

525 McDonalds Road South Morang

PA2402997

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Officer Assessment Report
Development Approvals & Design

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Executive Summary



Key Information	Details	This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright	
DFP Application No:	DFP333		
Application No:	PA2402997		
Received by DFP	13 December 2023		
Date lodged in POL	20 June 2024		
Statutory Days:	84 days		
Applicant:	PVAC Development Pty Ltd c/- Planning & Property Partners Pty Ltd		
Planning Scheme:	Whittlesea		
Land Address:	525 McDonalds Road, South Morang (Lot 1 on Plan of Subdivision 712881T, Lot 1 on Title Plan 840734D, Land in Plan of Consolidation 367571U)		
Proposal:	Use and development of the land for a data centre, and removal of vegetation in a Vegetation Protection Overlay, buildings and works in a Land Subject to Inundation Overlay		
Development Value:	\$207,437,039		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because for the use or development of land for which Clause 53.22 applies		
DFP eligibility criteria in accordance with 53.22	Category: Category 1		
	Sector: Digital Technologies		
	Land use: Data Centre		
	Location: Metropolitan Melbourne		
	Alignment with DFP threshold/criteria: Yes – min \$100 million development cost (\$20 million threshold)		
	OVGA: N/A		
	Invest Victoria: Invest Victoria Approval Letter dated 26 April 2024		
	Quantity Surveyor report: Yes- QS report prepared by WT Australia Pty Ltd dated 13 December 2023 has been provided.		
Why is a permit required?	Clause	Control	Trigger
Zone:	37.08	Activity Centre Zone Schedule 2	Clause 37.08-2 - use the land for a data centre (nested under utility installation) Clause 37.08-5 - Construct a building or carry out works
Overlays:	42.02	Vegetation Protection Overlay	Clause 42.02-2 - Remove trees under VPO (Tree 3-6)
	44.04	Land Subject to Inundation Overlay	44.04-2 - Construct a building or carry out works
	45.09	Parking Overlay	N/A
Particular Provisions:	52.06	Car Parking	N/A
	53.22	Significant Economic Development	N/A



Cultural Heritage:	Yes – Approved CHMP No. 14336 on 15/09/2017		
Total Site Area:	6,2131.1 sqm (planning unit)		
Gross Floor Area:	28,465 sqm data centre and 1,480 sqm ancillary office		
Height:	21 metres (slight increase in the southern section)		
Land Uses:	Data centre with ancillary office		
Parking:	Cars	Motorcycles	Bicycles
	245	0	14
Referral Authorities:	AusNet, Melbourne Water, WorkSafe (Section 55)		
Public Notice:	N/A – no material detriment		
Informal Referral:	Fire Rescue and Whittlesea City Council		
Delegates List:	Approval to determine under delegation received on 12/09/2024		

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Application Process

Background

1. The key milestones in the application process were:

Development Facilitation Program: Pre-application	
Enquiry lodgement	13 December 2023
Informal advice	07 May 2024
Invest Victoria	26 April 2024

Application process	
Application lodgement	20 June 2024
Further information requested	N/A
Further information received	N/A
Further plans submitted	N/A
Decision Plans	Architectural plans prepared by Ewert Leaf, revision A, dated 20/12/23

Other Assessment Documents	- Arboricultural Impact Assessment prepared by TMC Reports, dated 29/05/2024 - Dangerous Goods Storage and Planning prepared by Focus Environmental, dated 31/05/2024 - Landscape Plan prepared by Greenjoy, revision A, dated 19/12/2023 - Stormwater Management Plan and Water Sensitive Urban Design Report prepared by Matter Consulting, dated 24/05/2024 - Transport Impact Assessment Report prepared by onemilegrid, dated 21/12/2023 - Waste Management Plan prepared by Leigh Design, dated 19/12/2023 - Sustainable Management Plan prepared by GIW, dated 02/07/2024 - Town Planning Report prepared by Planning and Property Partners

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2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposal can be summarised as follows:

Total Site Area:	6,2131 sqm (planning unit)
Gross Floor Area:	28,465 sqm data centre and 1,480 sqm ancillary office area
Height:	22.28 metres (south-west corner), majority is 21 metres
Setbacks:	East: 77 metres to road North: 93 metres (5.48 metres to prospective internal northern boundary)



	West: 158.5 metres to the road, 4.02 to west boundary South: 55.8 metres
Loading and Waste arrangements:	268.5 sqm loading bay Waste storage room within office

