

# Assessment Officer Report

PA2403320 – 63 Sunshine  
Road, West Footscray



Officer Assessment Report  
Development Approvals & Design



Department  
of Transport  
and Planning

OFFICIAL

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Prepared by:	20
Reviewed / Approved by:	20

# Executive Summary

Key Information	Details			
<b>Application No:</b>	PA2403320			
<b>Received:</b>	01/11/2024			
<b>Statutory Days:</b>	2			
<b>Applicant:</b>	Contour Consultants Aust Pty Ltd			
<b>Planning Scheme:</b>	Maribyrnong			
<b>Land Address:</b>	63 Sunshine Road, West Footscray			
<b>Proposal:</b>	Partial demolition, use of land and to construct a building and carry out works for Utility installation (Data Centre)			
<b>Development Value:</b>	\$82,000,000 m			
<b>Why is the Minister responsible?</b>	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for an application to which Clause 53.22 applies.			
<b>Why is a permit required?</b>	<b>Clause</b>	<b>Control</b>	<b>Trigger</b>	
<b>Zone:</b>	Clause 33.01-1	Industrial 1 Zone (INZ1)	<i>Use the land for utility installation (data centre)</i>	
	Clause 33.01-4	Industrial 1 Zone (INZ1)	<i>To construct a building or construct or carry out works</i>	
	Clause 33.03-1	Industrial 3 Zone (INZ3)	<i>Use the land for utility installation (data centre)</i>	
	Clause 33.03-4	Industrial 3 Zone (INZ3)	<i>To construct a building or construct or carry out works</i>	
<b>Overlays:</b>	Clause 43.01-1	Heritage Overlay Schedule – Schedule 161	<i>To demolish or remove a building and to construct a building or construct or carry out works</i>	
<b>Particular Provisions:</b>	N/A			
<b>Cultural Heritage:</b>	A Cultural Heritage Management Plan is not required as the site is not located within an Area of Aboriginal Cultural Heritage.			
<b>Total Site Area:</b>	27200	m <sup>2</sup>		
<b>Height:</b>	4	Storeys excluding plant		
	19.58	Metres excluding plant		
	29.58	Metres (total to Australian Height Datum – highest point for PANS OPS)		
<b>Land Uses:</b>	<b>Dwellings</b>	<b>Office</b>	<b>Retail</b>	<b>Other</b>
	N/A	N/A	N/A	Utility installation (data centre)
<b>Parking:</b>	<b>Cars</b>	<b>Motorcycles</b>	<b>Bicycles</b>	
	49	15	33	
<b>Referral Authorities:</b>	WorkSafe (s55 – determining)			

<b>Advice sought:</b>	Fire Rescue Victoria (informal) Maribyrnong City Council (informal)
<b>Public Notice:</b>	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none"><li>• by mail to the owners and occupiers of adjacent and nearby properties for a period of 14 days; and</li><li>• display of signage on the Sunshine Road, Indwe Street and McArthur Street frontages</li></ul> <p><b>Four</b> objections have been received as of <b>04/04/2025</b>.</p>
<b>Delegates List:</b>	Approval to determine under delegation received on <b>20/03/2025</b>

# Proposal

## Application Process

1. A Planning Permit TP331/2022(1) was issued by Maribyrnong City Council on 12/04/2023 which allows:
  - *Partial demolition and the construction of buildings and works in association with the proposed use of the land for the purposes of warehouses, offices and a food and drink premises, buildings and works to display business identification signage on a lot in a Heritage Overlay and reduction in the car parking requirement.*
2. The partial demolition and buildings and works associated with the existing building have commenced, including the demolition of part of the annex located to the south of the wool store building (partly completed) and the restoration works associated with the wool store building are ongoing.
3. A Planning Permit TP239/2023(1) was issued by Maribyrnong City Council on 05/07/2023 which allows:
  - *Partial demolition and buildings and works (replacement of roof and associated infrastructure) within a Heritage Overlay.*
4. The replacement of the roof and associated infrastructure relating to the existing building on the site has been completed.
5. Planning Permit Application TP1/2024 was issued by Maribyrnong City Council on 26/08/2024 for a two-lot subdivision of the land. Lot 1 comprises the northern part of the site including the existing wool store building and associated car parking and vehicle accessways. Lot 2 comprises the vacant land on the southern part of the site which is the subject site of this application. The plan of subdivision includes carriageway easements over the main internal vehicle accessway within Lot 1 to benefit Lot 2 and provide vehicle access to Lot 2 from Sunshine Road and McArthur Street.
6. The key milestones in the application process were as follows:

