Department of Transport and Planning

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Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Ref: PPA-1184

[redacted]

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Dear [redacted]

DEVELOPMENT FACILITATION PROGRAM PPA-1184
165 WILLIAMSONS ROAD, SOUTH MORANG

Thank you for your pre-application submission to the Development Facilitation Program (DFP) within the Department of Transport and Planning (DTP) on 16/06/2025 regarding the proposed use and development of land at the above address for a data centre.

Project eligibility

Under delegation of the Minister for Planning, I am writing to advise that a planning permit application for the proposal can be made under Category 1 Clause 53.22 of the Whittlesea Planning Scheme on the basis that:

- The proposed land use ('Data Centre') is listed under Table 2 of Clause 53.22-1, and
- The proposed estimated cost of development cost ($2.58 billion) is at least $20 million,
- Information demonstrating the likely feasibility of the proposal has been provided to the satisfaction of the Minister for Planning, including written advice from the Chief Executive Officer (or delegate) of Invest Victoria.

More information on how to submit a planning permit application is available at planning.vic.gov.au.

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Preliminary comments

A preliminary assessment of the proposal has been undertaken, and the following matters require further consideration or resolution as part of a formal application:

Response to Referral Authorities
It is recommended that all comments from relevant referral authorities and stakeholders are addressed to ensure the application can proceed without unnecessary delay.

As the outstanding technical reports and assessments are finalised, it is anticipated that detailed and substantive responses can be provided to clearly demonstrate how each matter raised has been addressed.

This level of detail is also important to ensure that, when formal referral responses are sought, the relevant officers can readily understand how previous concerns have been addressed and continue their assessment without needing to revisit matters that have already been considered.

For example, Council has flagged the need for a Kangaroo Management Plan, Lighting Management Plan and a Dry Stone Wall Management Plan. These would be conditioned, however, we encourage early review, particularly for the lighting and impact on animals and amenity.

Visual Impacts

The Urban Design Memo prepared by Lat Studios, dated 19 December 2025, identifies the northern interface with adjoining General Residential Zone – Schedule 1 (GRZ1) land as the most sensitive urban design interface. While the memo references several residential interfaces and includes mapping of surrounding residential areas, it does not acknowledge the GRZ1-zoned land at 135 Williamsons Road, which has planning permit approval for a multi-lot residential subdivision. Given the proximity of this approved residential development to the proposed built form, its omission is significant and should be addressed as part of any urban design and visual amenity assessment.

The Urban Design Memo recommends additional landscaping throughout the site, including within the Findon Road and Williamsons Road reserves/verges, across the car parking areas and along building façades. These recommendations should be incorporated into the Landscape Plan to enable a comprehensive assessment of the proposed landscape outcomes, including Council's review of the proposed planting

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and landscaping within Council's Findon Road and Williamsons Road reserves/verges.

Consideration of how agreement is made with Council to plant in their land to ensure landscaping proposed and recommended, is provided.

An updated Urban Design Memo is required to address the amended Landscape Plan, including details of proposed tree species, planting schedules and anticipated landscape outcomes. The revised assessment should also provide further analysis of visual amenity impacts, including photomontages and/or interface cross-sections from existing and future residential properties. This analysis should specifically include viewpoints from the approved residential subdivision at 135 Williamsons Road to demonstrate views toward the proposed data centre building. We note the townhouses to the south have their 'back' to the subject site, however, please include in the Urban Design Memo to demonstrate consideration of these residential properties.

Figure 1 - Aerial imagery showing sensitive receptors, from the submitted Noise Impact Assessment

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Acoustic Impacts

The report notes that primary noise sources from the data centre include:

- Chillers and cooling towers
- Air handling units
- Diesel generators
- Transformers
- Fan banks

Due to these noise sources and their proximity to residential areas, the EPA considers noise to be the primary risk.

As outlined in the Environmental Protection Authority's (EPA)'s letter dated 28 April 2026, the submitted assessment was reviewed and several deficiencies were identified in relation to the consideration of relevant legislation, policies and guidance documents. The EPA has requested a comprehensive suite of further information and will need to review a revised Noise Impact Assessment.

Environmentally Sustainable Design (ESD)

Council officers have raised concerns regarding the ESD response, including the proposed use of BESS, NABERS Data Centre certification, Water Usage Effectiveness and other sustainability matters.

Please provide a direct response to each of Council's comments, including those relating to BESS, NABERS Data Centre certification, Water Usage Effectiveness and broader ESD matters. Addressing these matters as part of the current application will enable Council to undertake a fully informed assessment, rather than deferring consideration of key sustainability outcomes to a permit condition.

Removal of Native Vegetation

The Department of Energy, Environment and Climate Action (DEECA) requires revisions to the submitted Biodiversity Report, prepared by ABZECO, dated June 2026 to clarify how the proposal minimises native vegetation removal.