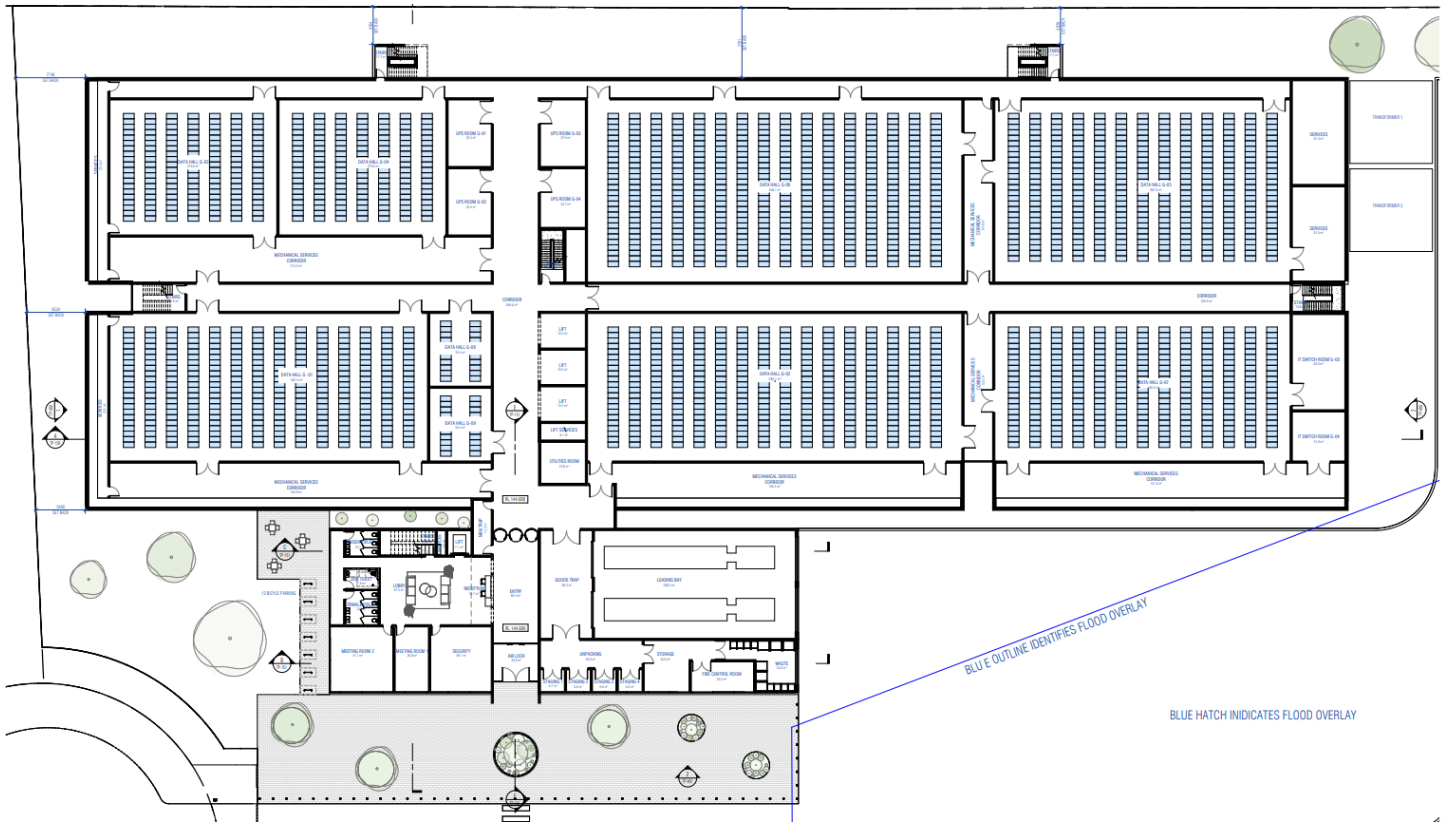
4. Specific details of the application include:

- Four storey data centre with a basement for fuel and water storage (28,465 sqm gross floor area), and a two storey ancillary office (1,480 sqm). The materials and finishes include textured concrete, concrete, glazing (opaque and reflective) render and metal cladding. The colours include natural grey, charcoal, black and white.
- Significant setbacks to road boundaries due land in the planning unit being earmarked for a future planning application, and the transmission lines to the west.
- The data centre will operate for 24 hours, 7 days a week, with no more than 285 staff expected on site at any time.
- 245 car spaces within at-grade car park to the west.
- Landscaping is proposed around the building and within the car park area. The area between the car park and Oleander Drive is retained as the Heaths Court Drain Channel.
- 268.5 sqm loading bay within the office building.

5. The applicant has provided the following concept image/s of the proposal:



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Site Description

6. The site is located in South Morang and is currently vacant land. The site is made up of three lots: 525-535 McDonalds Road and partial 765 Plenty Road. The portion of 765 located to the east of the PUZ1 is not included. The total site area is 62,131.2 sqm.
7. The site is formally described as comprising the following land parcels:
 - Lot 1 on Plan of Subdivision 712881T
 - Lot 1 on Title Plan 840734D
 - Land in Plan of Consolidation 367571U
8. There are several easements on the site for transmission of electricity and drainage, the most relevant to the proposed development is easement E-1 for transmission of electricity.

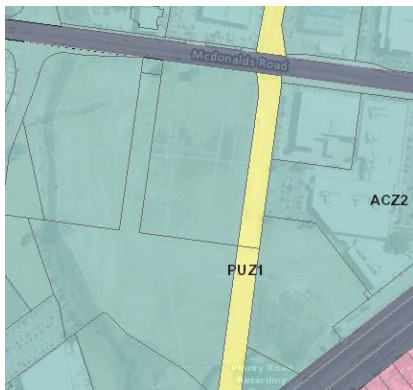
Site Surrounds

9. The surrounding development consists mainly of commercial and residential land uses.
10. Development surrounding the site can be described as follows:
 - To the **north** of the site is McDonalds Road, across the road are large box retail/showrooms which are mostly used for car sales.
 - To the **south** of the site is the Heaths Court Drain, and further to the south is a car centre, car sale and Bunnings.
 - To the **east** of the site is the PUZ1 for service and utility. Further to the east is vacant land (the rest of 765 Plenty Road) and a commercial estate with a range of retail premises (which include Spotlight, a pet store, gym, car supplies, BBQ/outdoor store, and bicycles).
 - To the **west** of the site is transmission lines and Oleander Drive, across the road is a range of retail premises (car sales, trade supplies), and residential properties are further to the south-west.

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The above image shows the planning unit (in red) and the development area (in blue), provided by the applicant.



ACZ2 extent



LSIO extent



VPO extent

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Referrals

11. The application was referred to the following:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	AusNet (Electricity transmission authority)	23/07/2024 Pursuant to Section 56(1) of the <i>Planning and Environment Act 1987</i> , does not object to the grant of a planning permit subject to conditions being placed on any permit issued. Conditions relate to protect of the AusNet easements and height controls directly under the transmission lines
Section 55 Referral – Determining	WorkSafe Victoria	08/08/2024 Pursuant to Section 56(1) of the <i>Planning and Environment Act 1987</i> , does not object to the grant of a planning permit subject to conditions being placed on any permit issued. Conditions relate to further documents required for exceeding fire protection quantities.
Section 55 Referral – Determining (for LSIO extent)	Melbourne Water This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright	04/09/2024 Pursuant to Section 56(1) of the <i>Planning and Environment Act 1987</i> , does not object to the grant of a planning permit subject to conditions being placed on any permit issued. Conditions relate to finished floor levels and treatments for the drain channel.