Milestone	Date
<b>DFP Pre-application meeting Reference 711 (DTP &amp; applicant)</b>	<b>16/07/2024</b>
<b>Application lodgement</b>	<b>01/11/2024</b>
<b>Further information requested</b>	<b>N/A</b>
<b>S57A Amendment</b>	<b>02/04/2025</b>
<b>Decision Plans</b>	Plans prepared by Greenbox Architecture Pty Ltd, Job #210062, Issue 7, dated 10/02/2025 Landscape Design Plans prepared by URBIS, Revision D, dated 10/02/2025
<b>Other Assessment Documents</b>	Acoustic Report prepared by ADP, dated 01/07/2024 Dangerous Goods Compliance Report prepared by Arup, dated 01/11/2024 Fire Safety Advice Notice prepared by ADP, dated 01/11/2024 Green Travel Plan prepared by Ratio, dated 14 February 2025 Sustainable Management Plan prepared by ADP, Rev 2, dated 12/02/2025 Visual Impact Assessment prepared by Greenbox, dated 26/08/2024 Waste Management Plan prepared by Leigh Design, dated 30/05/2024 Town Planning & Urban Context Report prepared by Contour, dated October 2024

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

## Proposal Summary

8. Specific details of the application include:

- Construction of a data centre to the southern part of the site which will operate 24 hours, seven days per week. A total of 150 full time employees are proposed over 24 hour operations, with no more than 50 staff at any one time.
- The building comprises four levels, together with roof top plant. The lower level forms a basement at the northern end of the building, presenting as three levels to the internal road and part of MacArthur Street. The building presents as four levels to the southern part of McArthur Street and Indwe Street.
- The building has an approximate height between 17.58m and 19.58m (excluding the acoustic screening and roof top plant). The acoustic screening has a height of approximately 25.58m and the rood top plant of 29.58m.
- The building has a floor area of approximately 28,698sqm.
- The main building entrance and lobby are located mid-way along the western side of the building, fronting onto McArthur Street.
- The building is constructed partially to the McArthur Street boundary and setback between 5m and 5.3m from Indwe Street.
- The proposed building materials and finishes include a combination of selected brickwork and concrete in grey tones, glazing, metal clad fins, mesh screens and metal plant louvres. Site fencing includes metal palisade fencing and metal batten fencing in a charcoal grey colour.
- Two new vehicle cross overs are proposed along McArthur Street to service the loading dock and main car park entry. The proposed development will also utilise the vehicle accessway providing access from Sunshine Road and McArthur Street approved as part of Planning Permit TP331/2022(1).
- A total of 49 car parking spaces, 15 motorcycle spaces and 33 bicycle parking spaces are proposed.
- The proposed landscape areas include deep soil planting and raingardens to Indwe Street, street tree planting along MacArthur Street, planting along the western elevation and a 685sqm green roof.

9. The applicant has provided the following concept images of the proposal:





Figure 1: 3D render image of McArthur Street presentation



Figure 2: 3D render image of corner of Indwe Street and McArthur Street presentation



# Subject Site and Surrounds

## Site Description

10. The site is located on the southern side of Sunshine Road, with a rectangular shape and generally flat topography.
11. The existing site comprises a four storey, brick building known as Goldsbrough Mort & Co Ltd Wool Store with a single storey section to the rear. An area of car parking is located to the front of the building with vehicle access provided from Sunshine Road via two crossovers and McArthur Street via eleven crossovers. An area to the south of the main building is currently vacant and clear of any vegetation.
12. The site measures approximately 91.4m to Sunshine Road, 365.1m to McArthur Street and 45.44m to Indwe Street, with a total size of 27200sqm.
13. The site is formally described as comprising the following land parcels:
  - Lot 2 on Plan of Subdivision 301910G, Volume 10006 Folio 061
14. An easement and covenant are registered on the Title, as follows:
  - Easement labelled 'E-1' with a width of 5.18m in the north-eastern corner of the site for the purposes of railway line. The subject proposal will not affect this easement.
  - Covenant J861008 which prohibits the proprietors of the land to erect any building (other than railway lines within a distance of 15.24m from the eastern boundary for a distance of 61m from the north-eastern corner of the site. The proposal will not breach the restrictions of this covenant.

