

The logo for URBIS, consisting of the word "URBIS" in a bold, white, sans-serif font, enclosed within a white square frame.

# 35-45 LITHGOW STREET, ABBOTSFORD

Town Planning Report

Prepared for  
**MODEL AUSTRALIA PTY LTD**  
March 2026

## URBIS STAFF RESPONSIBLE FOR THIS REPORT

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Project Code	P0053112
Report Number	Rev 3

## SUBMISSION DOCUMENTS

This report is to be read in conjunction with:

- 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 by 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.

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# EXECUTIVE SUMMARY

Urbis has prepared the current report for Model Australia in support of the proposed redevelopment of 35-45 Lithgow Street, Abbotsford (site).

The proposal will see the demolition and redevelopment of parts of the site to deliver 151 dwellings across two apartment buildings, alongside the adaptive reuse of the original warehouse building at the south-eastern corner of the site for a cafe and resident amenities.

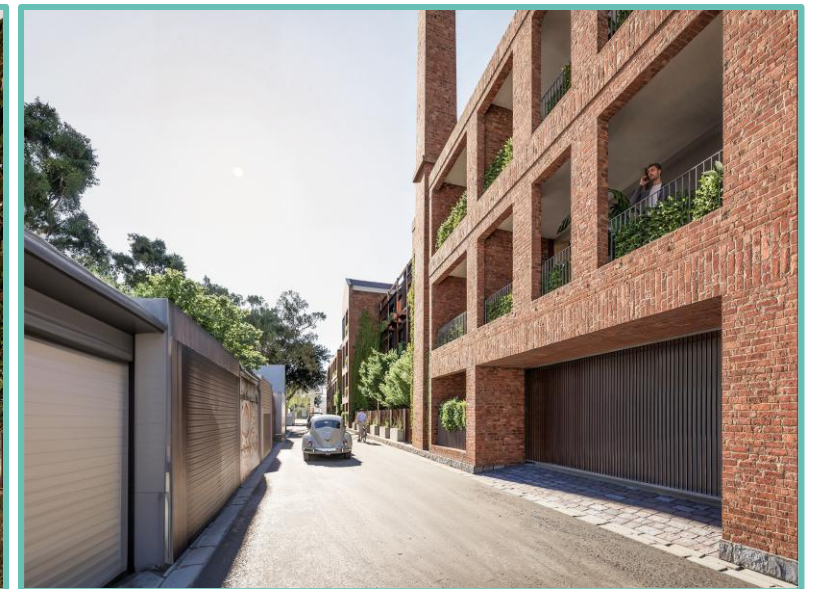
This approach will make a meaningful contribution to housing supply in an area with a clear local need for new, well-located, sustainable and high-quality homes, whilst also allowing for security of tenure for future renters.

The proposed scheme is the result of an extensive consultation process with the Department of Transport (DTP) and Office of the Victorian Government Architect (OVGA). This has led to a design that is heritage-led, sympathetic to its surrounds and delivers public benefit through the renewal of a blighted site, generous streetscape upgrades and affordable housing. As the OVGA observes, the proposal achieves these outcomes with distinction:



***...repositioning heritage as a design driver rather than a site constraint, has established an exemplary conceptual approach to the unique site.***

The project team is genuinely proud of what the proposal achieves. It will respect its place, add to the life of the neighbourhood and showcase the principle of 'density done well'. We look forward to engaging with DTP further as this proposal moves through the assessment phase.



## WHAT IS THE PLANNING ASK?




The site is in the City of Yarra and as such is subject to the Yarra Planning Scheme (planning scheme). The current permit application seeks permissions under the following provisions of the planning scheme:

Table 1. Summary of the proposal.

CLAUSE	PERMISSION SOUGHT
<b>Clause 32.04</b> Mixed use zone	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works</li> </ul>
<b>Clause 43.02</b> Design and development overlay	<ul style="list-style-type: none"> <li>Construct a building or construct or carry out works</li> </ul>
<b>Clause 43.01</b> Heritage overlay	<ul style="list-style-type: none"> <li>Partial demolition</li> <li>Construction of buildings and construct and carry out works</li> <li>External alterations</li> <li>External painting</li> <li>Carrying out works, repairs and routine maintenance which change the appearance of a heritage place</li> <li>Roadworks which change the appearance of a heritage place</li> </ul>

## ASSESSMENT SUMMARY

This report demonstrates that the proposal is an acceptable and appropriate outcome for the site for the following reasons:

-  **Strategic fit and location** – The proposal will deliver medium-density housing, including 10% affordable dwellings, in a Major Activity Centre with good access to public transport, services, and employment, directly supporting state and local housing supply and affordability objectives.
-  **Heritage-led design** – The proposed scheme will retain and restore the most significant elements of the 1927 Schweppes Cordial Factory, expressing it in the round' and integrating it with new built form in a way that cleverly reinterprets the site's industrial legacy.
-  **Contextually responsive built form** – Following OVGA input, the proposed design has evolved into three distinct mid-rise buildings, reducing visual bulk, increasing permeability and open space, and aligning more closely with the DDO22 height control. The final six-storey height represents a significant reduction from the original nine-storey concept and is a reasonable and appropriate built-form outcome.
-  **Public realm and landscape benefits** – The proposal delivers a genuine through-site pedestrian link, enhanced streetscape planting, reduced crossovers, widened nature strips, and deep-soil planting zones, improving connectivity, amenity, and urban greening for both residents and the wider community.
-  **High-quality internal amenity** – All apartments are provided with a high standard of internal amenity, supported by extensive communal facilities including a rooftop terrace, wellness centre, co-working spaces, and landscaped courtyards.
-  **Sustainability leadership** – The project targets best-practice sustainability targets and will set a new benchmark for environmentally responsible build-to-rent housing in inner Melbourne.
-  **Transport and access** – Car parking spaces are provided at Basement Level and do not exceed the maximum provision permitted by Clause 52.06. A strong bicycle parking offer is also provided which will encourage sustainable travel behaviour.

# 1. SITE AND SURROUNDS

The site is 35-45 Lithgow Street, which comprises one rectangular parcel of land between Lithgow Street to the east and Little Lithgow Street to the west. The site is approximately 3,096 square metres in area and is formally known as land on the following titles:

- Lot 1 on Title Plan 190219
- Lot 1 on Title Plan 297588
- Lot 1 on Title Plan 344636
- Lot 1 on Title Plan 381933
- Lot 1 on Title Plan 684290

## 1.1. EXISTING USE AND DEVELOPMENT

The site hosts a two-storey, currently disused warehouse building known as the former 'Schweppes Cordial Factory'. The building is constructed from brickwork above a bluestone plinth. It has a pitched slate roof along its eastern and western elevations.

Vehicle access to the site is taken via four single-width and one extra-width crossovers to Lithgow Street and two single-width crossovers to Little Lithgow Street.

The building is built to the site's boundaries with no ground-floor setbacks apart from a recess along its northern boundary with the neighbouring properties and slight recesses for access points and windows. At the first floor, some articulation is provided along the first floor of its primary frontage to Lithgow Street where three first-floor gables protrude over the footpath.