Notice

- Notice was given to Whittlesea City Council under section 52(1)(b) and Fire Rescue Victoria under Section 52(1)(d).
- No general public notice was given as the proposal was not considered to cause material detriment to any other person.
- The relevant sections of the planning scheme have the following exemptions for notice (or not):
 - Under the Activity Centre Zone Schedule 2 *an application to construct a building or construct or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act in accordance with Clause 37.08-8 of the Activity Centre Zone if:*
 - *the proposed development exceeds the preferred building heights in Clause 5 of this Schedule, or*
 - *the land is within 40 metres of a residential zone and the proposed development reduces the setback standards contained in Clause 4.3 of this Schedule.*

The proposal exceeds the preferred building heights in Clause 5 of this Schedule. The preferred height for sites with non-sensitive interfaces is up to 21 metres. The proposal exceeds 21 metres when the land falls to the south-west (maximum height of 22.28 metres).

The land is not within 40 metres of a residential zone therefore the second dot point doesn't apply.



- There are no exemptions within the Vegetation Protection Overlay.
- An application under the Land Subject to Inundation is *exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.*
- Notice was not given to the owners and occupiers of properties adjacent to the subject site, as the proposal would not cause material detriment, considering the following:
 - ACZ2: the proposal is only marginally non-compliant with the preferred building height of 21 metres (22.28 metres), in the south-west corner and has a sufficient setback from the street and adjoining land that the exceeding height of 1.28 m will not be a noticeable difference. There are no sensitive interfaces to consider.
 - VPO: There is no built form or sensitive interfaces near the trees proposed to be removed, and the trees are also small compared to the trees in the area. The larger tree within the same area is proposed to be retained.

12. Notice of the application was given in accordance with Section 52(1)(b) and (d) of the Act:

Provision	Organisation	Response Received (date)
Section 52(1)(b)	Whittlesea City Council	19/07/2024 Objection – see objections and DTP Officer response below
Section 51(1)(d)	Fire Rescue Victoria	1/08/2024 No comment

13. A table summary of council's comments and DTP response is below:

Council's Comments (provided below in summary)	DTP Officer response
The proposal does not provide a connector road for Oleander Drive to Plenty Road. <u>The proposal is contrary to the Activity Centre Zone Under the ACZ2, the subject land is in Precinct 5 of Schedule 2, which includes the following Guideline (at 5.5-4 Precinct guidelines):</u> • A local road connection between Oleander Drive and Plenty Road should be provided as part of subdivision or development of the subject land. <u>The proposal is contrary to the Plenty Valley Town Centre Structure Plan 2018</u> <u>The Structure Plan, under the "Street Network Principle and Vision" includes the following Objectives/Strategies (at page 44):</u>	As detailed below in the Activity Centre Zone Schedule 2 assessment, the proposal negates the strategic and traffic need for this connector road. There is also another road 150 metres to the south that will serve the same purpose. Pedestrian and cyclist connections can still be made on the nominated shared user paths shown in the precinct map. While a compliant subdivision permit has been issued, this was not certified. The need for a road is diminished once larger developments (and therefore larger lots) are proposed, as shown in approved subdivision – smaller lots were originally proposed:

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SN1: Complete Missing Road Links

SN1.1 Facilitate the construction of key missing local and connector roads in order to promote the emergence of a more intricate and permeable network.

SN1.2 Avoid the use of Cul-de-sac and ensure new streets are well connected to the overall network to allow for permeability for all road-users through the centre.

SN1.3 Promote the development of the Civic Drive extension through developer works as a local connector street with dedicated cycling infrastructure (see Appendix 5.2 for indicative cross-section).

SN1.4 Ensure all arterial and connector streets are delivered as public roads. Encourage local roads to be developed as public roads.

Figure 20 in the Structure plan shows the connection of Oleander Drive and Plenty Road as a "Key Local Road" (at Page 45).

A compliant subdivision has already been approved Council has previously issued a permit for the subdivision of the subject land (Permit 718790) last amended 27 June 2021. In accordance with the ACZ2, the subdivision provided for the creation of a connecting local road between Oleander Drive and Plenty Road.

It is noted that if the proposal was to be supported without that variation in siting, then a public road court bowl from Oleander Drive is unnecessary. It would be more straightforward and more appropriate for the access from Oleander Drive to be by a private driveway.

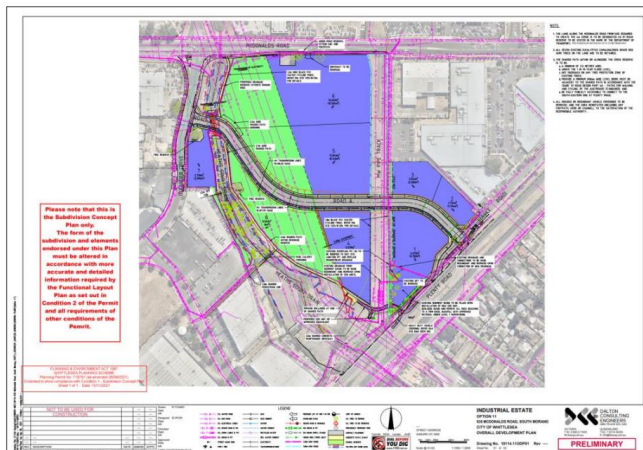
The application is deficient without detail of the proposed subdivision

The application lacks any detail of any subdivision of the land. However, the plans clearly show the creation of four to five lots and a court bowl of Oleander Drive, which is presumably intended as public road.

