

DRAFT PERMIT CONDITIONS

APPLICATION NUMBER:	TP61/2026(1) (Council ref.) PA2604231 (DTP ref.)
SITE ADDRESS:	39 Indwe Street, 1, 11-13 and 15 Paramount Road WEST FOOTSCRAY
PROPOSAL:	To use land for a utility installation (data centre), to construct a building or construct or carry out works and to create or alter access to a road in a Transport 2 Zone

Amended Plans Conditions

1. Before the use and/or development commences (excluding demolition or any other development not requiring a permit) amended plans must be submitted to the satisfaction of the Responsible Authority in consultation with Maribyrnong City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in a digital format. The plans must be generally in accordance with the architectural drawings, prepared by HDR Pty Ltd, Rev SPC-1, dated 11 February 2026 but modified to show:
 - (a) Setback dimensions between all data halls, substations and retaining walls to each site boundary.
 - (b) Setback dimensions between all data halls, substations and retaining walls to the Stony Creek waterway, top of bank and shared user path.
 - (c) A 2m x 2m corner splay incorporated at the north-western property corner (Indwe Street and Paramount Road).
 - (d) Existing crossovers abutting Paramount Road and Indwe Street with a notation stating that any redundant crossovers must be removed and the area reinstated to match the existing assets, to the satisfaction of the Responsible Authority.
 - (e) Paramount Road crossover width dimensioned.
 - (f) Paramount Road upgrades incorporated as per the concept plan included in Appendix C of the Transport impact assessment, prepared by Eukai, Rev A, dated 10 February 2026.
 - (g) The card readers to the Paramount Road entry point set back 25 metres from the front property boundary.
 - (h) Pedestrian entrance gates clearly shown (if proposed).
 - (i) Rainwater tank location, size and connection to toilet flushing, bin wash and irrigation system.
 - (j) Size, location and details of the bioswales.
 - (k) All roofs (excluding plant) and exposed driveways with light coloured or reflective finishes / materials (Solar Reflective Index >50 or Solar Absorptance <0.6) to help mitigate the urban heat island effect.

General Conditions

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*

Staging Conditions

3. Concurrent with the submission of plans for endorsement, an amended staging plan must be submitted and approved by the Responsible Authority in consultation with Maribyrnong City Council. The amended staging plan must be generally in accordance with the Staging plan, prepared by prepared by HDR Pty Ltd, Rev SPC-3, dated 6 February 2026 but updated to reflect any amendments required by conditions of the permit. Once approved, the report will be endorsed and will then form part of the permit and must be implemented and thereafter complied with at all times.
4. Before the occupation of each stage of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works associated with each stage, as shown on the endorsed plans / documents, must be undertaken to the satisfaction of the Responsible Authority in consultation with Maribyrnong City Council.

Public realm works

5. Before the use and development starts, the owner of the land must enter into an agreement with Maribyrnong City Council under s 173 of the *Planning and Environment Act 1987*. The agreement must provide for the following in relation to the 'public realm works', being the upgrades and improvements to Paramount Road, Indwe Street, and the Stony Creek corridor shown indicatively in the application material:
 - (a) A process for the approval of detailed design and specifications for the proposed works;
 - (b) Timing/staging of the proposed works;
 - (c) Responsibility for delivery of the proposed works (i.e. delivered by Council and funded by owner, or delivered by owner);
 - (d) Liability and ongoing maintenance;

Construction Management Plan Conditions

6. Prior to any development commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction of the

Responsible Authority in consultation with Maribyrnong City Council, detailing how the owner will manage the environmental and construction issues associated with the development. The “Construction Management Plan” when approved will form part of the permit and must be implemented to the satisfaction of the Responsible Authority and Maribyrnong City Council. The CMP must address:

- (a) the contact name and phone number(s) of the site manager,
- (b) bulk excavation,
- (c) management of the construction site,
- (d) land disturbance,
- (e) hours of construction, including program/duration of works
- (f) noise,
- (g) control of dust,
- (h) public safety,
- (i) traffic management,
- (j) construction vehicle road routes (with construction traffic not to use Indwe Street),
- (k) largest vehicle expected to the site,
- (l) soiling and cleaning of roadways,
- (m) discharge of any polluted water,
- (n) security fencing, disposal of site waste and any potentially contaminated materials,
- (o) crane locations during construction,
- (p) location of site offices, and onsite staff parking,
- (q) redirection of any above or underground services,
- (r) site lighting during any night works.