As is outlined in the accompanying Heritage Impact Statement (October 2025) prepared by Urbis, the building on the site was initially developed as a warehouse and manufacturing facility. As the facility's operations grew, so too did its footprint, with numerous augmentations of sympathetic design being added over time.

Key features on the site include a 21-metre-high brick smokestack toward the site's south-western corner, and a three-storey brick tower toward the centre of the site's western elevation.



## 1.2. INTERFACES

### 1.2.1.1. North

The site interfaces to the north with a single-storey Victorian style terrace dwelling at 49 Lithgow Street, Abbotsford. This dwelling is in the Neighbourhood Residential Zone - Schedule 1 (NRZ1).



Figure 1. The site (on the left) in relation to 49 Lithgow Street (centre of frame), facing south-west from Lithgow Street. Source: Google Maps.an

The dwelling at no. 49 has a contemporary extension built to its rear, and open space along the centre of its southern boundary and at its frontage and rear abuttal. Apart from this open space the original building and extension are built-to-boundary.

The open space along the southern boundary of no. 49 encroaches into the site (see Figure 2). Satellite images suggests that this land has been historically used by no. 49 for use as open space. The current application proposes no development on this land. Dwellings of similar form and scale to that at no. 49 continue on land farther north along Lithgow Street, however, these are punctuated by more modern typologies.



Figure 2. The site in relation to the open space at 49 Lithgow Street. Source: Nearmap.

The site is approximately 90 metres to the south of Lithgow Street's intersection with Mollison Street and by extension Victoria Crescent. The built form around this intersection is less residential and is typified by Victorian warehouses and postwar factoryettes.

### 1.2.1.2. East

The site's primary frontage faces east to Lithgow Street. Lithgow Street is a two-lane local road with parking and painted bike markings on either side.



Figure 3. The site's interface to Lithgow Street, facing south. Source: Google Maps.

Across from Lithgow Street is Abbotsford Primary School, with the site opposed to the main school building. This building is two-storeys and is built to a Collegiate Gothic style, with polychromatic brick, lancet windows and steep gables. The school is in the Public Use Zone 2 (PUZ2).



Figure 4. Abbotsford Primary School, facing east from Lithgow Street. Source: Google Maps.

### 1.2.1.3. South

The site interfaces to the south with a single-storey Victorian style terrace building at 33 Lithgow Street. South of no. 33, four similar dwellings line Lithgow Street before the streetscape becomes more built-up toward Victoria Street. 36 metres south of the site is a single-storey showroom at nos. 21-23. 55 metres south of the site is a five-storey apartment building at nos. 11-17. All of the land between the site and Victoria Street shares its MUZ zoning.



Figure 5. The site (on the left) in relation to 49 Lithgow Street (centre of frame), facing south-west from Lithgow Street. Source: Google Maps.



Figure 6. The existing apartment building at 11-17 Lithgow Street, facing south-west from Lithgow Street. Source: Google Maps.

#### 1.2.1.4. West

The site abuts Little Lithgow Street, an access laneway, to the west.



Figure 7. The site's rear (western) interface to Little Lithgow Street, facing north. Source: Google Maps.

Across Little Lithgow Street are the rears of dwellings that front William Street, farther west of the site. William Street is predominantly residential, with a mix of dwelling types on narrow, landscaped lots. William Street is in the NRZ1.

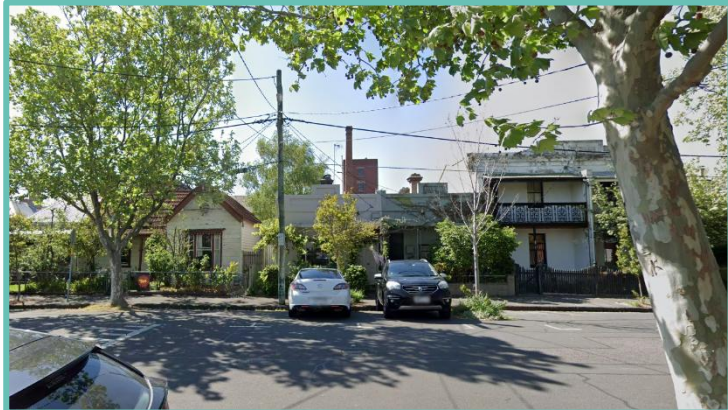


Figure 8. Dwellings along the eastern side of William Street, facing east with the brick tower on the site in the background. Source: Google Maps.