## Site Surrounds

15. The surrounding development consists mainly of industrial and commercial developments set on large lots, with residential uses to the south.
16. Development surrounding the site can be described as follows:
  - To the **north** of the site is a railway line corridor of Metro Trains and V/Line, with Tottenham Railway Station located approximately 600m to the north-west.
  - To the **south** of the site are single and double storey residential dwellings fronting onto Indwe Street.
  - To the **east** of the site is 47-61 Sunshine Road accommodating a four-storey red brick warehouse building known as the 'Woolstore', as well as 36-38 Roberts Street occupying a warehouse building with offices fronting Roberts Road to the north section of the site and a large open hardstand area to the south.
  - To the **west** of the site, across McArthur Street, is 79 Sunshine Road accommodating a supermarket with a car park area attached to an industrial building built to the McArthur Street boundary. 50 McArthur Street is located directly opposite the subject site, accommodating a go-karting business. Approximately 220m further south-west of the site on the corner of Indwe Street and Cala Street is Next DC Melbourne data centre.
17. A site inspection of the subject site and surrounds was undertaken on 27 February 2025. Images of the site and surrounds are reflected in **Figures 3-8**.



Figure 3: Corner of Sunshine Road and McArthur Street looking south-east



Figure 4: View of subject site looking north



Figure 5: View of subject site from Indwe Street looking north



Figure 6: View of 50 McArthur Street – go karting premises



Figure 7: View of Indwe Street looking east



Figure 8: View of Indwe Street looking west



# Planning Provisions

## Municipal Planning Strategy

18. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-3	Environmental Risk and Amenity
02.03-6	Economic Development
02.04	Strategic Framework Plans

## Planning Policy Framework

19. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.01-1R	Settlement – Metropolitan Melbourne
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.05-1S	Noise management
13.07-1S	Land use compatibility
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-1S	Urban Design
15.01-1R	Urban Design – Metropolitan Melbourne
15.01-2S	Building Design
15.03-1S	Heritage Conservation
15.03-1L-02	Industrial Heritage
<b>Clause 17</b>	<b>Economic Development</b>
17.01-1S	Diversified Economy
17.01-1R	Diversified Economy – Metropolitan Melbourne
17.01-1L	Employment
17.01-2S	Innovation and Research
17.03-1S	Industrial Land Supply
17.03-2S	Sustainable Industry

20. The assessment section of this report provides a detailed assessment of the relevant planning policies.

# Statutory Planning Controls

## Applicable Zones

### Industrial 1 Zone

21. A planning permit is required to use land for utility installation and to construct a building or construct or carry out works in accordance with **Clauses 33.01-1 and 33.01-4, respectively**. The purpose of the **INZ1** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

### Industrial 3 Zone

22. A planning permit is required to use land for utility installation and to construct a building or construct or carry out works in accordance with **Clauses 33.03-1 and 33.03-4, respectively**. The purpose of the **INZ3** is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.*
- *To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.*
- *To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.*

23. The following sections include a discussion of how the proposal responds to these requirements.

## Applicable Overlays

### Heritage Overlay – Schedule 161

24. A planning permit is required to demolish or remove a building and to construct a building or construct or carry out works in accordance with Clause 43.01-1.

25. The decision guidelines relevant to this proposal are:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

### Development Contributions Plan Overlay – Schedule 2

26. The requirements of this Overlay will be addressed via a condition on permit, requiring a Development Infrastructure Levy(s) in accordance with any approved Development Contributions Plan(s) which applies to the land be paid.

