use commences, the following information must be made publicly available and readily accessible from the project website, or another publicly available resource to the satisfaction of the Minister for Planning:
- a) a copy of the endorsed Complaints Investigation and Response Plan
 - b) a toll-free telephone number and email contact for complaints and queries to the wind energy facility operator.

Complaints Register

16. Before the use commences, a Complaints Register must be established, to the satisfaction of the Minister for Planning which records all complaints, documenting:
- a) the complainant's name and address
 - b) a receipt number for each complaint, which must be communicated to the complainant
 - c) the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident
 - d) a description of the complainant's concerns
 - e) the process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.
17. A complete copy of the Complaints Register along with a reference map of complaint locations must be provided to the Horsham Rural City Council on each anniversary of the date of this permit, and at other times on request.

Acoustic Report

18. Before the use commences, an Acoustic Report must be approved and endorsed by the Minister for Planning in consultation with the Horsham Rural City Council. The report must be prepared to the satisfaction of the Minister for Planning, generally in accordance with the Acoustic Report produced by Enfield Acoustics, dated 18 December 2024, but modified to include:
- a) Any requirements relating to EPA approvals or permissions with respect to noise.
 - b) Details regarding the likely impacts of the on-site wastewater treatment plant and any required noise mitigations measures.

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Waste Management Plan

19. Before the use commences a Waste Management Plan must be approved and endorsed by the Minister for Planning in consultation with the Horsham Rural City Council. The report must be prepared to the satisfaction of the Minister for Planning, generally in accordance with the Waste Management Plan prepared by Ratio Consultants, dated 19 December 2024.
20. All waste management measures specified in the Waste Management Plan endorsed under this permit must be implemented to the satisfaction of the Horsham Rural City Council.
21. All waste material not required for further on- site processing must be regularly removed from the site to the satisfaction of the Horsham Rural City Council. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the Minister.

Odour Management Plan

22. Before the use commences, an Odour Management Plan must be approved and endorsed by the Minister for Planning in consultation with Horsham Rural City Council. The plan must be prepared to the satisfaction of the Minister for Planning and must include:
 - a) The sources of potential odour arising from the site operations
 - b) A summary and plan showing the ways in which odour is managed at the site, including mitigation strategies
 - c) Any requirements specified by the EPA in relation to separate EPA permissions or approvals processes
 - d) Establishment of an annual report to confirm that the mitigation and management strategies for odour are compliant with all approval documents
 - e) Details regarding the likely impacts of the on-site wastewater treatment plant and any required noise mitigations measures.

Native vegetation

23. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Minister for Planning. This evidence is one or both of the following:
 - a) credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or

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- b) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

WorkSafe

- 24. Prior to commencing operations, the applicant must notify WorkSafe Victoria in writing of any Schedule 14 materials that are present or likely to be present at quantities exceeding 10% of their threshold, in accordance with Reg 360 of the Occupational Health and Safety Regulations 2017.
- 25. During the detailed design phase and prior to obtaining a building permit, the applicant must seek written advice from the relevant fire authority's Dangerous Goods Unit regarding the proposed Fire Protection System and Emergency Response Plan (ERP). The applicant must also complete the Fire Safety Study (FSS) and ERP to the satisfaction of the relevant fire authority, incorporating any recommendations provided.

Traffic Requirements

- 26. Before the use or occupation of a stage of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed architectural plans must be:
 - a) Constructed in concrete or asphalt;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - 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 Minister for Planning.
- 27. Prior to the commencement of the use, a vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) in every location shown on the endorsed architectural plans, to the satisfaction of the Horsham Rural City Council. A Vehicle Crossing Permit must be obtained from the Council's Engineering Department prior to any works commencing on the site.

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28. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed and the nature strip reinstated to the satisfaction of the Horsham Rural City Council. A permit must be obtained from Council's Engineering Department prior to the commencement of these works.
29. 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 Horsham Rural City Council and/or the relevant utility provider or infrastructure manager at the expense of the owner/developer.
30. Any security boom, barrier, card reader or similar device controlling vehicular access to the land must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Freight Terminal Road pavement and footpath. The Minister for Planning may consent in writing to vary this requirement.

Runoff control

31. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into drains or watercourses.

Signs

32. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
- a) The sign(s) must not be animated or contain any flashing or intermittent light.
 - b) 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.
33. Any approved major promotion sign must not:
- a) dazzle or distract drivers due to its colouring.
 - b) be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
 - c) be able to be mistaken as an instruction to drivers.

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Loading/unloading

34. 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, to the satisfaction of the Horsham Rural City Council.

Use

35. Subject to compliance with the conditions of this permit, to the satisfaction of the Minister for Planning, the permit allows for the approved use of the land from Monday to Sunday, 24 hours per day.

Completion of landscaping

36. The landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Horsham Rural City Council. The Minister for Planning may consent in writing to vary this requirement.

Landscaping maintenance

37. 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 Horsham Rural City Council.

Control of light spill

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

Car Parking

39. Parking and loading areas must remain available for those purposes at all times and must not be used for any other purpose such as storage and be maintained at all times to the satisfaction of the Minister for Planning.

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General Amenity

40. The use and development must be managed so that the amenity of the area is not detrimentally affected to the satisfaction of the Horsham Rural City Council, 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.

Noise Control

41. 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 and Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Noise Protocol), to the satisfaction of the Minister for Planning.

Time Limit – Use and Development

42. 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.
 - e) The Minister for Planning 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.

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PERMIT NOTES

1. The permitted use or development may need to comply with, or obtain the following further approvals:
 - 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. Storage and handling of dangerous goods must comply with relevant Victorian policy, legislation, regulations and guidelines. These include but are not limited to the policy, legislation, regulations and guidelines listed below:
 - Victorian Dangerous Goods Act 1985
 - Victorian Dangerous Goods (Storage and Handling) Regulations 2022
 - Victorian Occupational Health and Safety (Major Hazard Facilities) Regulation 2000
 - The Australian Dangerous Goods Code 7.9th edition
5. This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
6. The Operator must obtain an EPA registration for prescribed activity D06 Food Processing and any relevant prescribed activity as identified together with EPA Permissions assessor, prior to the commencement of use.
7. All food premises (as defined by the Victorian Food Act 1984) must register with Council's Environmental Health Department prior to commencing operation All proposed food

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premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and Australian Standard 4674:2004. A detailed and to-scale floor plan of the proposed food premises in conjunction with any other requested documents should be supplied to Council's Environmental Health Department prior to any approval of an application for registration.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

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.

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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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