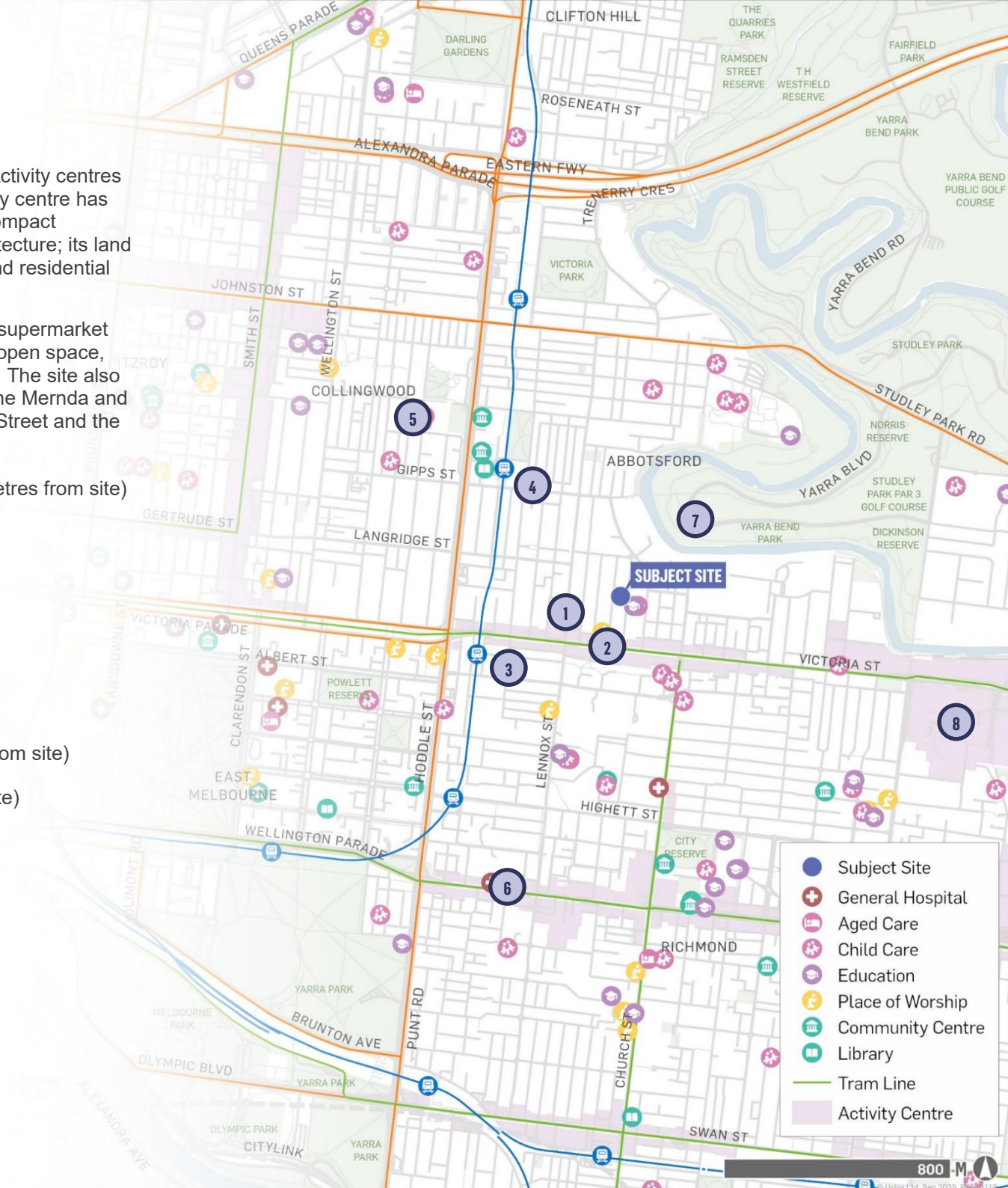


### 1.3. SURROUNDING CONTEXT

The site is in an established, mixed area that Clause 11.031L Activity centres identifies as the Victoria Street Activity Centre. While this activity centre has common features: a high building density, a fine street grain, compact orthogonal street grid and streetscapes with Victorian-era architecture; its land use and development are mixed, with a range of commercial and residential uses across buildings of varying scale and style.

Relevantly, the site is close to key amenities such as a full-line supermarket (Abbotsford Woolworths), schools (e.g., Collingwood College), open space, community-service centres and a hospital (Epworth Richmond). The site also has good access to existing transport infrastructure, including the Mernda and Hurstbridge railway lines, tram routes 12 and 109, and Hoddle Street and the Eastern Freeway.

- 1 The Hive Shopping Centre (Woolworths and Aldi, 180 metres from site)
- 2 Tram stop – routes 12 and 109 (190 metres from site)
- 3 North Richmond Station (500 metres from site)
- 4 Collingwood Station (550 metres from site)
- 5 Collingwood College – P-12 (760 metres from site)
- 6 Epworth Hospital (930 metres from site)
- 7 Yarra River and Yarra Bend Park (200 and 500 metres from site)
- 8 Victoria Gardens Shopping Centre (1,050 metres from site)



## 2. PRE-APPLICATION PROCESS

Model and Urbis thank DTP and OVGA for their extensive input through the pre-application process and recognise that this has positively shaped the resultant design.

### 2.1. DTP PRE-APPLICATION MEETINGS

The proposal was lodged through the DFP as pre-application no. PPA- 784 on 23 September 2024 before being assigned a new application number, PPA-788 on 2 October 2024. Since this point, the proposal has been the subject of five (5) in-person pre-application meetings, two with DTP, one with the City of Yarra and two with OVGA (Victorian Design Review Panel).

#### 2.1.1. First pre-application meeting (3 October 2024)

The initial pre-application meeting with DTP was held on 3 October 2024. At this stage, the proposal was a quite different scheme comprising a single-volume addition to the existing building on the site.



Figure 9. An indicative render showing the appearance of the first scheme (20 September 2024) to Lithgow Street. This was the scheme presented at the first DTP pre-application meeting on 3 October 2024. Source: Warren and Mahoney.

This initial design was characterised by sloping mansard roofs, a covered (internal) through-site link, a greater extent of heritage retention, and a building height of 9 storeys, or 26.8 metres excluding services. The initial proposal included 173 apartments and had a GFA of 14,182sqm.

Following this meeting, email advice on the proposed scheme was provided on 23 October 2024, the key points of which can be summarised as follows:

- The proposed height significantly exceeds the mandatory building height limit of 18 metres and consideration should be given to reducing the height to better align with policy and the site's context.
- Some of the apartments appear to have challenges accessing daylight and outlook. Compliance with the provisions of Clause 58 Apartment developments should be achieved.
- As the design response evolves, it will be critical to ensure appropriate treatment of the site's immediate sensitive interfaces, having regard to and minimising the impacts of overshadowing, visual bulk and overlooking.
- The retention of heritage elements such as the roof, rear tower and chimney is supported. The approach to materials is also supported.

#### 2.1.2. Pre-application meeting two (19 December 2024)

A second pre-application meeting with DTP was held on 19 December 2024, at which the second iteration of the development scheme was presented. Following the advice provided by DTP after the first pre-application meeting, the proposed scheme had been modified as follows:

- Upper-level setback to Lithgow Street increased by 1.0m to improve daylight amenity to lower-level apartments, which in this scheme were in a rank behind the fully retained heritage facade.
- Reduced setbacks to Lithgow Street along the two 'wings of the building, to offset for lost yield.
- Expanded upper-level floorplates and reduction in height by one storey.

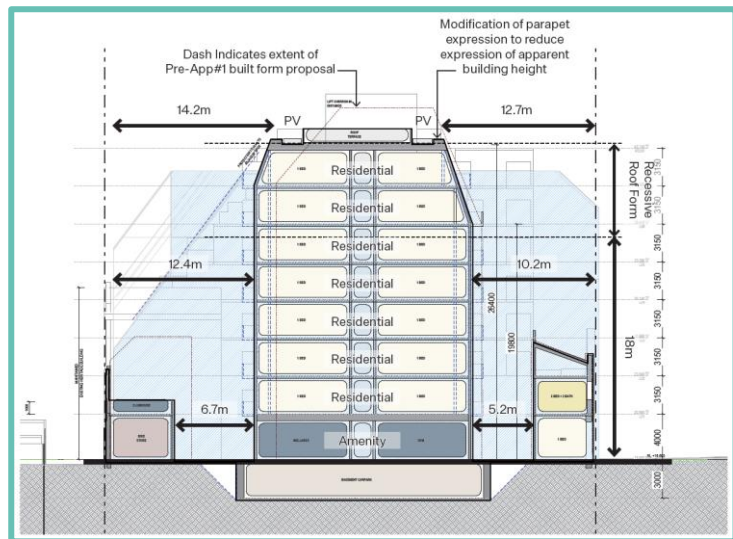


Figure 10. Section of the second scheme (6 December 2024). This was the scheme presented at the second DTP pre-application meeting on 19 December 2024.

At this meeting, DTP officers provided the following high-level design advice:

- The improvements to the design are acknowledged and there is an understanding of the feasibility challenges associated with delivering a scheme of the proposed nature.
- The proposed height remains a challenge and threshold issue, however, these are offset to a degree by the affordable housing, ESD and architectural offer.
- Approbative advice from OVGA would provide additional support from a built-form and design perspective.

## 2.2. CITY OF YARRA CONSULTATION MEETINGS

### 2.2.1. Initial meeting

Following the second pre-application meeting, an in-person consultation was held with planning staff at the City of Yarra on 10 February 2025.