## Particular Provisions

### Provisions that Require, Enable or Exempt a permit

27. Clause 52.06 sets out the requirements of car parking provision and design. Clause 52.06-5 (Table 1 - Car parking requirement) does not include the land use 'data centre', as such pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority.
28. The requirements for bicycle parking and associated facilities are set out at Clause 52.34-3. The Traffic Engineering Report prepared by Ratio provides an assessment of the bicycle facilities associated with the proposed use and development.

### General Requirements and Performance Standards

29. Clause 53.10 applies to uses with adverse amenity potential. The Proposal includes the storage of diesel in quantities of approximately 510kL, which is less than the threshold limit set out in the Table to Clause 53.10-2 (2000 tonnes). Accordingly, there is no formal referral required under Clause 53.10-1 to the Environment Protection Authority.
30. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater management. The proposed development incorporates appropriate drainage for the building and hardstand areas. A 20,000-litre rainwater tank is provided to facilitate rainwater collection and re-use for irrigation of landscape areas and toilet flushing and raingardens are incorporated into the landscape setback to Indwe Street. The landscape areas within the site provide for on-site water infiltration.
31. Clause 53.22 Significant Economic Development seeks to:
  - *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.*
  - *To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*
32. The proposal is submitted under Category 1, having met the relevant conditions and eligibility criteria of this Clause.

## Other Strategic Considerations

### Reference Documents

33. The Maribyrnong Economic and Industrial Development Strategy --- Part 2 - Industrial Land Strategy is noted as a reference document under Clause 21.12. The subject land is located within Core Employment Area - Precinct 3: West Footscray on the Precinct Designation Map. The Vision & Objectives for Precinct 3 are:
  - *West Footscray is a core employment area with long established manufacturing operations and good access.*
  - *The rejuvenation of the south side of Sunshine Road between the redeveloped West Footscray Station and Cala Street as a corridor of compact modern office/warehouse style development*
  - *The adaptive re-use of the historic Australian Estate Wool Store (at 47-61 Sunshine Road) and Goldsbrough Mort Wool Store (at 63 Sunshine Road) as office premises or other employment purpose.*
  - *Improve amenity along Sunshine Road and where there are residential interfaces on the south and west sides of the precinct.*

# Referrals and Notice

## Referrals

34. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	WorkSafe Victoria	No objection, subject to conditions received on 4 March 2025

35. WorkSafe initially objected to the application on 18 December 2024, outlining a number of concerns, primarily around safety and the location of diesel fuel storage tanks within the basement of the proposal. Through discussions, a revised referral response was provided on 4 March 2025 noting no objection, subject to conditions relating to a fire protection system, undertaking a fire safety study and developing a suitable emergency management plan for the premises.

## Municipal Council Comments

36. The **Maribyrnong** City Council (the council) considered the application at their committee on **25 February 2025**.

37. The council determined:

- To support the proposal, subject to conditions.

38. The conditions provided by Council are relatively general in nature and fitting for the type of use proposed. All of Council's conditions will be included on the permit, apart from Conditions 1 a) b) & f), Condition 5 and Condition 17 a) & h). These have not been included for the following reasons:

- Condition 1a) requires an increase in the setback from the southern boundary from 5m to 8m. In response, it is noted:
  - This conflicts with the *West Footscray Precinct Framework Plan (2020)* which recommends a 5-metre street setback for any new buildings which have a residential interface
  - The current proposal is consistent with the setback and building envelope of the current approval for a warehouse development issued by Council at the southern interface.
  - There is no apparent basis for the additional setback outlined in the Council report, other than it being 'encouraged' by Council's Urban Designer.
- Condition 1b) requires a setback of 1m from the western boundary. This is not required, as there is no material difference from an urban design perspective, noting that the site has a western interface with other industrial land and there is a 5m wide nature strip / buffer extending along the western boundary which will provide sufficient relief from the street. Council's report acknowledges this also. McArthur Street also includes significant sections of built form to the street boundary.
- Further, amended setbacks are not considered to be required due to the impact this would have on the internal arrangement, layout and design of the building, which has been carefully considered given the constraints of the site in terms of size.
- Condition 1f) requests a materiality change which is unnecessary and unwarranted, noting the type of use has specific design requirements in terms of built form and materials used.
- Condition 5 seeks to impose a limit on the number of staff or customers allowed on the premises at any one time. This runs contrary to the site's employment role and location within a Core Employment Area (Clause 02.03-6), where employment should be encouraged and maximised. The submitted car parking analysis, which Council's accepts, also establishes that there is an excess of car parking based on likely demand, and thus the proposed limitation is not warranted.



