



30 March 2026

Development Approvals
The Department of Transport and Planning

Submitted via Portal.

To whom it may concern,

Response to Further Information Request and Eligibility Letter 35-45 Lithgow Street, Abbotsford

1 Introduction

Urbis continues to act on behalf of the permit applicant, Model Australia Pty Ltd, in relation to planning permit application PPA-788 at 35-45 Lithgow Street, Abbotsford.

This application is made pursuant to Category 1 of Clause 53.23 of the Yarra Planning Scheme, on the basis that the Department of Transport and Planning has confirmed the proposal's eligibility, having regard to the following:

- The proposed land use is accommodation;
- The proposed estimated cost of development cost is at least \$50 million; and
- 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.

We write in response to the Department of Transport and Planning's (DTP) letter of eligibility dated 19 March 2026.

In support of this submission, please find enclosed:

- Certificates of Title (purchased 30/03/2026)
- Metropolitan Planning Levy Certificate, issued on 25 March 2026.
- Land Survey, prepared by Breese Pitt Dixon, and dated 04 September 2024.
- Architectural Plans, prepared by Warren and Mahoney Architects, and dated 27 March 2026.
- 3D Digital Model, prepared Warren and Mahoney.
- Amended Town Planning Report prepared by Urbis dated 30 March 2026.
- Urban Context and Design Response Report, prepared by Warren and Mahoney Architects, and dated March 2026.

- Daylight Modelling, prepared by ARUP, and dated 02 February 2026.
- Landscape Plan, prepared by Ratio, and dated 29 October 2025.
- Sustainability Management Plan, prepared by ARUP, and dated 29 October 2025.
- Wind Report, prepared by ViPAC, and dated 30 October 2025.
- Acoustic Report, prepared by Acoustic Logic, and dated 29 October 2025.
- Waste Management Plan, prepared by Traffic Group, and dated 30 October 2025.
- Traffic Engineering Assessment, prepared by Traffic Group, and dated 30 March 2026.
- Affordable Housing Report, prepared by Model, and dated 25 March 2026.
- Quantity Surveyor Report, prepared by Slattery, and dated 04 December 2025.

2 Response to Preliminary Comments

The table below provides a response to each of DTP's preliminary comments.

Table 1 - Preliminary Comments Response

Preliminary Comments	Response and Document Reference
<p>A preliminary assessment of the proposal has been undertaken and the following matters require further consideration or resolution as part of a formal application:</p>	
<p>1. Building Height and Setbacks</p> <p>The proposed height of 18.7m exceeds the mandatory 18m height limit under DDO22, noting that Amendment C231yara (currently under Ministerial consideration) seeks to reduce this limit further to 15m. Any variation to the mandatory height control will need to be fully justified as part of the detailed permit application.</p> <p>Several setback variations to DDO22 are proposed and will need to be documented and assessed during the permit application phase. These include the reduced upper-level setback along Lithgow Street, a reduced side setback at the northern residential interface, and the need for further information to confirm the extent of any variation to the DDO22 visibility envelope requirements.</p>	<p>The proposed building height of 18.7 metres represents a minor variation to the mandatory 18 metre height limit under DDO22. This variation has been carefully considered and is fully documented and justified with the timber construction within the amended Town Planning Report and Urban Context and Design Response.</p> <p>The proposal has been designed to respond to the existing and emerging built form context. The upper levels are visually recessed and articulated to reduce perceived bulk and ensure an appropriate interface with the surrounding streets and residential properties.</p> <p>Minor setback variations to DDO22, including reduced upper-level setbacks along Lithgow</p>

Street and the northern residential interface, are clearly identified in the Architectural Plans and Urban Context Report and are assessed within DDO22 analysis of the Town Planning Report. The proposals compliance with the DDO22 visibility envelope is demonstrated at Page 36 of the Urban Context Report prepared by Warren and Mahoney Architects.

While Amendment C231yara is currently under Ministerial consideration, the application has been assessed against the current and applied planning controls. The proposed built form is considered to achieve an acceptable urban design outcome consistent with policy objectives.

2. Heritage

The proposal involves extensive demolition of the individually significant former Schweppes Cordial Factory (HO339). Policy at Clause 15.01-3L requires three-dimensional retention of heritage fabric, and DDO22 requires upper-level additions to be visually recessive and not visually dominate the heritage building. The proposal will be assessed against the requirements of Clause 15.03-1L and the heritage provisions of DDO22. Council has not yet referred the proposal to its heritage advisor, and its advice will inform the formal assessment.

The proposal involves demolition and alteration to the former Schweppes Cordial Factory (HO339). A detailed Heritage Impact Assessment has been prepared and forms part of the application material.

The design has been informed by Clause 15.03-1L and the provisions of DDO22, with a focus on retaining and interpreting significant heritage fabric where feasible. Upper-level additions are carefully setback and designed to be visually recessive, ensuring the heritage building remains the dominant element when viewed from the public realm.

The extent of demolition and the design response are comprehensively justified within the Heritage Impact Assessment and Urban Context and Design Response.