In any event, the consideration of the proposal without the benefit of the consequential or associated subdivision would unreasonably prejudice the proper consideration of a future subdivision application. The plans show the proposed Data Centre on a proposed Lot 4 and the associated car parking on an adjacent proposed Lot 3. If the car parking area relates solely to the proposed Data Centre (as proposed), then these two parts should not be on separate allotments or proposed separate allotments

Concerns about the employment generated by the use

The conclusion to be drawn from this analysis is that there is very little office space to house a high number of staff – noting that the Town Planning



Approved Subdivision layout – endorsed 15 November 2021

It is also noted that the council requested that the site be accessed via an accessway, and not a court bowl. As no subdivision is being proposed this access would be private regardless of the design. It would be for council to consider what is the most appropriate access to other lots when a subdivision or future development occurs, and if any public road should be taken ownership of. A permit condition should be placed on the permit to allow for construction plans to be provided for this access, however DTP Officers are not concerned if the final design is similar to a court bowl or accessway, as there is no decision being made for public access through this permit.

No subdivision is proposed. Indicative lots were provided to show the siting of the proposed buildings on the overall site and that access could be achieved.

Any future subdivision application will be assessed by the council.

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Application supported by Invest Victoria. The applicant has provided economic impact assessment and is expected to generate significant investment, facilitate employment generation and associated economic benefits.



<i>Report boasts a "...maximum of 350 staff with no more than 285 staff expected on-site at any time."</i> <i>Not surprisingly, the provision of toilet/bathroom facilities as shown in the plans would not meet basic requirements for that number of staff, and there are none shown in the plans in the Data Hall. The office area appears manifestly inadequate to accommodate the number of staff claimed at any one time, and it appears that the balance of the building (the Data Hall – being the major component) is clearly not intended to accommodate staff.</i>	
Concerns about car parking <i>The proposal does not appear to have considered the Structure Plan, car parking requirements or the Parking Overlay, both of which include application requirements and decision guidelines for permit applications and design standards.</i>	Outstanding Parking Overlay requirements (EV charging locations, Green Travel Plan and landscaping) can be dealt with via permit conditions. This is discussed in the car parking assessment later in the report.

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Statutory Controls – Whittlesea Planning Scheme

Provision		Permit Trigger
Zone	Clause 37.08 Activity Centre Zone Schedule 2	Clause 37.08-2 - use the land for a data centre (nested under utility installation) Clause 37.08-5 - Construct a building or carry out works
Overlay	Clause 42.02 Vegetation Protection Overlay	Clause 42.02-2 - Remove trees under VPO (Tree 3-6)
	Clause 44.04 Land Subject to Inundation Overlay	44.04-2 - Construct a building or carry out works
	Clause 45.09 Parking Overlay	No permit required – Design requirements outlined in assessment
Particular and General Provisions	Clause 52.06 (Car Parking)	No permit required – Data Centre (utility installation) use not listed
	Clause 52.34 (Bicycle Facilities)	No permit required – Data Centre (utility installation) use not listed
	Clause 53.18 (Stormwater Management in Urban Development)	No permit required - this clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works: a) Must meet all of the objectives of Clauses 53.18-5 and 53.18-6. b) Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Strategic Planning Context

Strategic Direction and Land Use

Plan Melbourne

14. Plan Melbourne 2017-2050 (Plan Melbourne) outlines the key strategic directions with regard to the provision of housing and commercial activity within Melbourne's urban areas. The strategic outcomes outlined in the document are required to be considered as part of Council's decision-making process and include (inter-alia):
- a) Outcome 1: *'Melbourne is a productive city that attracts investment, supports innovation and creates jobs.'*
 - i. Direction 1.2 of Plan Melbourne is to *'Improve access to jobs across Melbourne and closer to where people live'*.
 - b) The strategy promotes '20 minute neighbourhoods' where there is access to local shops, schools, parks, jobs and a range of community services within a 20 minute trip from your front door.

Whittlesea Planning Policy Framework

15. The *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
16. The relevant MPS and PPF policies have been considered in assessing the application and the following are considered relevant:

Clause	Description
02.01	Context
02.02	Vision



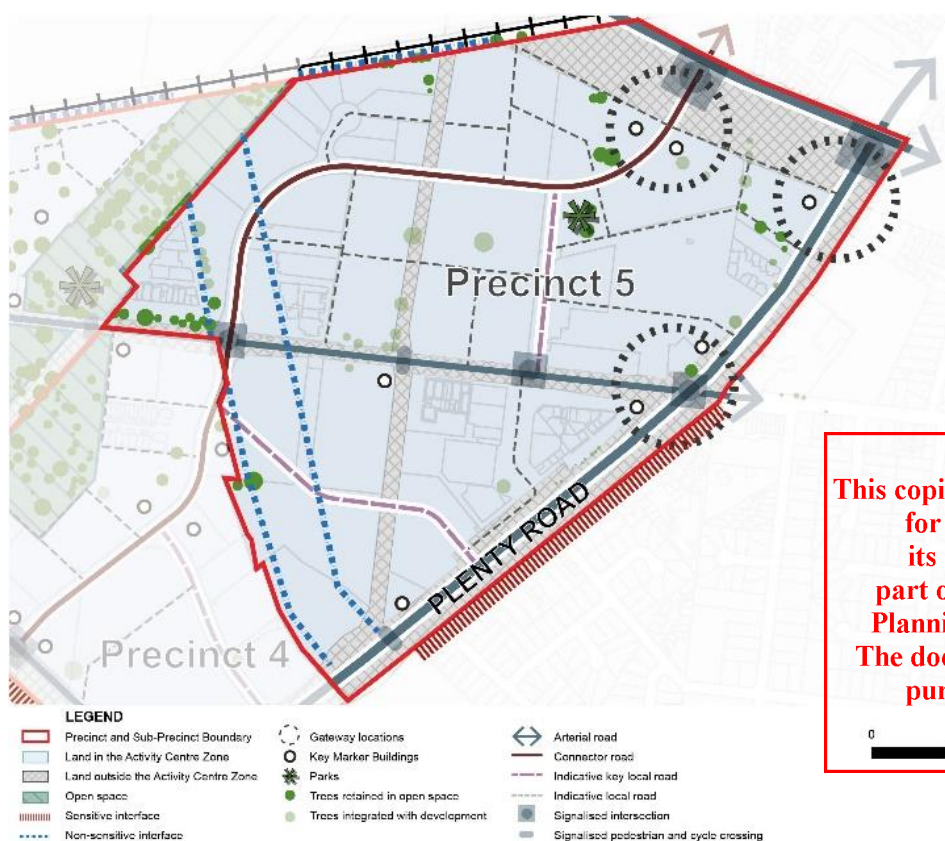
02.03	Strategic directions
02.04	Strategic framework plans
Clause 11	Settlement
11.01-1S	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.01-1L	Settlement – City of Whittlesea
11.03-1S	Activity Centres
11.03-1R	Activity Centres – Metropolitan Melbourne
11.03-1L	Activity Centres
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-1L	Protection of biodiversity
12.01-2S	Native vegetation management
Clause 13	Environmental Risks and Amenity
13.03-1S	Floodplain management
13.05-1S	Noise management
13.07-1S	Land use compatibility
13.07-1L	Land use compatibility
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-1R	Urban design – Metropolitan Melbourne
15.01-1L	Urban design in the City of Whittlesea
15.01-2S	Building design
15.01-2L	Environmentally sustainable development
15.03-2S	Aboriginal cultural heritage
Clause 17	Economic Development
17.01-1S	Diversified economy
17.01-1L	Diversified economy
17.03-1S	Industrial land supply
Clause 18	Transport
18.01-1S	Land use and transport integration
Clause 19	Infrastructure
19.03-3L	Integrated water management
19.03-3L	Water sensitive urban design