- Condition 17a) seeks a minimum BESS score of 70%, however a requirement to achieve 70% BESS score (among other things) is beyond the scope of the applicable ESD policy. The submitted SMP demonstrates that the proposal meets 'best practice' and in this regard the applicable ESD policy is met.
- Condition 17h) is not required to achieve a best practice sustainability outcome, as outlined in the SMP.
- It is also noted that Conditions 1 c) – r) (excluding f) and 17b) – g) have also not been included as these requirements have already been addressed in the updated s57A plans.

## Notice

39. The application 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 *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 33.01-2, Clause 33.03-2 and Clause 43.01-4.
40. The applicant was directed to give notice by way of erecting signs on the on the Sunshine Road, Indwe Street and McArthur Street site frontages site and notifying adjoining owners and occupiers.
41. Four objections were received as at 04/04/2025, raising the following issues:
- Timing of notification
  - Existence of another data centre in the area with no desire for a second
  - Land better suited for residential development or green space or café
  - Environmental impacts - additional noise and air pollution, pollution from diesel backup generators, heat and water generation
  - Lack of local economic and employment benefits
  - Lack in design and environmental integration
42. The table below provides a response to the objections received.

Objection	Response
<i>Timing of notification</i>	The application was advertised in accordance with the requirements of Section 52 of the <i>Planning and Environment Act 1987</i> between 8 – 22 January 2025.
<i>Existence of another data centre in the area with no desire for a second</i>	The existence of another data centre in the area does not preclude the subject site for being developed for the same use, particularly given the industrial zoning of both sites.
<i>Land better suited for residential development or green space or café</i>	The land is zoned as INZ1 and INZ3 and cannot accommodate residential uses. The proposal is considered in accordance with the purpose of the INZ1 and INZ3 as discussed further below.
<i>Environmental impacts - additional noise and air pollution, pollution from diesel backup generators, heat and water generation</i>	Conditions surrounding the protection of the amenity of the area, as well as on noise levels will be included on the permit to address any potential environmental impacts.
<i>Lack of local economic and employment benefits</i>	A total of 150 full time employees are proposed which will contribute to employment opportunities in the area.
<i>Lack in design and environmental integration</i>	The proposal displays an appropriate design response and includes a number of environmental initiatives as detailed in the SMP.

# Assessment

## Key Considerations

43. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Proposal responds to the Municipal Planning Strategy and Planning Policy Framework of the Maribyrnong Planning Scheme
- Proposal responds to the objectives and decision guidelines of the applicable zoning and overlays
- Proposed parking provision is acceptable