Landscaping Conditions

7. Concurrent with the submission of plans for endorsement, a Landscape Plan must be submitted and be to the satisfaction of the Responsible Authority in consultation with Maribyrnong City Council. When approved, the plan will be endorsed and will then form part of the permit. The Landscape Plan must be generally in accordance with the landscape concept report, prepared by Lat Studios, Rev 3, dated 13 February 2026 but modified to show:

- (a) The location of all existing vegetation to be retained and/or removed;
- (b) The location of buildings and trees on neighbouring properties within 3 metres of the boundary;
- (c) Details of surface finishes of pathways and driveways;
- (d) A detailed 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;
- (e) Landscape concept report updated to reflect European Olive Trees planted on Indwe Street being replaced with *Fraxinus pennsylvanica*;
- (f) Paramount Road upgrades incorporated as per concept plan included in Appendix C of the Transport impact assessment, prepared by Eukai, Rev A, dated 10 February 2026 (refer also to Condition 5 above).

8. Prior to the commencement of works, or as otherwise agreed to in writing by the Responsible Authority, a Landscape Maintenance & Management Plan must be prepared, submitted to and be to the satisfaction of the Responsible Authority and Maribyrnong City Council. The plan must outline measures to ensure the ongoing viability of the approved landscaping as per the endorsed Landscape Plan. The plan must address irrigation (passive/active), inspection, responsibilities and replacement as a minimum. The plan must also outline responsibility for planting outside the Title Boundary (refer also to condition 5 above), including maintenance within the first two years. When approved, the Landscape Maintenance Plan & Management Plan will be endorsed and will then form part of the permit.

Noise Impact Assessment Conditions

9. Concurrent with the submission of plans for endorsement, an amended Noise Impact Assessment must be submitted and approved by the Responsible Authority in consultation with Maribyrnong City Council. The amended acoustic report must be generally in accordance with the Noise Impact Assessment prepared by ARUP, RevSPC-1, dated 6 February 2026 but updated to reflect any amendments required by conditions of the permit. Once approved, the report will be endorsed and will then form part of the permit and must be implemented and thereafter complied with at all times.

Stormwater Management Plan Conditions

10. Concurrent with the submission of plans for endorsement, an amended Stormwater Management Plan (SWMP) must be submitted to and approved by the Responsible Authority in consultation with Maribyrnong City Council. The SWMP must be generally in accordance with the Stormwater Management Plan, prepared by TTW Pty Ltd, Rev 2, dated 10 February 2026. Once approved, the report will be endorsed and will then form part of the permit. The SMP must be amended as follows:
 - (a) Deletion of reference to Atlan Ecoceptor GPT system, and incorporation of a high performance, CDS/vortex style GPT and associated maintenance plan, to the satisfaction of Council's City Sustainability Unit.
 - (b) Inclusion of a management plan for the GPT, clearly listing the responsible party, frequency of inspections to be undertaken and associated maintenance. Inspections and maintenance activities are required to be formally recorded/documented and made available to Council upon request.

Sustainable Management Plan Conditions

11. Concurrent with the submission of plans for endorsement, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority in consultation with Maribyrnong City Council. The SMP must be generally in accordance with the SMP, prepared by Aurecon, Rev SPC-3, dated 11 February 2026. Once approved, the report will be

endorsed and will then form part of the permit. The report must show how the building meets or exceeds best practice standards (including a minimum 50% score for the four mandatory categories of water, energy, stormwater and IEQ) to the satisfaction of the Responsible Authority in consultation with Maribyrnong City Council. The SMP must be amended as follows:

- (a) BESS Report published for submission (rather than in draft form).
- (b) Response included regarding data centre energy reduction strategies to mitigate on-site energy consumption.
- (c) A preliminary facade assessment undertaken in accordance with NCC2022 Section J4D6.
- (d) Commitment to providing ventilation systems that are designed and monitored to allow a 50% increase in outdoor air available to regular use areas, compared to the minimum required by AS 1668:2012 and maintain a maximum CO2 concentration reflecting values entered in IEQ 2.3 Ventilation - Non-Residential BESS credit.

