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Maribyrnong City Council

Lodged online via MyMaribyrnong

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

Dear Simon,

**PLANNING PERMIT APPLICATION  
USE AND DEVELOPMENT OF CAR PARK  
35-65 PARAMOUNT ROAD AND 99 OLYMPIA STREET, TOTTENHAM**

**1. INTRODUCTION**

Urbis acts on behalf of Kapitol Group Pty Ltd in support of a planning permit application for the use and development of a temporary car park on the southern portion of 99 Olympia Street and 35-65 Paramount Road, Tottenham ("the subject site").

The subject site is within the Industrial 1 Zone (I1Z) and is wholly affected by the Development Contributions Plan Overlay – Schedule 2 (DCPO2) and Specific Controls Overlay – Schedule 6 (SCO6), with the eastern edge of the site affected by the Public Acquisition Overlay – Schedule 1 (PAO1) in accordance with the Maribyrnong Planning Scheme.

Portions of the site are also within the Land Subject to Inundation Overlay (LSIO) and Heritage Overlay (HO152) however those areas of the site are not impacted by this proposal.

Under the provisions of the Maribyrnong Planning Scheme, a permit is required for the following:

Table 1 - Applicable Controls and Permissions

CONTROLS/PROVISIONS	PERMISSIONS
Clause 33.01-1 (Industrial 1 Zone)	Use of the land as a car park (temporarily)
Clause 33.01-4 (Industrial 1 Zone)	Construct or carry out works
Clause 45.01-1 (Public Acquisition Overlay)	Construct or carry out works

To assist with your assessment of this application, please find enclosed:

- Completed planning permit application form.
- Certificates of Title (including the relevant attachments and encumbrances).
- Licence agreement for use of part of the land, dated 16 May 2025
- Memorandum of Authorisation (MOA-0066411), dated 26 September 2024
- Letter of consent, prepared by Department of Transport and Planning, dated 17 June 2025
- Temporary Car Parking Layout Plan, prepared by Impact Traffic Engineering, dated 17 September 2025
- Construction Traffic Management Plan, prepared by Impact Traffic Engineering, dated 17 September 2025
- Traffic Impact Statement, prepared by TTW Engineering, dated 18 September 2025
- Aboriginal Cultural Heritage Advice letter, prepared by Urbis, dated 16 September 2025

## 2. BACKGROUND

This application follows a planning enquiry which was lodged on 24 July 2025, and subsequent response letter received from Council, dated 10 September 2025.

As Council are aware, works are currently underway at No. 25-27 Indwe Street, West Footscray (located east of the subject site) in accordance with Planning Permit TP/550/2020 which allows the:

*'Staged use and development of the land to construct a Utility Installation (Data Centre) with ancillary office, ground floor food and drink premises (café) on Land Subject to Inundation Overlay and a reduction in the car parking requirement.'*

Stage 1 and public realm works have been completed, with the remainder of the site currently under construction as per subsequent stages.

This application seeks the use and development of a temporary car park on this adjacent site which will accommodate workforce parking demands associated with construction of the M3 Data Centre development described above.

NEXTDC have temporarily leased this land directly across from the M3 Data Centre site on Paramount Road to serve as a carpark for building teams, to ensure that they do not park on residential streets. This investment, costing millions of dollars over the next three years, demonstrates their commitment to minimising disruption to the community.

## 3. PROPOSAL

Consistent with recent discussions, this planning permit application seeks the (retrospective):

*'Use and development of a car park'*

We confirm that the proposed use is temporary in nature, with a total duration expectation of 24 months. The applicant would be happy to accept relevant conditions to this effect.

Key details of the proposal are as follows:

ELEMENT	PROPOSAL
Land use	Car park
Operation	<p>Monday – Friday: 6am to 6pm</p> <p>Saturday: 6am to 3pm</p> <p>Sunday: N/A</p>
Development	The car park will be asphalted with eight (8) internal light towers in key locations, as well as sediment fencing constructed around the perimeter.
Car parking	<p>Total = 725 spaces</p> <p>(340 spaces are currently constructed with a further 385 car spaces proposed)</p>
Access	<p>Vehicular access is provided via an existing crossover (approximately 30 metres wide) to Paramount Road in the north-eastern corner of the site.</p> <p>A pedestrian access point is provided to the south-eastern corner of the subject site between the car park and the Data Centre across Paramount Road</p>

Ultimately, this proposal has sought to ensure residential amenity surrounding the site is not impacted due to workforce parking on-street, servicing benefit to the local community.