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Referral Process

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DEECA has consistently advised throughout the pre-application process that the proposal is likely to require referral under the EPBC Act, given the potential impacts on Matters of National Environmental Significance (MNES), including the Matted Flax-lily (Dianella amoena), Grassy Eucalypt Woodland of the Victorian Volcanic Plain (GEWVP), and potential habitat for the Victorian Grassland Earless Dragon.

It is noted that discussions have purportedly commenced between the applicant team and the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding an EPBC Act referral. The applicant should continue progressing this process and provide an update on the status of the referral, including any advice received from DCCEEW and any supporting documentation prepared to inform the referral.

Further information

In addition to the matters outlined above, I advise that further and updated information, supplementary to that provided at the pre-application stage, is required to accompany a planning permit application:

a. A Metropolitan Planning Levy Certificate.
b. A report prepared by a suitably qualified quantity surveyor which specifies the estimated cost of the proposed development of land for a data centre to the satisfaction of the Minister for Planning, as required under Clause 53.22 (Significant economic development).
c. A copy of the attached financial feasibility confirmation from Invest Victoria.
d. A cover letter that:
    i. Responds to the preliminary concerns and the further information listed in this letter.
    ii. Provides written confirmation that the application is an application to which this clause 53.22 applies (as required under Clause 53.22-1).
e. Separate responses to each of the following referral authorities letters, including the relevant reports and plans requested by the respective authority, where practical:
    i. DEECA's letter dated 7 July 2026
    ii. EPA's letter dated 28 April 2026
    iii. Council's letter dated 3 October 2025, and their comments on traffic matters dated 25 May 2026.
f. A Preliminary Hazard Analysis (PHA) and preliminary Emergency Response Plan (ERP) as requested by WorkSafe in their email dated 8 July 2026.

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g. Certificates of title, including any encumbrances, covenants, and agreements (within three months).
h. An amended Landscape Plan:
    i. identifying the location, species and extent of proposed canopy tree planting, including with Council road reserves/verges, including its relationship to existing infrastructure (such as culverts) and demonstrating adequate setbacks for long-term establishment.
    ii. Page 2 and 3 plans amended to remove notation of 'proposed tanks & fuel' in the southern section of the site as per AusNet advice and the Architectural Plans.
i. An updated Urban Design Memo that speaks to the amended Landscape Plan, including the proposed tree species, planting schedules and anticipated landscape outcomes, and provides further visual amenity assessment. This should include photomontages and/or interface cross-sections demonstrating views of the proposed data centre building from future residential properties at 135 Williamsons Road, as well as views of the proposed data centre building and substation from existing residential properties located further south.
j. Architectural Plans prepared by Ewert Leaf updated to:
    i. Incorporate the updated crossover location as per the letter by OneMileGrid dated 6 March 2026.
    ii. Include any planned future business identification signage.
    iii. Ensure the Legend on all plans are provided (not currently the case).
    iv. The orange squares shown on the Roof Plan are annotated.
    v. The acoustic screening outlined and annotated on the Roof Plan.
    vi. All floor plans to include annotations and a brief description of the function of key rooms, plant, equipment and infrastructure.
    vii. Consistency with the number/size of fuel tanks in the basement and the Dangerous Goods Assessment Report (currently the plans show 16 tanks but the report states 15).

    Please bubble up changes made.
k. Town planning report, amended to include:
    i. More information is required to demonstrate how the proposal satisfies Clause 2.0 (*Requirement before a permit is granted*) of Schedule 7 to the Development Plan Overlay, particularly in relation to ensuring the development will not prejudice the future use and development of Commercial 2 Zoned land or undermine the strategic objectives of the Municipal Planning Strategy.
    ii. An assessment of any future business identification signage.

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iii. An assessment against Plan for Victoria.
iv. Improved assessment against the VPO1, including further justification for the removal of trees identified as having high and moderate retention value.
v. Update page 15 in relation to Clause 66.02 referral requirements to identify EPA as a determining referral authority pursuant to Clause 66.02-1. The report should also confirm and justify the applicability of Clause 66.02-7, including the total quantity of fuel proposed to be stored on-site and the separation distance between the site and surrounding residential land.
vi. Update Page 19 to ensure that the assessment of General Habitat Units and proposed tree removal is consistent with the findings and figures contained within the Native Vegetation Removal Report (currently not the case).

l. Any other document required by the Whittlesea Planning Scheme

All planning permit application materials must be formally submitted for assessment through the planning permit application portal. Documents submitted during the pre-application process will not automatically be included in the application.

To reduce the likelihood of receiving a request for further information, I encourage the project team to ensure that detailed design matters (such as building height and setbacks, finished floor levels, car parking and aisle widths, etc.) are accurately depicted in the application documents.

Please note that a comprehensive assessment against the requirements of the Whittlesea Planning Scheme and the *Planning and Environment Act 1987* has not yet been undertaken. All commentary is based on preliminary review, provided on a without prejudice basis and may be subject to change once full information is provided and assessed in detail.

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Yours sincerely

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Date: 17/07/2026

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