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17. The proposal is considered to provide an appropriate response to the above-mentioned planning policies as outlined below:

Activity Centre Zone Schedule 2

18. Clause 02.03 – Strategic Directions outlines that *the Plenty Valley (South Morang) Activity Centre is a growing sub-regional centre and has a key role providing for a concentration of housing, economic activities, civic and community uses.*
19. Precinct 5 is labelled as the employment precinct within the ACZ2. The proposal complies with the objectives of the precinct, as it will provide employment for 285 staff at any one time (maximum staff generation of 350 people). This is an intensification of the current vacant land and allows for future development further to the north. There are currently no other data centres in the immediate area (the council also did not identify any recent approvals in the immediate area), which creates a varied employment opportunity for the precinct. The ACZ2 supports development of each precinct in accordance with its intended function while facilitating the integration of the precincts as a single activity centre. The proposal complies with these objectives and the ACZ2 overall.



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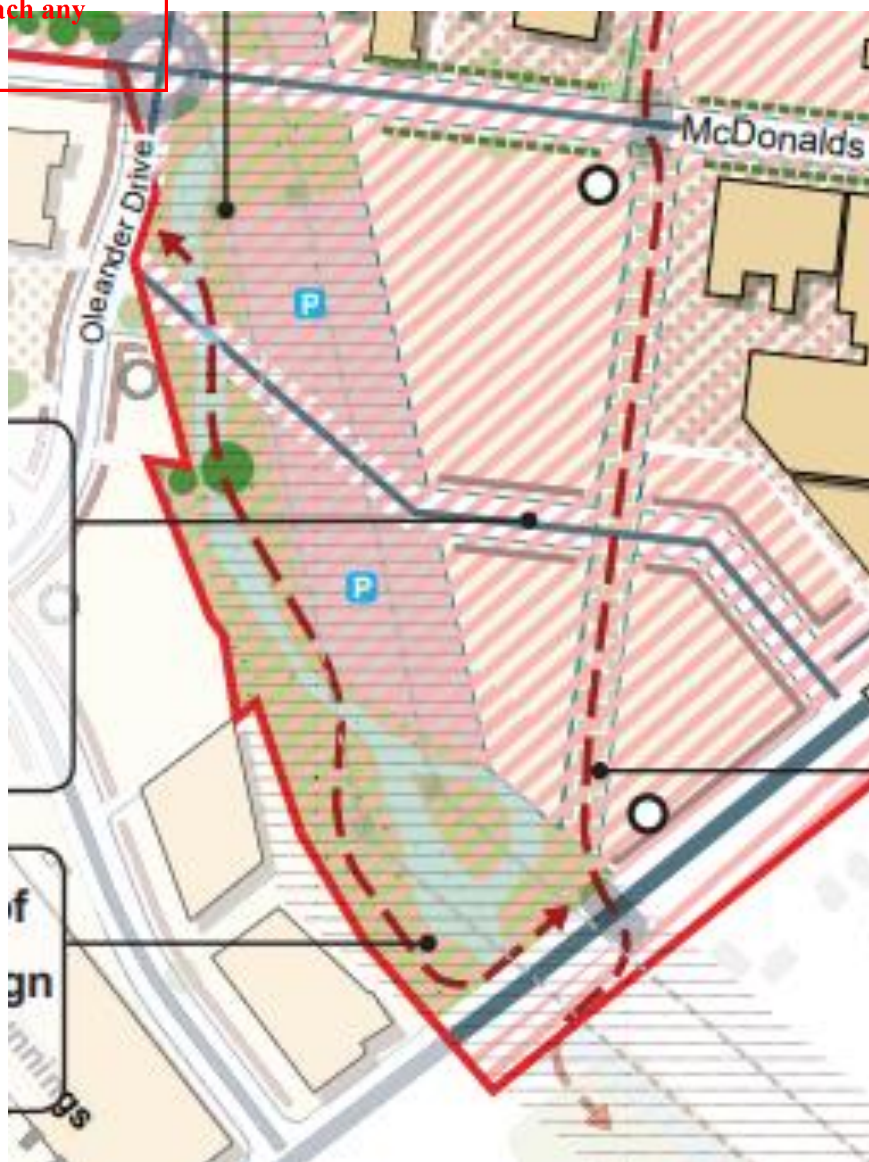
Precinct Map – Employment, source Whittlesea Planning Scheme

20. As shown in the above plan, a connector road is proposed between Oleander Drive and Plenty Road, which is reiterated in the policy as: *A local road connection between Oleander Drive and Plenty Road should be provided as part of subdivision or development of the subject land.*
21. The application does not facilitate this road, but the access is no longer be required as a result of the development proposed.
22. There are three roads that already connect Oleander Drive to Plenty Road (as highlighted in the image below), Wealthiland Drive is 150m south from the requested connector road and allows for left in/left out movements at Plenty Road and is fully directional at Oleander Road:



23. The applicant has provided a memo prepared by traffic consultants, onemilegrid, dated 08/08/2024 to address the council's concerns that the connector road is not provided.
24. The previously approved plan of subdivision (uncertified plan referred to in the council's submission) included a through connection from Oleander Drive to the Plenty Road service road. Under the current proposal this connection will not be provided. Instead, a new road will extend east from Oleander Drive and terminate in a court bowl approximately 150 m to the east, connecting to the development site.
25. The memo notes that the connector road was originally proposed on the assumption that the large parcel of land would be subdivided into smaller lots (as per the approved plan of subdivision). The proposed development now negates the need for this road, as the development will occupy a larger future lot and as per the memo and transport impact assessment, the traffic volumes are expected to be lower along Oleander Drive, Wealthland Drive and Bush Boulevard, as the data centre is a non-intensive traffic use.
26. It is also acknowledged that the road would have been able to cater for pedestrian and cyclist movements, however the Plenty Valley Town Centre Structure Plan nominates shared user path connections through and adjacent to the subject site, which will still be able to be delivered.

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Screenshot from Plenty Valley Town Centre Structure Plan (2018) – Employment illustrative Precinct Plan. Shared path connects are demonstrated by the red dotted lines.

27. The memo provided also outlined technical issues with delivery of this road.

Use

28. The proposal seeks approval for a data centre that will operate for 24 hours a day, 7 days week, and will include data storage hall/infrastructure, loading and associated office/administration. There is expected to be a maximum number of 350 staff employed, with no more than 285 staff expected on site at any time.
29. The proposal has been accepted through the Clause 53.22 – Significant Economic Development pathway, which includes written advice from Invest Victoria that the proposal is likely to be financially feasible. The applicant has provided an economic impact assessment and is expected to generate significant investment, facilitate employment generation and associated economic benefits. The proposal aligns with the relevant policies with Precinct 5 of the ACZ2 as detailed above, and the economic development policies under Clause 17.01-1S, 17.01-1L and 17.03-1S by increasing the industrial/commercial employment density in the Plenty Valley Activity Centre.



30. Clause 13.07-1S and 13.07-1L (land use compatibility) outline the objective of protecting community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses potential advise off site impacts. The use is located with sufficient setbacks from roads and is expected to have minimal impact on the surrounding areas which are mostly commercial, car sales, and office uses.
31. There are residential uses located to the west, approximately 150 metres and to the east, approximately 130 metres. The use is not expected to generate unacceptable noise as all infrastructure is contained within buildings, protecting the amenity of residents meeting Clause 13.05-1S (Noise). External plant will be required to meet relevant standards.
32. Traffic generation, as outlined in the transport impact assessment, is expected to be approximately 123 movements in the AM peak and PM peak hours which is not expected to have significant impact on the operation of the surrounding road network.
33. There is one amenity concern about the lighting generated from the use, as it is operating 24 hours, and lighting will be required for the building and car park at night. A permit condition should include a lighting plan to ensure residential amenity is protected.

Buildings and Works

34. In considering the design and built form of the proposed development, the most relevant clauses of the scheme are Clause 15.01-1S (Urban design), 15.01-1R (Urban design – Metropolitan Melbourne), 15.01-1L (Urban design in the City of Whittlesea) and 15.01-2S (Building Design). The following assessment will consider the building design response with respect to height, massing and setbacks, to ensure new development is of a suitable design quality, high amenity, environmentally sustainable and contributes positively to the public realm.

Building Height

35. The overall building height is mostly 21 metres in height, with an increase to 22.28 metres as the land falls in the south-east corner. Under the ACZ2 precinct requirements for Precinct 5, the preferred building height for sites with non-sensitive interface is up to 21 metres. It is considered acceptable to exceed the 21 metres due to the fall of the land and the 1.28 metres difference is minor comparable to the overall proposal. The built form proposes is consistent with the design requirements for a data centre and presents a reasonable response to the site context.

Setbacks

36. The subject site is currently located without any road frontages and a new road is proposed for access to the development from Oleander Drive. The development has significant setbacks to the surrounding roads and the setbacks to the prospective and title boundaries are appropriate.
37. Under the ACZ2 precinct requirements for Precinct 5, the preferred setbacks for sites with non-sensitive interface is less than 25 metres on McDonalds Road and less than 3 metres on other arterial or connector roads. The setback to McDonalds Road exceeds 25 metres, as the prospective plan would be for other development to occur within the land to the north and is not intended to be the setback for the subject site. The setback to Oleander Drive exceeds 3 metres, however this is acceptable as the land between the development and the road is for the transmission lines and Heaths Court drain channel.

Design Detail

38. The applicant has provided design principles for the development which include utilising concrete and material elements in a simple design, as well as separating the data centre hall from the office element by utilising glass for the office. This provides a visual connection between the two buildings. The development has been designed to minimise visual intrusion while serving the purpose for a data centre.

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Landscaping

39. The applicant has provided a landscape plan prepared by Greenjoy, dated 19/12/2023. The landscaping includes mostly native vegetation which will require low amounts of water. There are 25 canopy trees proposed (Red Iron Bark), which is sufficient given the height constraints of 3 metres under the transmission lines. The landscape plan proposed enhances the local environment and improves the presentation of what is currently vacant land.
40. The proposed design integrates with the landscape character of the creek-side setting and local context.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

41. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Car Parking	245	N/A	N/A

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42. A data centre (utility installation) is not listed as a use in Table 1 and therefore Clause 52.06-6 applies and the number of car parking spaces must be provided to the satisfaction of the responsible authority. The maximum number of staff expected at any one time is 285 which is expected to be sufficiently serviced by the 245 car spaces. Transport Impact Assessment Report states that journey to work data from the City of Whittlesea indicates that 86% of work trip within the LGA are by car drivers. It is also noted that no concern was raised by the council that the car parking was not sufficient for the number of staff (other comments in relation to the car parking as above in the referral/notice section).
43. The employees and visitors will have access to bus routes along McDonalds Road (901 and 382 bus routes) and the subject site is located 1.2 km from Middle Gorge Station and 1.3 km from South Morang Station. The land use will effectively be integrated with the existing transport opportunities meeting Clause 18.01-1S (Land use and transport integration).
44. The car parking provided is considered satisfactory.