Figure 1 – Temporary Car Park Layout



Source: Impact, September 2025

## 4. SUBJECT SITE AND CONTEXT

### 4.1. SUBJECT SITE

The parent site (being the entirety of the land described in 4.1.1 below) covers a total area of approximately 11.9 hectares and includes a range of warehouse buildings and at-grade parking and circulation areas. The proposed temporary car park only applies to an area of approximately 2.25 hectares, located in the southern portion (blue) as illustrated in Figure 1 below.

Access to the site is currently serviced via a wide (30m approx.) crossover to Paramount Road in the north-eastern corner.

The site is substantially void of any meaningful vegetation, including significant trees.

Figure 2 – Location of subject site



Source: TTW, September 2025

#### 4.1.1. Certificates of Title

The site is formally known as:

- 35-65 Paramount Road, Tottenham
  - Lot 1 on Title Plan 806244 (Volume 07161, Folio 113)
  - Lots 1 and 2 on Title Plan 806261 (Volume 07161, Folio 115)

- Lot 1 on Title Plan 806328 (Volume 07557, Folio 004)
- 99 Olympia Street, Tottenham
  - Lot 1 on Title Plan 806290 (Volume 08955, Folio 891)

Please refer to submitted Certificates of Title for further detail.

## 5. SURROUNDING CONTEXT

The site is located within an established industrial precinct which extends far the south and west of the site. The area is predominately characterised by vacant lots or large warehouse buildings utilised for storage or service industry.

To the north of the site, is residential land, where lots predominately consist of single and double storey dwellings. There is a consistent residential subdivision pattern through these areas.

Paramount Road forms the sites eastern boundary and is part of the Principal Road Network (Transport Zone 2). It is a primary arterial road (managed by DTP), providing one lane of traffic in each direction with a posted speed limit of 60 kilometres per hour. Parking is not permitted along Paramount Road in proximity to the site.

Olympia Street forms part of the site's western boundary. It is a local access road (managed by Maribyrnong Council) providing one lane of traffic in each direction with a speed limit of 50km/h. Olympia Street provides for intermittent on-street car parking along the western edge.

## 6. PLANNING CONTROLS AND POLICIES

### 6.1. ZONE

The parent site is located partially in two zones, Industrial 1 (IN1Z) to the south and (IN3Z) to the north. The INZ3 runs along both the Indwe Street (northern) and Paramount Road (eastern) frontages and acts as a buffer between the residential zoned land further north and core IN1Z (typically more intensively used) land.

The subject site, and area of proposed use and development, is zoned Industrial 1 Zone (I1Z). The purpose of the Zone is:

*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.*

Pursuant to this Zone a permit is required to:

- Use the land as a Car Park (Clause 33.01-1)
- Construct or carry out works (Clause 33.01-4)

'Car park' is defined at Clause 73.03 of the Planning Scheme as '*Land used to park motor vehicles. It may include charging of electrical vehicles*'.

It is noted that 'Car park' is not a listed land use under IN1Z and therefore is considered a Section 2 – Permit required use.

## 6.2. OVERLAYS

### 6.2.1. Specific Controls Overlay

The entire parent site is affected by the Specific Controls Overlay – Schedule 6 (SCO6). The purpose of the SCO is:

*'To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances'*

The Schedule to Clause 72.04 (Incorporated Documents) of the Maribyrnong Planning Scheme includes the document titled *'35 – 65 Paramount Road and 99 Olympia Street, Tottenham Incorporated Document'* (Department of Transport and Planning, December 2023).

This incorporated document was introduced by Amendment C183mari, which was made at the request of The Trustee for The Paramount Victoria Trust, and gazetted on 21 December 2023.

The incorporated document facilitates the demolition, development and use of land for the purpose of warehouses and ancillary offices, removal of native vegetation, a reduction to the statutory car parking requirements and to alter access to a road in a Transport Zone 2 (T2Z) generally as proposed by planning permit application TP472/2022 (Maribyrnong City Council).

Clause 7.0 of the incorporated document notes that development of the land permitted must:

- *Commence within two (2) years of the gazettal date of Amendment C183mari to this scheme*
- *Be completed within four (4) years of the gazettal date of Amendment C183mari to this scheme.*
- *The use permitted under this Incorporated Document must commence within four (4) years of the gazettal date of Amendment C183mari to this scheme.*

As such, the incorporated document is still valid.

The proposed temporary use and development of the land is not considered to interfere with the existing arrangements as detailed within the incorporated document.