## Strategic Direction and Land Use

44. The *Planning Policy Framework* encourage 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.

45. The relevant MPS and PPF policies have been considered in assessing the application.

46. The proposed land use is consistent with the strategic direction of the following policies:

- In accordance with *Clause 13 Environmental Risks and Amenity*, the proposal will not have any detrimental impacts to the amenity of the surrounding area, as there are no sensitive uses adjoining the site to the north, east and west. In terms of the sensitive residential uses to the south, the proposal includes several design features to mitigate any potential amenity impacts to these properties. Amenity impacts are discussed further below.
- The proposal is consistent with the provisions of *Clause 15 Built Environment and Heritage* as it provides a modern and architecturally designed development which will enhance the amenity of the area, whilst being respectful to existing heritage fabric on site. In particular, the proposed building is detached and will be viewed separately from the wool store building.
- The proposed use of a data centre is consistent with the purposes of the applicable INZ1 and INZ3, as its location within an established industrial area which is also identified as a Core Employment Area in accordance with *Clauses 17.01-1L, 17.01-2S and 17.03-1S*.
- The proposed use of the land for a data centre is compatible with the existing warehouse use (wool store building) in the northern part of the site and will increase the range of uses on the land which is generally consistent with the zoning of the land and the objectives of the Core Employment Area.
- In accordance with *Clause 17.01-1-L Employment*, the proposal supports the objectives of the Core Employment Area which aim to provide diversified employment opportunities close to where people live. The proposal provides industrial employment opportunities for nearby residential areas in the inner-west suburbs of Melbourne.
- The proposal also responds appropriately to the *West Footscray Urban Design Framework and the Maribyrnong Economic and Industrial Development Strategy -Part 2 - Industrial Land Strategy* as it does not affect the existing wool store building or the conservation works and improvements approved by Planning Permit TP331/2022(1) which include refurbishment of the Goldsborough Mort Wool Store building, improvements to landscaping along Sunshine Road, and reuse of the existing heritage building for employment purposes and general rejuvenation of properties along this section of Sunshine Road. In addition, the proposed data centre has been designed to respond to the residential interface to Indwe Street through careful siting, design and choice of external materials and finishes, together with a generous landscaped setback which includes large trees and translucent fencing.

## Zoning and Built Form

47. The zoning and overlay provisions have been considered in the application.
48. The purpose of the zoning has been considered, and it is noted that site is located within an industrial precinct where development is encouraged to provide for manufacturing industry, the storage and distribution of goods and associated facilities in a manner which does not affect the safety and amenity of local communities. The data centre is directly in line with this objective and will aid in the creation and retention of more than 150 full time employment positions and a significant number of construction jobs as well as providing valuable connective infrastructure to support metropolitan industry and commerce.
49. The proposal is in accordance with the decision guidelines of the zoning, as:
- The proposal is in line with the MPS & PPF as noted above.
  - The use is unlikely to cause amenity impacts to the surrounding area, particularly in regard to the sensitive interfaces to the south, as no industrial off-site effects are generally associated with a data centre. In addition, specific regard has been paid to comments and direction provided by WorkSafe on having an adequate fire protection system, undertaking a fire safety study and developing a suitable emergency management plan for the premises.
  - The effect other industries may have on the land is limited and unlikely to impact operations of the facility.
  - Further, the drainage of the land has been reviewed by Council and the land has availability and connection to services. Traffic to be generated on roads is not expected to notably impact the capacity or safety of the surrounding road network.

## Heritage

50. The proposal provides an appropriate built form response to the area and is respectful of the significance of the existing heritage building on site, as follows:
- The proposal does not affect the existing wool store building or the conservation works and improvements approved by Planning Permit TP331/2022(1).
  - The proposed building is sited to provide a suitable separation to the existing building and includes appropriate building and/or landscape setbacks to the adjoining streets. Further the building is an appropriate building height and incorporates interesting and articulated building facades achieved through materials and modern design elements. This ensures the location, bulk, form and appearance of the proposed building will not adversely affect the significance of the heritage place.
  - The application is supported by a Visual Impact Assessment, which includes sightlines and massing diagrams and demonstrates that the proposed building will not have an unreasonable impact on views of the existing wool store building.
  - The proposed amount of demolition is also considered relatively minor, concerning the rear single storey 'Annex Warehouse' only. It is noted approval for this section of demolition has already been considered and approved by Maribyrnong City Council under planning permit TP331/2022(1). The current application will require partial demolition, as the works approved under this permit have not yet been undertaken. As such the amount of demolition proposed will not adversely affect the significance of the heritage place.

## Amenity

51. The land has a limited number of sensitive interfaces to the east, west and north. Regarding the sensitive interface of properties under the General Residential Zone 1 facing Indwe Street, the following considerations are noted:
- The proposal incorporates acoustic measures as recommended by the Acoustic Report prepared by ADP Consulting to manage anticipated noise emissions associated with the proposed data centre. These include enclosures for chillers and generators, acoustic attenuators for ventilation paths and exhausts, acoustic barriers or louvres around cooling towers around rooftop plant, among others. The report notes that the current design and acoustic mitigation strategies are considered to meet the relevant acoustic criteria and EPA legislation. Further, ongoing acoustic consultancy will be undertaken throughout the design and construction period to ensure the statements and commitments noted in the Acoustic Report do not exceed the relevant thresholds.