At this meeting, the staff raised queries about height of the proposed development, though were also supportive in-principle of the site's

redevelopment for a multi-residential scheme that provided for affordable housing, activated the streetscape, achieved high ESD targets and reflected design excellence.

### 2.2.2. Second meeting

A second meeting was held with planning staff at the City of Yarra on 17 December 2025 to present the proposed development to officers. The scheme presented to planning staff, reflects the current design which had been reduced in height since the initial meeting with Yarra officers. At this meeting, the staff were supportive of the proposed design, including the reduction in height to 6 storeys.

## 2.3. OVGA / VICTORIAN DESIGN REVIEW PANEL

### 2.3.1. Initial design consultation

Following the above-mentioned preapplication meetings, DTP officers remitted the application to OVGA to run it through a Victorian Design Review Panel (VDRP). As a pre-screening ahead of this process, however, the second scheme was referred to OVGA, which on 22 May 2025 issued written advice in the form of a memo.

This advice was constructive and found that the proposal would benefit from a stronger conceptual approach that was clearly informed by the heritage building and immediate context. Adjustments to height, bulk, and site planning, it found, could also help achieve a more balanced outcome.

In its advice, the following specific design items were raised:

- A residential use with a minor retail component is appropriate.
- The proposed height and bulk may detriment the streetscape and public realm, and the design would benefit from being more clearly led by the heritage building's proportions and character.
  - The bulk, massing and modulation could be better balanced if the design were led less by planning constraints and more by an appraisal of the site's unique qualities.
  - The relationship between the new development on the site and its existing heritage identity could be strengthened through a refreshed

development approach and through the adoption of referential and sympathetic materials.

- The response to the site's heritage values could be bolder by keeping the heritage that matters, and overlaying the site with a stronger, more considered, contemporary-companion response.
- There are opportunities to improve the site through enhanced permeability and landscaping.

### 2.3.2. Panel one (2 July 2025)

In response to the OVGA's memo and in order to prepare it for the VDRP, the proposal was updated with a *refreshed design response guided by heritage, context and quality* (OVGA Panel One Submission Package, 1 July 2025, Warren and Mahoney).

This updated scheme had a revised massing approach that was intended to reduce the prominence of the addition. This brought the removal of an additional building level, the abandonment of the mansard rooflines and the deepening of upper-level setbacks (Figure 11).

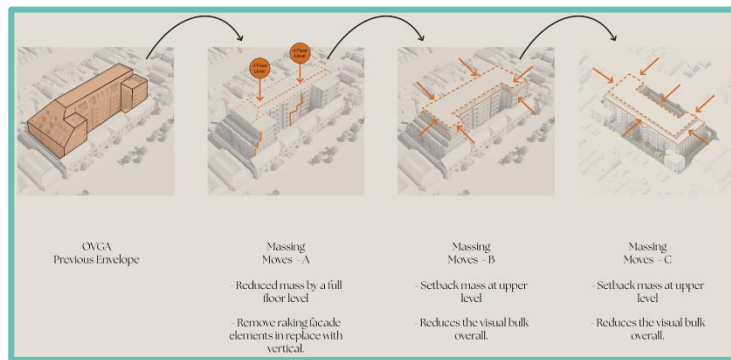


Figure 11. Revised massing approach as shown in the submission package (1 July 2025) presented to the first VDRP on 2 July 2025. Source: Warren and Mahoney.

Other key changes in this scheme were:

- The consideration of a greater extent of demolition, with the c.1960–1973 northern annex on the site identified as having potential *greater extent of works* (Figure 12).
- An updated material palette, which was considered to better integrate with the surrounding context (in evidence at Figure 13).

Figure 13 opposite shows an indicative visualisation of the scheme presented at the first VDRP.

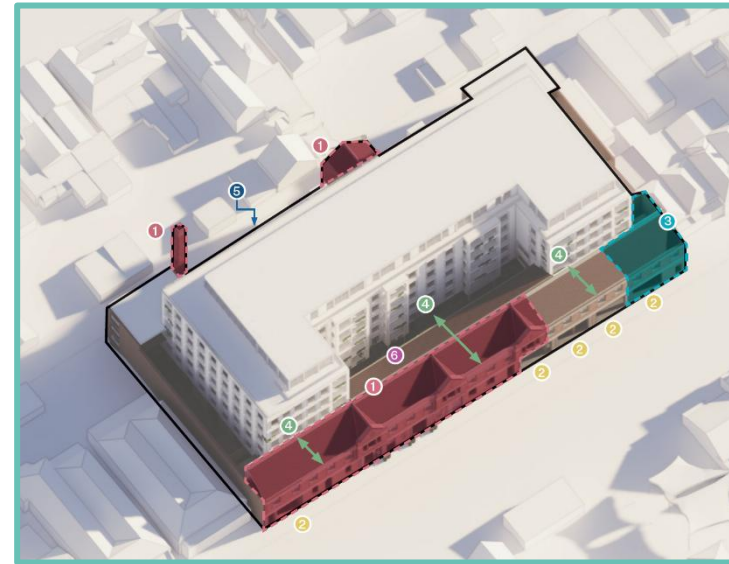


Figure 12. Visualisation of the scheme presented to the first VDRP (1 July 2025), with high-value heritage fabric shown in red and lower-value fabric in blue. Source: Warren and Mahoney.



Figure 13. Render of the scheme presented to the first VDRP (1 July 2025) on 2 July 2025. Source: Warren and Mahoney.

### 2.3.3. Panel two – 27 August 2025

Following the first VDRP on 2 July 2025, OVGA issued a Design Review Report dated 16 July 2025 encouraged a clearer heritage-led approach, noting that the initial concept could better express the site's industrial history. It suggested exploring a *collection of forms* rather than a singular mass, refining the relationship between new and retained buildings, and improving the integration of landscape and public realm.

OVGA also raised points for refinement around building height, recommending the proposed built form more strongly consider the current 18-metre height control, and to rethink materiality, encouraging a palette that more directly responded to the retained heritage fabric.

In response to this feedback, the design team undertook a substantial reworking of the proposal. The revised scheme, which was presented to a second VDRP on 27 August 2025, adopted a contextual 'neighbourhood of buildings' approach, breaking the mass into three distinct forms. The building height was also reduced further to sit broadly in alignment with the DDO22 control, improving the scheme's fit with the surrounding context. Within this scheme, the heritage building was repositioned as the centrepiece of the site, expressed 'in the round' and activated with residential amenities and a cafe to engage the street.

Materiality was refined, with brickwork at the podiums podium and distinctive metal cladding above. And public realm outcomes were strengthened through enhanced streetscape planting, reduced crossovers, and the introduction of a clear-to-sky pedestrian link.

At the second review on 27 August 2025, the OVGA considered the new site composition to be a significant improvement over from earlier concepts. It found the revised scheme to be a more nuanced response to the heritage context, with the current density – still high yield but reduced from the original concept – appropriate for a site of this scale.