Design Standards for Car Parking

45. The applicant has provided a Transport Impact Assessment Report prepared by onemilegrid, dated 21/12/2023. The report includes an assessment against Clause 52.06-9 and the proposal complies with these standards. The car park plan should include the dimensions of the car spaces and the accessways.
46. While the car park is located within the developments front setback, it is sufficiently setback from Oleander Drive and includes screening from the landscaping within the Heaths Court Drain Channel.
47. There is no information provided about the car parking lighting (or building lighting), as the use is proposed to operate for 24 hours a lighting plan should be included as a permit condition.
48. Schedule 2 to the Clause 45.09 Parking Overlay includes the following requirements, as appropriate (DTP office response in italics):
- Pedestrian access ways through parking areas.
The car park provides pedestrian walkway to allow access directly to the building. It is noted that the car park will not be used for public access.
 - The location of potential electric vehicle charging points.



The location of these EV charging points are not located on the car parking plans, although the SMP mentions allowing the capacity for the charging points in the future. A permit condition should include location of possible charging points on the car park plan.

- Details of how the parking spaces will be allocated to individual dwellings or tenancies and whether the parking spaces will be separate lots with their own Certificate of Title
This is not applicable.
- A Green Travel Plan
This has not been provided and should be included as a permit condition.
- Ensure the following design outcomes for at-grade car parks where basement, undercroft or multi-level parking is not feasible:
 - Locate car parking to the rear of developments and avoid the use of street frontages for car-parking, where possible;
 - Sleeve at-grade car parks with built form or screen them with extensive, high quality landscape treatments that reduce the visual dominance of the car park while contributing to the built form quality and active surveillance opportunities; and
 - Provide trees and landscaping at the rate of one space for every eight spaces in surface car parks, with engineered soils where required to ensure proper tree growth*The development proposes at grade car parking, and while it is located within the front setback it is setback from the road and screened by the land and vegetation in the Healths Court Drain Channel. The development provides high quality landscaping, while also adhere to the height constraints of being under transmission lines (no higher than 3 metres).*

Access, Traffic Movement and Circulation

49. The Transport Impact Assessment includes a swept path diagram that demonstrates vehicles up to a 20 metre semi-trailer can sufficiently access the development, including accessing the loading bay and circulating the building. Additional hardstand area has been provided toward the southeast corner of the site to allow for the vehicles to turn around.

Bicycle Facilities

50. Clause 52.34-1 of the Scheme does not list utility installation (data centre) as a use with bicycle requirements.
51. Bicycle parking facilities are provided nearby the office. There are 12 bicycle spaces on the site plans, however this is not reflected clearly on the provided documents with multiple numbers listed. This should be conditioned to clear up any confusion across the future endorsed documents.

Loading / Unloading

52. Loading is through a 268.5 sqm loading bay within the office building, which provides loading and unloading of vehicles up to a 20 m semi-trailers, specifically designed for the proposed data centre use.

53. The proposed loading arrangements are considered appropriate.

Waste

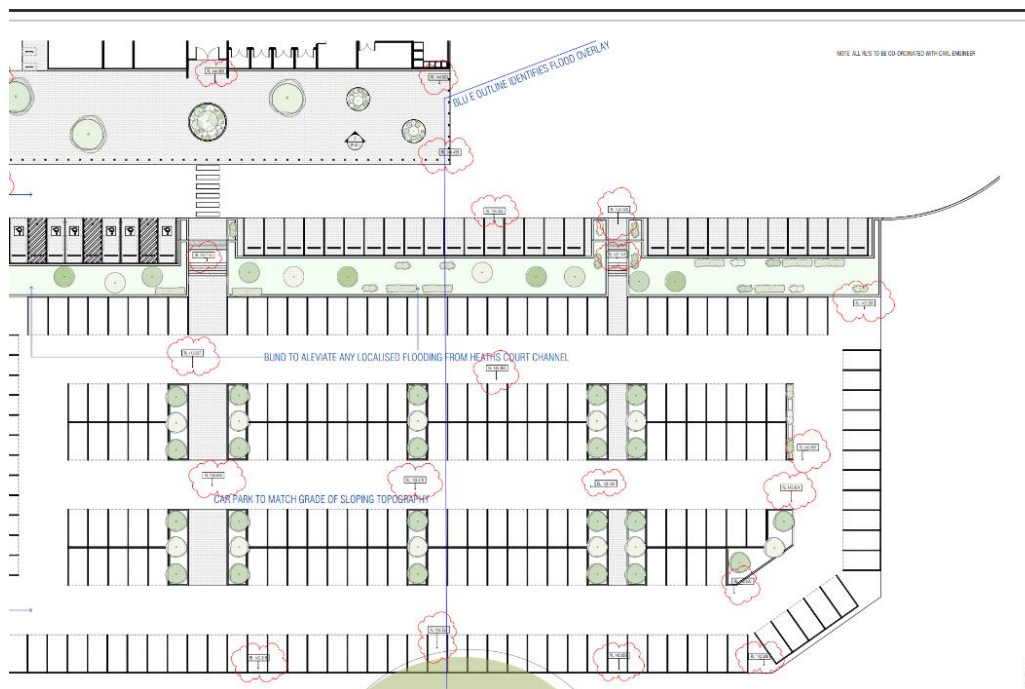
54. The applicant has provided a Waste Management Plan prepared by Leigh Design, dated 19/12/2023.
55. The applicant has opted for private collection.
56. It is considered the waste management plan is appropriate and standard permit conditions should be provided on the permit.