- The shadow diagrams prepared by Greenbox Architecture demonstrate that there will be no shadow impacts on the residential properties to the south of Indwe Street at the September equinox.
- There are no habitable room windows or areas of private open space within 9m of the subject site which warrant protection from overlooking and views.
- As noted above, the proposed massing represents an appropriate response to the site and the visual impacts of the proposal are considered acceptable in this context. Furthermore, the proposed building envelope is generally consistent with the building envelope of the previous approval for the site and visibility of taller elements has been limited and concealed through increased setbacks.

## **Car Parking, Loading, Bicycles Storage and Other Services**

### **Car Parking**

52. Clause 52.06-5 (Table 1 - Car parking requirement) does not include the land use 'data centre', as such pursuant to Clause 52.06-6, car parking spaces must be provided to the satisfaction of the responsible authority. A maximum of 50 staff members are proposed at any one time with 49 car spaces provided. The Transport Impact Assessment submitted with the application notes that the anticipated car parking demand is 30 spaces. As such the proposal provides a satisfactory number of car parking spaces.

### **Design Standards for Car Parking**

53. The proposal includes a Transport Impact Assessment which outlines that all relevant design standard for car parking as outlined in Clause 52.06-9 have been met.

### **Access, Traffic Movements and Circulation**

54. Vehicle access is proposed via two new cross overs along McArthur Street to service the loading dock and main car park entry.
55. The layout of the car park and access arrangements provide for convenient and functional car parking and access. The submitted Transport Impact Assessment notes that loading dock and services area are anticipated to be serviced by 20 metre Articulated Vehicles and 12.5 metre Heavy Rigid Vehicles, respectively. The report includes swept path diagrams which demonstrate that the loading dock and services area can be accessed in a satisfactory manner and depart the site in a forward direction.

### **Bicycles Facilities**

56. Clause 52.34-1 of the Scheme does not require bicycle parking for data centres (or any uses under the utility installation land use group) and therefore there is no bicycle parking requirement.
57. Notwithstanding the above, the proposal provides 33 bicycle spaces and a 144sqm area on the ground floor for end of trip facilities.

### **Waste**

58. A waste management plan has been provided. Council has provided waste management conditions which will be included on the permit.

## **Environmental Risks**

### **Bushfire Risk**

59. The site is not located within a Bushfire Prone Area.

## **Sustainability**

### **Environmentally Sustainable Design (ESD)**

60. This proposal includes a Sustainability Management Plan which outlines several sustainability initiatives, outlining a BESS score of 62%, meeting the minimum required 50%.

## Stormwater Management

61. The proposed development incorporates appropriate drainage for the building and hardstand areas. A 20,000-litre rainwater tank is provided to facilitate rainwater collection and re-use for irrigation of landscape areas and toilet flushing and raingardens are incorporated into the landscape setback to Indwe Street. The landscape areas within the site provide for on-site water infiltration.
62. The council recommended several conditions that address stormwater requirements which have also been reviewed and accepted by the Applicant for inclusion on the permit.
63. Subject to the above conditions, the proposal will result in appropriate stormwater outcomes.

# Recommendation

64. The proposal is generally consistent with the relevant planning policies of the **Maribyrnong** Planning Scheme and will contribute to the provision of **utility installation (data centre)** within the **West Footscray** area.
65. The proposal is generally supported by the various formal and informal referral agencies.
66. It is **recommended** that a Delegate for the Minister of Planning issue Planning Permit No. **PA2403320** for the partial demolition, use of land and to construct a building and carry out works for Utility installation (Data Centre) at **63 Sunshine Road**, West Footscray, Melbourne, subject to conditions.
67. It is **recommended** that the applicant and the council be notified of the above in writing.



**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:

[Redacted]

Title: Senior Planner, Development Approvals and Design

Signed:

[Redacted]

Phone:

[Redacted]

Dated: 04/04/2025

**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**
- Conflict and have therefore undertaken the following actions:
  - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
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  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

[Redacted]

Title: Manager, Development Approvals and Design

Signed:

[Redacted]

Phone:

[Redacted]

Dated: 04/04/2025