The Panel in particular lauded the design team's boldness in reinventing proposal as three separated buildings, which it found created a more convincing 'collection of forms,' reminiscent of the site's original accretion of factory buildings. The Panel supported this redistribution of yield into lower-scale, clearly separated forms that respectfully address the primary heritage building, and strongly endorsed the adaptive reuse of the heritage building on Lithgow Street as residential support amenity. The OVGA also acknowledged and supported the reduction in height from the original nine

storeys, to seven, and now to a more appropriate six storeys, and emphasised the importance of delivering an attractive, enhanced public realm to Lithgow Street as part of the project offer.

We consider that the following quotes from the OVGA's final Design Review Report to be of relevance:

*We consider the built form composition is significantly improved from concepts discussed in previous OVGA workshops. The revised concept suggests a more nuanced approach to the heritage context, and the current density (still high yield although reduced from the original concept) seems on balance to be appropriate for this large urban site. We commend the design team for their bold reinvention of the site organisation. Proposing three separated buildings rather than a singular approach has led to a more convincing 'collection of forms', separated by lanes, reminiscent of the original accretion of factory buildings across the site.*

*Generally, we consider the development concept for this large site, being residential with minor retail use, is both appropriate and desirable in this locale.*

*We support the redistribution of yield using lower scale, clearly separated forms which respectfully address the primary heritage building. This creates a far stronger and more appropriate response to site and context than previously reviewed concepts.*

*We strongly support the revised concept to re-vision the heritage building to Lithgow Street as residential support amenity. This seems an appropriate use for the building, adding important amenity to support the increased population on the site.*

*To support the proposed reduced setback to Lithgow Street, we consider it critical that the project delivers an attractive, enhanced public realm to this street... There is potential significant community benefit from the changed conditions (including reduced crossovers and traffic, potential for widened nature strips etc) on Lithgow Street, and it is important this is part of the project offer.*

*We acknowledge and support the reduction in height which has significantly improved the design composition and the way it sits in its context. We note that over the course of OVGA workshops, the original scheme proposed 9 storeys, followed by a reduction to 7 storeys, with the current revised concept proposing a more appropriate 6 storeys.*

## 2.4. CURRENT DESIGN RESPONSE

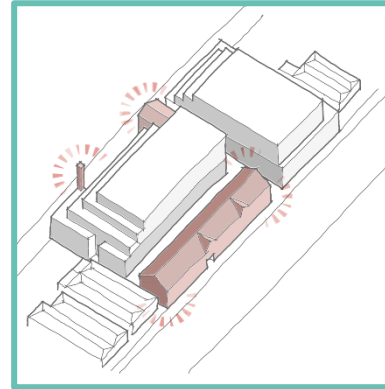
A common thread through the design advice to date from DTP, OVGA and the City of Yarra is the recognition that more housing is needed in Abbotsford and broadly in the municipality. It has also been agreed that the site is a suitable location to deliver on this priority. The key issue remains the preferred built form outcome on the site.

While the development schemes that were presented at the DTP pre-applications and first VDRP have architectural merit, they were based on the plausible assumption that the full extent of the site's heritage fabric needed to be retained. As outlined above, the advice from the OVGA following the first VDRP gave an imprimatur to think differently.

This licence from OVGA to 'prune' the site, by clearing away its non-original and less-contributory fabric, enabled the design team to then recast the proposal as the current scheme: a neighbourhood of forms that responds sympathetically to its local context and provides for a 'broken-up' and finer grain appreciation of the site.

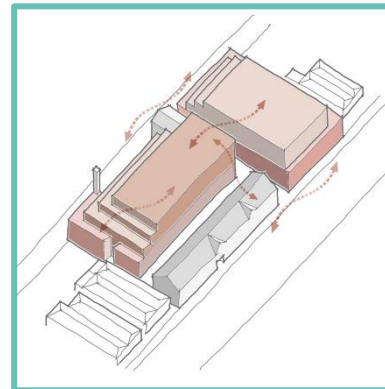
This scheme retains the same design philosophy that was presented in October 2024, however a massing arrangement that is more contextually responsive and an expression that is respectful to the heritage warehouse. The removal of lower-value elements has allowed the heritage building to stand as its own distinct, legible form. The new forms – varied in height and setback – create a layered composition that frames and complements the building while maintaining visual deference to it. Additionally, they are intended to make more of the heritage that is to be retained than the original response did, through the removal of less significant fabric in a manner that enhances and celebrates the original 1927 design by FL&K Klingender.

As discussed at Section 4.3 of Warren and Mahoney's Urban Context Report (September 2025), the three key principles for the proposal's built-form massing are as follows (quoted):



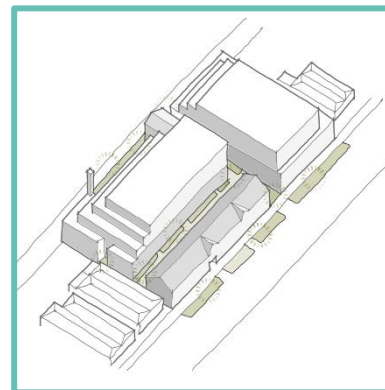
### ***Celebrate 1927 heritage, repurpose for living***

*Retain and celebrate the strongest heritage fabric of the 1927 redevelopment 'in the round,' while repurposing its extraordinary spaces to create unique residential amenity.*



### ***Neighbourhood fabric: contextual, scaled, connected***

*Develop new residential fabric as a neighbourhood of buildings that reflects the site's heritage context while breaking down scale to create a sensitive interface with street, lane and neighbours.*



### ***Porous green links and active edges***

*Create a porous and green site network of courtyards throughout the site, with active street edges, and a generous landscaped communal link connecting Lithgow Street and the rear lane way.*

## 2.5. RESPONSE TO OVGA DESIGN REVIEW REPORT DATED 27 AUGUST 2025

In response to feedback received from the OVGA the proposed development:

- Proposes to deliver high quality public realm improvements to Lithgow Street, which will deliver an attractive and enhanced public realm. Subject to detailed design to be agreed with Council this includes new street planting through conversion of existing loading zones including allowing for space for provision of outdoor seating, associated with the proposed café.
- The design carefully responds to the heritage significance of the 1927 FL & K factory, retaining and celebrating three defining elements: the Lithgow Street façade and factory building, the original chimney, and the pitched-roof tower on Little Lithgow Street. As set out in the supporting Heritage Impact Report, appropriate structural support will be provided for the retained chimney.
- Bicycle parking has largely been accommodated at ground level which will provide for convenient use for residents. The secure door accessible by swipe card will ensure 24-hour easy and safe access. A small provision of overflow bike storage is provided at basement level which is easily accessible from the lifts.
- The south facing studio apartments on the lower levels in the north building, located between the fire stair and corridor have been replaced with larger dwellings to improve internal amenity.
- An east facing window has been added to the northern building corridors in response to OVGA's comments. This will allow for natural light at all termination points of the north buildings corridors.

## 2.6. ELIGIBILITY

On 19 March 2026, eligibility for the proposal known as PPA-778 for the subject site was confirmed by the Development Facilitation Program (DFP) within the Department of Transport and Planning (DTP).