We note that Council has not yet referred the proposal to its heritage advisor and we anticipate this will occur following formal lodgement.

3. Residential Amenity (Clause 58 compliance)

A complete Clause 58 assessment clearly identifying all areas of non-compliance is required to support

A complete Clause 58 assessment has been prepared and is included within the amended Town Planning Report. The assessment clearly

detailed review. DTP encourages the proponent to reduce the extent of variations to Clause 58. Attention should be given to achieving compliance with the following standards: D14 (building setbacks – including overlooking, daylight etc), D18 (accessibility), D20 (private open space), D21 (storage), D26 (functional layout), D27 (room depth), D29 (natural ventilation).

identifies areas of compliance and non-compliance.

Where minor variations are proposed, these are limited in extent and are supported by a detailed assessment demonstrating that acceptable residential amenity outcomes are achieved in line with the policy objectives. Per the DFP comment, particular attention has been given to building setbacks (D14), accessibility (D18), private open space (D20), storage (D21), functional layout (D26), room depth (D27) and natural ventilation (D29).

4. OVGA Design Review Report

The proposal should respond to the OVGA Design Review Report dated 27 August 2025.

The Urban Context Report prepared by Warren and Mahoney Architects and Town Planning Report prepared by Urbis provide details of the proposals response to comments provided in the OVGA Design Review Report dated 27 August 2025.

5. ESD

Aspirational ESD targets (Passivhaus, 9 Star NatHERS, mass timber construction, 6 Star Green Star) are strongly supported and should be worded as commitments in the updated ESD Report.

The Sustainability Management Plan, prepared by ARUP sets out the projects commitments to the following:

- 5 Star Green Star, including
- 7 Star NatHERS average and 6 star minimum, or equivalent.

The above commitments align with City of Yarra's current ESD policy expectations.

Model are also committed to pursuing Passivehaus principles as part of the design and development and will be pursuing mass timber construction.

Additionally, Model are pursuing the following targets subject to detailed design resolution:

- 6 Star Green Star
- Passivehaus Classic Certification
- 9 star NatHERS average or equivalent.

While Model are committed to pursuing the above targets these cannot be committed to at this stage as 'certification' is contingent on detailed design resolution.

Notwithstanding, sustainability and decarbonisation is at the core of Model's approach and the permit applicant is committed to pursuing these targets throughout detailed design development and construction.

6. Affordable housing report

The Affordable Housing Report does not clearly identify the delivery pathway relied upon under Clause 53.23-4. The formal application should specify whether the proponent is relying on the standard 10 per cent pathway (requiring sale or lease to a registered housing agency or Homes Victoria) or the alternative contribution pathway.

The affordable rents proposed in the Affordable Housing Report do not clearly satisfy the Section 3AA affordability test for very low or low income households, and are marginal for moderate income households. The formal application should include a revised rent schedule that identifies the target income band and household type for each affordable dwelling type and demonstrates compliance with the 30 per cent of gross household income threshold under Section 3AA. Rents must be set by reference to the applicable Governor in Council Order.

Market rent evidence relied upon in the public benefit calculation should be reconciled and supported by current comparable rental data. The discrepancy between the market rent figures in Sections 4.2 and 8.1 of the Affordable Housing Report should be resolved.

The Affordable Housing Report prepared by Model has been updated and clearly identifies the delivery pathway relied upon under Clause 53.23-4. The development proposes to deliver 10% affordable housing via providing on-site discounted rental dwellings in lieu of a cash contribution.

Market rent evidence has been reconciled and supported by current comparable data, and discrepancies within the earlier report have been resolved.

3 Response to Requested Further Information

The table below provides a response to each of DTP's further information items.

Table 2 - Response to Further Information Request

RFI ITEM	Response and Document Reference
<p>a. Certificates of Title</p> <p>Certificates of title, including any encumbrances, covenants, and agreements (within three months)</p>	<p>The Certificates of Title for the subject land is enclosed, including all relevant encumbrances, covenants and agreements</p>
<p>b. Metropolitan Planning Levy Certificate</p>	<p>Please refer to the enclosed Metropolitan Planning Levy Certificate for the subject site.</p>
<p>c. Land Survey</p> <p>Land survey: feature & level survey, re-establishment (where relevant), services plan, nearby context including private open space and location of habitable room windows of nearby properties.</p>	<p>Please refer to the enclosed feature and level survey, including re-establishment, services information and nearby context details.</p>
<p>d. Architectural Drawings including identification of:</p> <ul style="list-style-type: none"> i. Changes in response to this letter ii. Finished Floor to finished ceiling heights clearly indicated iii. All area measures to represent usable areas, rather than Gross Floor Area 	<p>Amended Architectural Plans are enclosed, identifying changes made in response to this letter. The sections clearly annotate finished floor to finished ceiling heights. Usable balcony areas are also provided on the Clause 58 Plans.</p> <p>Please refer to the following Sheet No. for the below items:</p> <ul style="list-style-type: none"> ii. TP30.01 – TP30.04 Finished floor to finished ceiling heights are also annotated on the ADG Plans with specifications provides for bathrooms, kitchens, living rooms and bedrooms. iii. TP60.00 – TP60.25
<p>e. 3D Digital Model</p> <p>3D digital model in accordance with DTP's submission guide</p>	<p>Please refer to the enclosed 3D digital model that has been provided in accordance with DTP's submission requirements.</p>
<p>f. Cover Letter</p>	<p>In combination with the abovementioned material which acts as a cover letter, please refer to the amended Town Planning Report which is enclosed with this submission.</p>