### 6.2.2. Public Acquisition Overlay

The eastern edge of the subject site is affected by Public Acquisition Overlay (PAO1). The purpose of the acquisition of PAO1 is:

*'Proposed roads and road widening'*

Pursuant to this Overlay a permit is required to:

- Use land for any Section 1 or Section 2 use in the zone (Clause 45.01-1)
- Construct or carry out works (Clause 45.01-1)

Pursuant to Clause 45.01-3 an application must be referred under Section 55 of the Act to the acquiring authority for the land, which in this case is Vic Roads.

### 6.2.3. Development Contributions Overlay

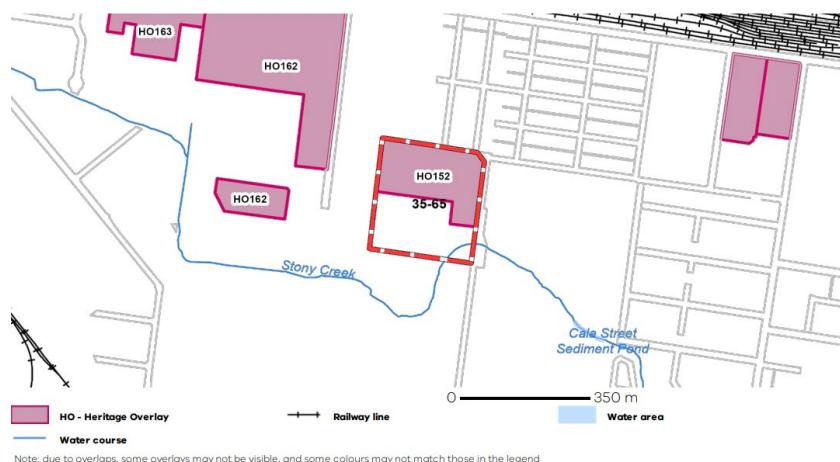
The entire site is also within the Development Contributions Plan Overlay – Schedule 2 (DCPO2) where the '*Maribyrnong Development Contributions Plan, December 2023*' applies.

The subject site is within charge precinct area 5A. As no dwellings or floorspace is proposed, no levies are triggered.

### 6.2.4. Other Overlays

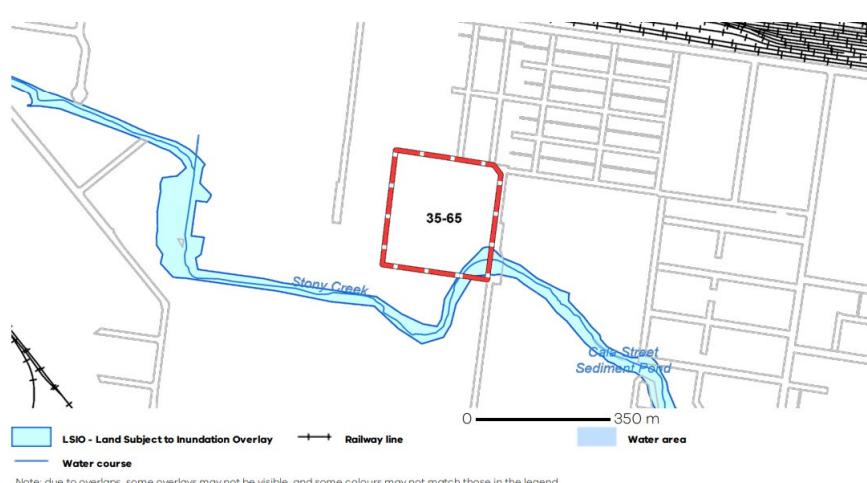
As previously noted, the parent site is also affected by the Land Subject to Inundation Overlay (LSIO) in the south-east corner, as well as Heritage Overlay (HO152) in the northern portion of the site, however the proposed use and development are not located within these areas. Refer to Figures 3 and 4 below.

Figure 3 – Heritage Overlay located north of the subject site



Source: State Government of Victoria, 2025

Figure 4 – Land subject to inundation overlay located south of the subject area



Source: State Government of Victoria, 2025

## 6.3. ABORIGINAL CULTURAL HERITAGE

As the study area is recognised as being within an area of Aboriginal Cultural Heritage Sensitivity, advice was sought from Urbis Heritage team which concluded:

- *The study area contains a mapped area of cultural heritage sensitivity as it is within 200m of Stony Creek (r.26(1)).*
- *The study area has been subject to significant ground disturbance and as per r.26(2) is no longer within an area of cultural heritage sensitivity.*
- *A mandatory CHMP is not triggered as the study area is not within an area of Aboriginal cultural heritage sensitivity (r.26(2)).*

Please refer to submitted Aboriginal Cultural Heritage Advice letter, prepared by Urbis, for further detail.