Under delegation from the Minister for Planning, written advice was provided confirming that a planning permit application for the proposal may be made under Category 1 of Clause 53.23 of the Yarra Planning Scheme. This determination was made on the basis that:

- *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.*

The eligibility letter also included preliminary comments in relation to building height and setbacks, heritage, residential amenity (Clause 58), environmentally sustainable design, and the affordable housing report, along with other matters identified in the Further Information section.

All matters raised in the eligibility correspondence have since been formally addressed. Responses to each item are set out in detail in the cover letter accompanying this report or addressed in this Town Planning Report.

# 3. PROPOSAL

## 3.1. PROPOSAL SUMMARY

The proposal will redevelop the one site for two apartment buildings and retain and restore (with some alterations to improve functionality) the site's original key heritage features, including the original 1927 factory on the land.

Additionally, the proposal includes various streetscape upgrades, on-site open space with deep-soil planting and a single-level basement car park with areas for bike parking, a waste room and resident storage cages.

In planning terms, the proposal seeks permission under the following clauses:

- **Clause 32.04 Mixed Use Zone (MUZ)**
  - Construct a building or construct or carry out works
- **Clause 43.02 Design and development overlay – Schedule 22 (DDO22)**
  - Construct a building or carry out works
- **Clause 43.01 Heritage overlay – Schedule (HO339)**
  - Partial demolition
  - Construction of buildings and construct and carry out works
  - External alterations
  - External painting
  - Carrying out works, repairs and routine maintenance which change the appearance of a heritage place
  - Roadworks which change the appearance of a heritage place

The proposed use of the land is *Dwelling* (apartments) and *Food and drink premises* (cafe smaller than 150 square metres). No permission is sought for the use of land as both of these land uses are as of right under Clause 32.04 Mixed use zone.

These requested permissions are sought under Clause 53.23 Significant residential development with affordable housing. As confirmed by the

Department of Transport and Planning on 19 March 2026, the proposal is eligible to be assessed under Category 1 in Table 1 to Clause 53.23 for the following reasons:

- The proposed land use is accommodation;
- The proposed estimated cost of development cost is at least \$50 million;
- The application will provide for an affordable housing contribution of 10 per cent of the total number of dwellings in the proposed development; 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.



## 3.2. PROPOSED DEVELOPMENT

The proposal will see parts of the site demolished to facilitate the land for two new apartment buildings and open space. This demolition will be targeted and remove only the later, non-original additions to the building on the site, with the key elements of its original 1927 footprint to be retained and conserved. The two new apartment buildings will then form a 'neighbourhood' of complementary mid-rise forms, arranged to respect the retained warehouse's primacy and integrate with the surrounding streetscape.

This approach will support a distinct visual separation between the heritage warehouse and apartment buildings, allowing for it to be appreciated in the round and read more distinctly. It will also create a vertical break toward the north of the site that brings both visual relief and the overall built form into closer alignment with its fine-grain context – while also enabling extensive open space at the ground floor and opportunities for deep-soil planting.

Across the site, varied facade treatments and modulations to building depth will reinforce this distinction, add visual interest and ensure the new elements are recessive and complement the retained heritage fabric.

Figure 14 opposite shows an indicative site plan of the proposed development. Table 2 below and Table 3 and Table 4 overleaf summarise the key details of the proposed development.

Table 2. Development summary.

DEVELOPMENT AREA	PROPOSAL
<b>Gross Floor Area</b>	<ul style="list-style-type: none"> <li>• 10,493sqm (excluding basement)</li> </ul>
<b>Net Floor Area</b>	<ul style="list-style-type: none"> <li>• 62sqm (commercial)</li> </ul>
<b>Resident amenity</b>	<ul style="list-style-type: none"> <li>• 575sqm (internal)</li> <li>• 720sqm (external)</li> </ul>



Figure 14. Indicative proposed site arrangement. Source: Warren and Mahoney.

Table 3. Key features of proposed development.

ELEMENT	PROPOSAL
<b>Height of building:</b>	<ul style="list-style-type: none"> <li>• 18.7 metres (excluding services)</li> <li>• Six storeys (excluding lift overrun and basement)</li> </ul>
<b>ESD benchmarks</b>	<p>Committed targets:</p> <ul style="list-style-type: none"> <li>• 5 Star Green Star 'Australian Excellence'</li> <li>• 7 Star NatHERS average and 6 Star NatHERS minimum</li> </ul> <p>Aspirational targets, subject to detailed design resolution:</p> <ul style="list-style-type: none"> <li>• 6 Star Green Star 'World Leadership'</li> <li>• Passivhaus Classic Certification</li> <li>• 9 Star NatHERS average or equivalent</li> </ul>
<b>Dwelling mix</b>	<p>151 apartments across:</p> <ul style="list-style-type: none"> <li>• 54 studios</li> <li>• 68 one-bedroom apartments</li> <li>• 9 one-bedroom plus study apartments</li> <li>• 20 two-bedroom apartments</li> </ul>
<b>Car parking spaces</b>	<ul style="list-style-type: none"> <li>• 43 in basement</li> <li>• 2 drop-off spaces on Lithgow Street</li> <li>• 2 loading bay spaces on Lithgow Street</li> </ul>
<b>Bicycle parking</b>	<p>94 spaces across:</p> <ul style="list-style-type: none"> <li>• 6 spaces on Lithgow Street (3 x bike hoops)</li> </ul>

	<ul style="list-style-type: none"> <li>• 48 spaces in ground-floor locked room in heritage building</li> <li>• 40 spaces in locked room in the basement</li> </ul>
<b>Resident amenities</b>	<p>Rooftop terrace:</p> <ul style="list-style-type: none"> <li>• Dog run</li> <li>• Clotheslines</li> <li>• Communal planters</li> <li>• Covered and uncovered seating</li> <li>• Cooking facilities</li> </ul> <p>Heritage warehouse:</p> <ul style="list-style-type: none"> <li>• Communal lounge</li> <li>• Cafe</li> <li>• Coworking space</li> <li>• Gym and wellness centre with spa, cold plunge and saunas.</li> </ul>
<b>Storage</b>	Storage cages for residents in basement, with 6 cubic metres each.

### 3.2.1. Waivers sought to mandatory controls sought under Clause 53.23-2

Clause 52.32-2 Planning scheme requirements provides that the Minister for Planning may waive or vary any of the following controls for an application that is eligible to be assessed under Clause 52.23 Significant residential development with affordable housing:

- *A minimum garden area requirement.*
- *Any building height or setback requirement.*
- *A condition opposite a use in Section 2 in a zone or a schedule to a zone.*
- *Any application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.*

Noting that the site is subject to mandatory building height and setback requirements under DDO22, the current proposal seeks the Minister for Planning's discretion to waive these controls as follows:

The relevant built-form controls for which waivers are sought are located at Section 2.2 and Map 4 to Schedule 22 to Clause 43.02.

Table 4. Summary of variances sought under Clause 53.23-2 to mandatory controls.

MANDATORY CONTROL	PROPOSAL	VARIANCE SOUGHT
Maximum height of building of 18.0 metres.	18.7 metres (excluding services, lift overrun and rooftop canopy).	700mm
Minimum upper-level setback above street wall of 6.0 metres.	1.50 metres (only at north of site).	4.50 metres.