All recommendations of an approved Sustainable Management Plan must be fully implemented to the satisfaction of the Responsible Authority and Maribyrnong City Council.

Tree Protection Conditions

12. Concurrent with the submission of plans for endorsement, a Tree Management Plan (TMP) must be submitted and approved by the Responsible Authority in consultation with Maribyrnong City Council. The Tree Management Plan must be completed by a suitably qualified and experienced Arborist and must identify the Tree Protection Zone, volume of Tree Protection Zone encroachment (%) and how it is intended to carry out site works with minimal impact on tree health including tree protection measures that align with AS4970 as it relates to the retained street trees to Indwe Street and any other trees on abutting land which may be impacted by the development. The amended TMP must be generally in accordance with the arboricultural report and drawings, prepared by The Project Arborist, Rev A, dated 19 December 2025. All recommendations of an approved TMP must be fully implemented to the satisfaction of the Responsible Authority and Maribyrnong City Council.
13. Before the development commences (including any demolition works), tree protection measures in accordance with AS4970-2009 (Protection of trees on Development Sites) must be erected around Tree 44 (Eucalyptus Cameldulensis, River Red Gum) as identified within the arboricultural report, prepared by The Project Arborist, Rev A, dated 19 December 2025. The tree protection measures must remain in place until construction is completed.
14. 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.

Waste Management Plan Conditions

15. Concurrent with the submission of plans for endorsement, an amended Waste Management Plan (WMP) must be submitted and approved by the Responsible Authority in consultation with Maribyrnong City Council. The amended WMP must be generally in accordance with the WMP prepared by Waste Management Plan, prepared by Encycle, Rev 2, dated 11 February 2026 but updated to reflect any amendments required by conditions of the permit. The SMP must be amended as follows:

- (a) Updated waste calculations based on the areas (office and data centres), including the rate used for data centres (only capacity shown within submitted WMP);
- (b) Inclusion of example signage.

All recommendations of an approved Waste Management Plan must be fully implemented to the satisfaction of the Responsible Authority and Maribyrnong City Council.

16. Waste management must only be carried out in accordance with the endorsed Waste Management Plan unless as otherwise agreed to in writing by Maribyrnong City Council.

Amenity Conditions

17. 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) Harbourage and/or presence of vermin)

All to the satisfaction of the Responsible Authority and Maribyrnong City Council.

18. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication *Noise Limit and Assessment Protocol 1826.4*, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority and Maribyrnong City Council.

19. All external plant and equipment must be acoustically treated and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined by the EPA Victoria Publication *Noise Limit and Assessment Protocol 1826.4*, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other

equivalent policy to the satisfaction of the Responsible Authority and Maribyrnong City Council.

20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority and Maribyrnong City Council.

21. No goods, equipment or machinery are permitted to be stored or left exposed outside the building so as to be visible from any public area.

Developer Contribution Conditions

22. A Development Infrastructure Levy(s) in accordance with any approved Development Contributions Plan(s) which applies to the Land must be paid to the Collecting Agency prior to the grant of a building approval or the development of any buildings and works associated with the permitted development, whichever occurs first, unless the Collecting Agency agrees to a different time for payment.

Engineering Conditions

23. Before the use commences, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority in consultation with Maribyrnong City Council, and be:
 - (c) Constructed;
 - (d) properly formed to such levels that they can be used in accordance with the plans;
 - (e) surfaced with an all weather seal coat;
 - (f) drained;
 - (g) line marked to indicate each car space and all access lanes; and
 - (h) clearly marked to show the direction of traffic along access lanes and driveways

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

24. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and Maribyrnong City Council.

25. All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority and Maribyrnong City Council.

26. The site must be drained to the satisfaction of Maribyrnong City Council. Storm water run-off from the site must not cause any adverse impact

to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

27. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to Maribyrnong City Council drainage plans to the requirements outlined in the Stormwater Discharge Permit.
28. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

Expiry Condition

29. This permit will expire if one of the following circumstances applies:
 - (a) The development is not commenced within three 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 does not commence within two years after the completion of the development.
 - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.