## 6.4. PARTICULAR AND GENERAL PROVISIONS

The following particular and general provisions are relevant to this application.

### 6.4.1. Clause 52.29 – Land adjacent to the Principal Road Network

The proposal has sought to utilise the existing vehicle crossover and access in the north-eastern corner of the site to Paramount Road.

A new temporary pedestrian access point is proposed to the south-east, providing a gate through the existing fencing. No change to the road reserve or kerb is proposed.

The questions around what constitutes “alteration” to access have been the subject of numerous Victorian Civil and Administrative Tribunal (VCAT) decisions, including recently in *Curie v Mornington Peninsula SC [2022] VCAT 1052*.

In the *Curie* case, decided on 8 September 2022, the Tribunal agreed with statements made in an earlier decision (*Greater Shepparton City Council v D'Agostino [2016] VCAT 1355*) in which the Tribunal found that:

*...the phrase “create or alter” clearly contemplates a physical change to the access. The Decision in Curie found that a change in terms of volume, frequency or type of traffic attending land is not of itself a change in the use of land, and there is no warrant to read into clause 52.29-02 that the permit required under that provision is only required where another provision of the planning scheme requires a permit.*

As such, it is considered that as there is no physical change to the existing vehicle access arrangements onsite, no permit is required under Clause 52.29.

### 6.4.2. Clause 53.18 – Stormwater Management in Urban Development

Clause 53.18 seeks to ensure that stormwater in urban development is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The car park has been appropriately graded to ensure adequate stormwater runoff.

### 6.4.3. Clause 65 – Decision Guidelines

Clause 65 dictates that '*Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause*'.

This application has sought to respond to the relevant considerations as set out in this Clause. Please refer to Section 7 for further information.

## 6.5. PLANNING POLICY FRAMEWORK

The following planning policies are relevant to the consideration of this proposal:

- **Clause 11 – Settlement** requires that planning is to meet the needs of existing and future communities through via land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. Policy seeks to contribute to, amongst others, sufficient supply of land for commercial / industrial use; a high standard of urban design and amenity; and development that is well connected to transport, employment, and services.
- **Clause 12 – Environmental and Landscape Values** seeks to ensure that planning protects the health and diversity of ecological systems within Victoria.
- **Clause 13 – Environment Risks and Amenity** aims to ensure that planning appropriately ensures environmental management and responds to natural and human-made environmental hazards/degradation and amenity conflicts. This includes ensuring that '*development and risk mitigation does not detrimentally interfere with important natural processes*'.
- **Clause 15 – Built Environment and Heritage** seeks to 'ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context'.
  - **Clause 15.03-2S – Aboriginal Cultural Heritage** seeks to protect and conserve areas of Aboriginal cultural heritage significance, including ensuring that development compliance with any requirement for a Cultural Heritage Management Plan.
- **Clause 18 – Transport** states that 'planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe'.
  - **Clause 18.02-4S Roads** seeks to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.
  - **Clause 18.02-4L – Car parking** supports car parking dispensations where appropriately designed and located.

The application has considered the relevant state and local policies as detailed above, alongside the applicable zoning and overlay requirements to create a well considered response.

## 7. PLANNING ASSESSMENT

It is considered the proposed carpark is appropriate with respect to the provisions of the Maribyrnong Planning Scheme for the following reasons:

- The proposed development is consistent with and achieves the purpose of the Clause 33.01 Industrial 1 Zone. That being, the proposed temporary car park will support the associated development of the neighbouring land as a Data Centre in a manner which does not affect the safety and amenity of local communities.
- The use will not have any detrimental impact on nearby residential areas or other uses, being well setback from property boundaries and consistent with the surrounding industrial context.
- The proposed car park is utilising what was a vacant and disused site. By occupying the land, even for this temporary nature, it ensures that there is an element of activation and passive surveillance of the surrounding area through increased pedestrian use and visitation to the site which is a significant benefit to the wider community.
- Given the temporary nature and the limited extent of works, the temporary use and development of the land for the car park will not preclude future use and development of the land for other purposes such as what is approved under *35 – 65 Paramount Road and 99 Olympia Street, Tottenham Incorporated Document*.
- The permit applicant is willing to accept planning permit conditions regarding the temporary nature of the use and development.

### 7.1. USE CONSIDERATIONS

The car park sought as part of this application has been developed in direct response to accommodate workforce parking demands associated with the construction of the NEXTDC M3 Data Centre development located to the east.