### 3.2.2. Demolition

The proposal will involve the removal of later, non-original additions to the former Schweppes Cordial Factory complex, along with some internal elements at the warehouse to be retained. This demolition will make way for new apartment buildings and open space.

The scope of demolition has been designed to retain the key elements of the building's c.1927 footprint and other landmark features, while debriding fabric from subsequent phases of development that is not considered integral to the site's heritage significance.

Specifically, the buildings proposed for demolition include the following:

#### Northern extensions

- Demolition of the northern extensions to the original building on the site reveal its original northern return to the warehouse building, including:
  - Demolition of the sawtooth-roofed section and the northern gabled end of the Lithgow Street facade, both constructed between 1951 and 1960; and
  - removal of the flat-roofed section to the northern part of the site, dating from c.1960–1973.
- These elements occupy the northern allotments and are built to the street boundary. They will be replaced by the northern apartment building.



Figure 15. Indicative elevation of the proposed demolition along the Lithgow Street frontage. Source: Warren and Mahoney.

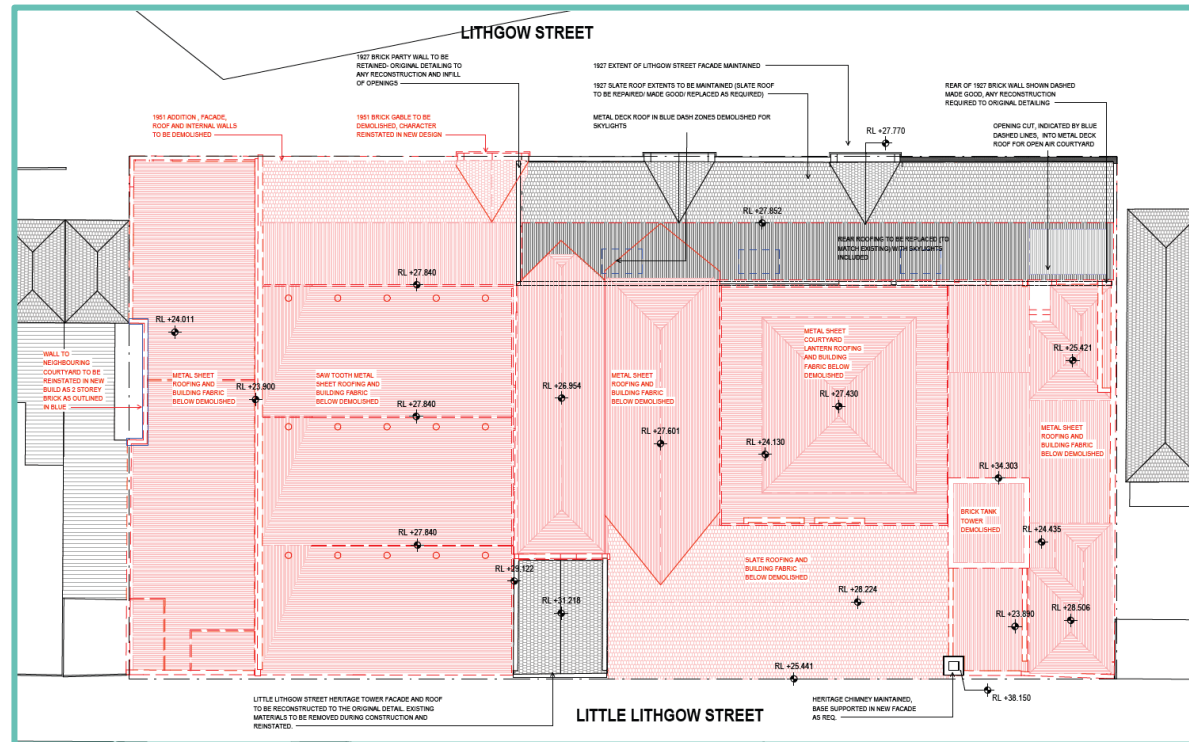


Figure 16. The demolition plan for the site. Source: Warren and Mahoney.

## Central and western built form

- Demolition of built form west of the main north-south gable-roofed section fronting Lithgow Street, excluding the existing chimney and tower to Little Lithgow Street.
- Removal of the brick tank tower to the south-west of the site.
- Removal of roof lantern, and hipped roof sections in the central part of the site.
- Dismantling of the gable-roofed tower, with reconstruction using salvaged materials. Some alterations to openings are proposed to facilitate its conversion into apartments.

## Openings and roof fabric

- Replacement of existing windows in the retained warehouse with new double-glazed timber-framed units, and removal of window security bars and mesh screens.
- Removal of non-original signage from the Lithgow Street façade.
- Western portion of heritage roof to be removed with parts reconstructed, to accommodate skylights and a roof terrace in the southern part of the retained warehouse.
- The demolition plan also includes the removal of later roller doors along Lithgow Street, with these openings to be adapted for new uses such as cafe entries, resident access, and building services.

For further information on the proposed demolition, please see the accompanying Heritage Impact Statement (October 2025) Urbis and Architectural Drawings (October 2025) Warren and Mahoney.

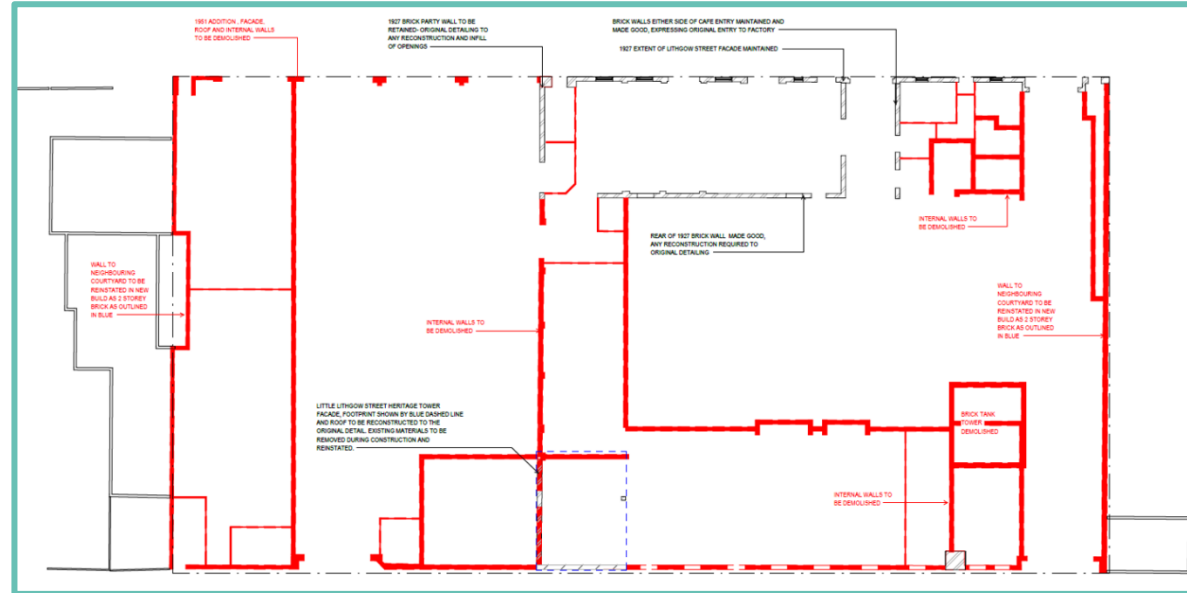


Figure 17. Site demolition plan (ground floor). Source: Warren and Mahoney.