A cover letter including written confirmation that the application is an application to which this clause applies.

g. Town Planning Report, amended to include:

- i. All relevant planning permit triggers
- ii. A written response to the matters raised in this letter
- iii. Clause 58 assessment clearly identifying all areas of non-compliance

The amended Town Planning Report is enclosed and identifies all relevant permit triggers, responds to the matters raised in this letter, and includes a comprehensive Clause 58 assessment highlighting any areas of non-compliance.

Each item is addressed in the corresponding sections of the Town Planning Report, as outlined below:

- i. Please refer to Section 3.1 and 4.
- ii. Please refer to the updated report in full.
- iii. Please refer to the Clause 58 assessment at Appendix B of the report.

h. Urban Context and Design Response Report, meeting requirement of Clause 58 and including:

- i. Neighbourhood context diagrams
- ii. Shadow diagrams at appropriate scale and level of detail
- iii. Detailed analysis of overlooking/overshadowing/visual bulk
- iv. 3D massing / photomontages / verified views
- v. Response to the requirements of Clause 32.04-11

The amended Urban Context and Design Response Report is enclosed and has been prepared to meet the requirements of Clause 58. The report includes neighbourhood context diagrams, shadow diagrams at an appropriate scale and level of detail, detailed analysis of overlooking, overshadowing and visual bulk, 3D massing, photomontages and verified views, and a response to the requirements of Clause 32.04-11.

Each item is addressed in the Urban Context and Design Response Report, and Town Planning as outlined below:

i. ESD Report

Environmentally Sustainable Design report, including daylight modelling demonstrating appropriate daylight levels are provided to the dwellings.

Please refer to the enclosed ESD Report which includes relevant updated information. Further, please refer to the enclosed Daylight Modelling that demonstrates light to proposed dwellings. The daylight assessment shows that the development meets the Green Star Minimum Expectation for good daylight

	across the development, with 95% of living rooms featuring daylight access and 95% of bedrooms.
j. Landscape Plan	Please refer to the detailed Landscape Plan prepared by Ratio, which is enclosed with this submission.
k. Stormwater Management Plan (SMP)	The enclosed Stormwater Management Plan within the Sustainability Management Plan prepared by Arup, details the proposed stormwater treatment and management strategy for the site.
l. Wind Report	Please refer to the enclosed Wind Impact Assessment prepared by ViPAC.
m. Acoustic Report	Please refer to the enclosed Acoustic Report prepared by Acoustic Logic that assesses potential noise impacts and confirms appropriate mitigation measures to protect internal and external amenity.
n. Waste Management Plan	A Waste Management Plan prepared by Traffix Group, is enclosed with this submission.
o. Traffic Engineering Assessment	Please refer to the enclosed Traffic Impact Assessment prepared by Traffix Group.
p. Green Travel Plan	We respectfully request that the requirement for a Green Travel Plan is resolved through an appropriately worded planning permit condition. We submit that this is general practice and is particularly appropriate given the location of the subject site which benefits from excellent proximity to public transport and amenities.
q. Affordable Housing Report	Please refer to the enclosed Affordable Housing Report prepared by Model. The report demonstrates compliance with Clause 53.23-4 and addresses all preliminary comments raised.
An affordable housing report demonstrating how the affordable housing contribution specified in clause 53.23-4 (being at least 10 per cent of the total number of dwellings in the proposed development provided as	

affordable housing or an alternative contribution towards the provision of affordable housing) is intended to be provided if a permit is granted, updated to address preliminary comments above

r. Quantity Surveyor Report

A report prepared by a suitably qualified quantity surveyor which specifies the estimated cost of the proposed development of land for accommodation

Please refer to the enclosed Quantity Surveyor (QS) Report prepared by Slattery.

The estimated cost of the proposed development is \$75.4m. As set out in the QS Report this figure excludes items from the QS report that do not need to be included in the cost of the proposed development such as contingencies and consultant fees.

We note that the development cost listed in the Eligibility Letter from DTP included the 'total end cost' which includes the above items which fall outside the cost of the proposed development.

s. Other Required Documents

Any other document required by the Yarra Planning Scheme

We confirm that all documents required by the Yarra Planning Scheme ('Application Requirements') have been included with this submission.

4 Conclusion

We trust this information and the enclosed documents are sufficient to enable assessment of this application and prompt advancement to public notice.

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

Kind regards,



Billy Rebakis
 Director
 d. +61 3 9617 6638
 m. +61 405 707 704
 brebakis@urbis.com.au