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Environmental Risks

Flood Mitigation

57. Part of the land is affected by the LSIO. Consequently, the application was required to be referred to Melbourne Water. The below plan provided by the applicant demonstrates the extent of works within the LSIO (blue line):



58. Melbourne Water provided referral comments supporting the application subject to conditions. These conditions relate to minimum finished floor levels required, landscaping treatments for the drain channel and requiring a site environmental management plan.
59. The proposed conditions requested by Melbourne Water will ensure that the application satisfies Clause 13.03-1S (Floodplain management) and the objectives of the LSIO by taking on the advice by the relevant floodplain management authority (Melbourne Water).

Sustainability

Environmentally Sustainable Design (ESD)

60. The applicant has provided a Sustainability Management Plan prepared by GIW Environmental Solutions, dated 02/07/2024. The proposal provided a total BESS score of 53%, 20,000L rainwater tank, shading strategy, solar PV system, majority of landscaping is native vegetation with low water demand, capacity for electric vehicle charger, and bicycle spaces for employees and visitors.
61. No comments were provided by the council on the ESD documents.
62. It is considered the SMP is appropriate, complying with Clause 15.01-2L (environmentally sustainable development) to achieve best practice in environmentally sustainable development. Standard permit conditions should be provided on the permit. As noted in the Parking Overlay Schedule 2 assessment, a Green Travel should also be provided to address the requirements of this clause.

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Stormwater Management

63. Clause 53.18 (Stormwater management in urban development) is relevant to this application. The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property, and public safety, and to provide cooling, local habitat and amenity benefits.
64. The council did not provide any comments on stormwater management. Melbourne Water provided a condition that before any stormwater connection works to the Melbourne Water drainage system, an application must be made to them.
65. The proposal includes rainwater tanks collected roof water to be reused for toilet flushing and buffer strips in the car park with grated pits which will flow into the detention pipes.
66. A MUSIC analysis has been conducted. The proposed system as analysed broadly meets or exceeds the pollutant reduction targets for all specified pollutants.
67. It is considered the stormwater strategy is appropriate, meeting Clause 53.18, Clause 19.03-3L (Integrated water management), and Clause 13.03-3L (Water sensitive urban design). Standard stormwater permit conditions should be provided on the permit.

Native Vegetation

68. The site is affected by the Vegetation Protection Overlay. A permit is required to remove any native vegetation.
69. The statement of nature and significance of vegetation to be protected: *Native vegetation in the Plenty Valley and surrounding areas of Mernda, Doreen and South Morang play an important role in the maintenance of the environmental and rural character providing areas of natural habitat for flora and fauna and assisting with minimising soil erosion and maintaining soil qualities. Vegetation within the Redgum Grassy Woodlands of particular significance includes; River Red Gum, Black Box, White Box and Grey Box, Yellow Box and various native grasses.*
70. The proposal includes the removal of 4 native trees (River Red Gums that require planning permission under the VPO for removal), 1 eucalypt street tree (council permit required), and trees within a group of English Elm (no permit required).
71. The proposed native trees to be removed are considered by the applicant's arborist to be of 'low' retention value. The arborist report also addresses the Whittlesea Council River Red Gum Policy which is condensed into Clause 12.01-1L (River Red Gum Protection). Considering Clause 02.03-5, 12.01-1S and 12.01-1L, the trees to be removed are small and of low retention value, and the landscape plan proposes 25 new canopy trees (Red Iron Bark) which sufficiently replace the removed trees. Clause 12.01-2S (native vegetation management) does not apply to the trees proposed to be removed as do not require a permit under Clause 52.17 to be removed.
72. Tree 2 is the most significant River Red Gum present and is proposed to be retained (permit would be required under Clause 52.17 if proposed to be removed).
73. Tree protection measures should be included within the planning permit given the significance of local native vegetation noted within the planning scheme.
74. The development of this site has sufficiently considered retaining the most valuable tree on the subject site and replanting additional trees, ensuring that there is no net loss to biodiversity.
75. The council provided no comments about the removal of the trees proposed to be removed or the street tree removal. Standard permit conditions should be placed on the permit to ensure landscape plantings, tree protection of the retained tree and replacement of the council street tree if determined to be required by the council.

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Other Matters

Cultural Heritage

76. A portion of the land (765 Plenty Road South Morang) is located within an area of Aboriginal Cultural Heritage Sensitive. An approved CHMP (No. 14336) has been provided and approved by the Wurundjeri Tribe Land & Compensation Cultural Heritage Council Inc. The CHMP was prepared for a multi-use development at 11 Oleander Drive, 552 Plenty Road, 525, 535 and 537 McDonalds, and 765, 765M, and 763 Plenty Road. The proposal addresses Clause 15.03-2S (Aboriginal cultural heritage), to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
77. A note should be included on the permit to acknowledge that CHMP No. 14336 is in place.

Dangerous Goods Storage

78. The proposal required a Section 55 determining referral pursuant to Clause 66.02-7 to the Victorian WorkCover Authority (WorkSafe) under the Dangerous Goods (Storage and Handling) Regulations 2012 and a licence is required under the Dangerous Goods (Explosives) Regulations 2011.
79. WorkSafe responded with no objection, subject to conditions that relevant licences and approvals are obtained through the regulations.

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80. The proposal is generally consistent with the relevant planning policies of the **Whittlesea** Planning Scheme and will contribute to the provision of a **data centre** within the **South Morang** area.
81. The proposal is generally supported by referral agencies. Detailed responses to referral agency comments (both formal and informal) have been detailed within the report.
82. It is **recommended** that Planning Permit No. **PA2402997** for the **Use and development of the land for a data centre, removal of vegetation in a Vegetation Protection Overlay, and buildings and works within a Land Subject to Inundation Overlay** at **525-535 McDonalds Road and 765 Plenty Road, SOUTH MORANG**, be issued subject to conditions.
83. It is **recommended** that the applicant and the council be notified of the above in writing.

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Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title: Senior Planner, Development Approvals and Design

Signed:

Phone:

Dated: 12/09/2024

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
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Name:

Title: Manager Priority Projects

Signed:

Phone:

Dated: 12/09/2024

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