As detailed in the submitted Construction Traffic Management Plan (CTMP), prepared by Impact, workers will be encouraged to utilise public transport where possible as a more sustainable mode of transport. It is acknowledged however that some of the workforce will drive to the site, hence it is proposed to have a dedicated staff and contractor car park.

This car park will be utilised for all the stages of construction, with zero reliance on on-street parking. Having vehicles located in a separate and secure car park area, will ensure that any impact to surrounding residential amenity is limited, providing an overall local community benefit.

Please refer to submitted CTMP for further detail.

### 7.2. WORKS CONSIDERATIONS

As previously noted, the car park is already under construction as per the submitted plans.

It is considered that the proposed works are appropriate for the following reasons:

- The proposal does not include any built form, other than temporary fencing and lighting thereby minimising impacts upon the land.
- The grading and asphalting of the car park areas will allow for safe vehicle access and manoeuvrability of vehicles with limited adverse impacts to the land.

- The proposed sediment fencing will ensure adequate stormwater runoff and help prevent pollution to Stony Creek.
- The eight (8) light towers installed across the site will ensure that the site can operate safely in accordance with the operating hours between 6am and 6pm.
- The designated pedestrian access to/from the car park in the south-east through to Paramount Road will be delineated through the use of removable water filled barriers along Paramount Road, and removable fencing / green pedestrian mats.

As detailed in the lease agreement with the property owner, the permit applicant is prepared to accept relevant conditions to reinstate the land following the temporary use. Please refer to submitted agreement for further detail.

### **7.3. TRAFFIC CONSIDERATIONS**

In support of this application, a Traffic Impact Statement has been prepared by TTW Engineering to determine whether the temporary car park arrangements can operate safely and efficiently, while meeting Council's requirements and minimising impacts on the surrounding road network and community.

The TTW statement considers that the proposal is appropriate for the following reasons:

#### **Vehicle access**

- The existing vehicular access point (located to the north-east) to Paramount Road is suitable to be retained and utilised as part of this application.
- Speed limit restricted to 5kph with speed signs to be installed at the sole site access point and within the car park
- Adequate circulation for vehicles (noting the AS2890.1 compliance and wide access points can readily service cars (B85 and B99) and MRV (8.8m in length) infrequent access (associated with sweeping / construction activities)

#### **Pedestrian access**

- Fencing and kerbing along the pedestrian access path (located to the south-east) ensures vehicles do not have the ability to utilise the pedestrian crossing point.
- Traffic controllers will be present to assist pedestrians crossing Paramount Road or a traffic signal arrangement may be implemented (which negates the requirement for traffic controllers)
- The Department of Transport and Planning (DTP) has granted approval for the temporary pedestrian crossing (located to the south-east) in the form of an approved Memorandum of Authorisation (MoA) as well as consent to conduct works within the road reserve. These approval documents have been submitted as part of this application.

#### **Traffic Impacts**

- Based on absorption capacity analysis (per Austroads Guide to Traffic Management Part 2: Traffic Theory), Paramount Road, at the car park access location, can absorb the anticipated car park traffic into the network.
- The tidal flow nature of the car park operation is akin to schools and shopping centre staff car park operation.

### Car Parking

- All car parking spaces have generally been designed to comply with Australian Standard (AS2890, Part 1: Off Street car parking).
- Bay Dimensions:
  - 90-degree angle parking spaces = 5.4 m x 2.6m, accessed off a 6m aisle
  - 30-degree angle parking spaces = 5.2 m x 2.6 m, accessed off a 4.2m aisle (min)
- All spaces will be line-marked and seek to maximise capacity

The submitted CTMP further notes that:

*The dedicated site car park will be established within an existing property on the western side of Paramount Road, as such a dedicated pedestrian crossing point will be established for pedestrians to cross Paramount Road. As needed, traffic controllers will assist pedestrians to cross and pick gaps in traffic. Priority will be given to Paramount Road traffic and traffic controllers will ensure that any delays to vehicle traffic are minimised.*

Overall, it is considered that the proposed temporary car park will provide necessary parking supply to support construction activity while ensuring traffic and environmental impacts are appropriately managed.

With the implementation of the measures outlined in the CTMP and TTW's advice, the proposal is considered to be acceptable from a traffic engineering perspective.

Please refer to the submitted CTMP and Traffic Impact Statement for further detail.

## 8. CONCLUSION

We trust the above information is sufficient to allow Council's favourable consideration of this application. Noting the above, we consider a planning permit is appropriate for approval in the context of the industrial locality and overall intention to complete development of the M3 Data Centre as efficiently and effectively as possible, which the temporary carpark formalisation will assist with.

If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Kind regards,



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