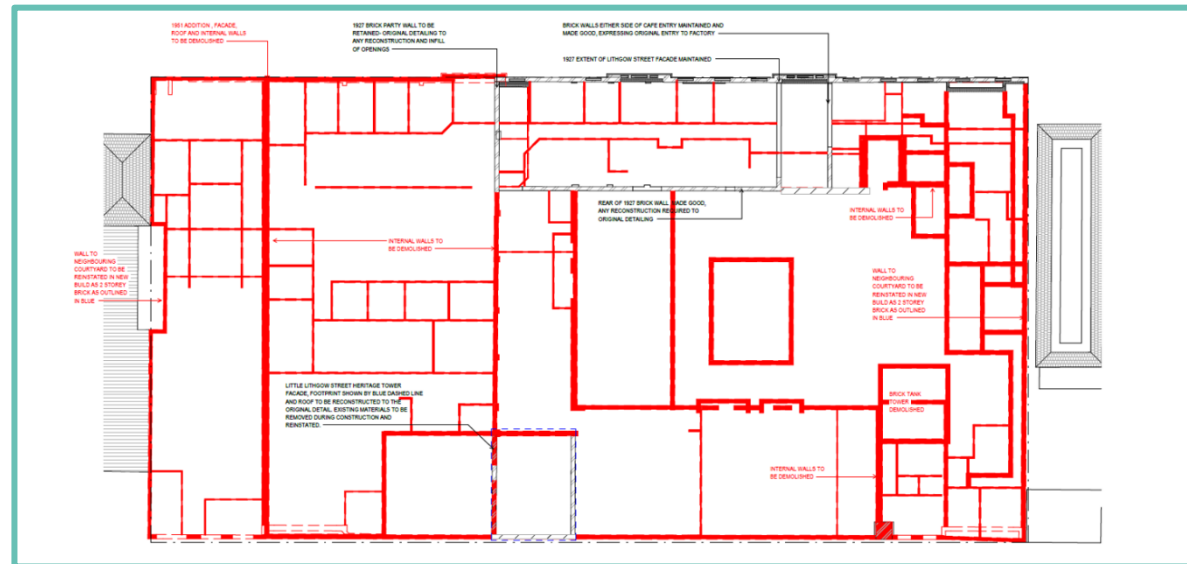


Figure 18. Site demolition plan (first floor). Source: Warren and Mahoney.

### 3.2.3. Retained warehouse

The retained warehouse will comprise the c. 1927 fabric and the original volume of the former Schweppes Cordial Factory fronting Lithgow Street. This portion is identified in the above-mentioned Heritage Impact Statement and in written advice from OVGA as having the most significant heritage value.

The proposal will entail conservation works to stabilise and restore the warehouse’s eastern facade. These works will also involve the removal of the building’s existing paint coat to reveal its bluestone plinth, rendered banding and brickwork. The full program of conservation works to the retained warehouse will comprise the following:

- Removal of paint from brick and stone surfaces using non-abrasive methods.
- Repair of exposed brickwork, stone foundations, and rendered detailing as required.
- Refurbishment of timber window frames, with replacement of glazing to improve thermal performance.
- Removal of later security bars and mesh screens from window openings.
- Removal of non-original signage from the parapet and façade.

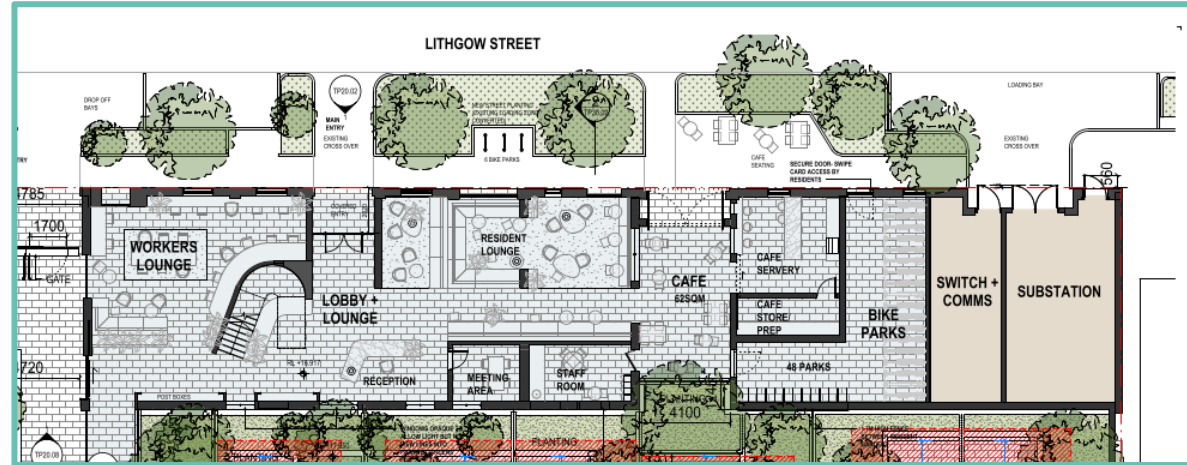


Figure 19. Ground-floor plan for the retained warehouse building. Source: Warren and Mahoney.



Figure 20. First-floor plan for the retained warehouse building. Source: Warren and Mahoney.

## Ground floor

After its restoration, it is proposed that the heritage warehouse be adapted for resident and community amenity uses. At ground level, the building will accommodate a public cafe, as well as facilities for residents including a lobby and lounge, co-working space, bike parking room, and mail room. Services including a switch and comms room and a substation will also be developed to at the southern extent of the ground floor.

## First floor

The upper level of the warehouse building will provide additional co-working spaces and a gym and wellness space for residents. These spaces will be arranged to fit the warehouse's existing layout, with original features such as exposed brickwork and steel beams retained where feasible.

The first floor will also include a roof terrace at the southern end of the building set behind the retained roof form where it will be concealed from street views.



Figure 21. 'Look and feel' images for the first-floor resident amenities. Source: Warren and Mahoney.



### 3.2.4. Apartment buildings

Two new apartment buildings will be constructed on the site, creating a single development with north and west 'wing' as well as the retained heritage warehouse to the east. Bridges will connect these to one another and the heritage warehouse.

Each apartment will be developed as a podium with set-back levels above. Lower levels will be clad in brick, a reference to the retained warehouse and broader heritage context. Standing-seam metal will clad upper levels, with each building in a separate colour to reinforce the appreciation of a 'neighbourhood' of forms.

#### 3.2.4.1. Northern building

The northern building will front Lithgow Street and Little Lithgow Street. Apart from a recess along its west, it will be built-to-boundary.

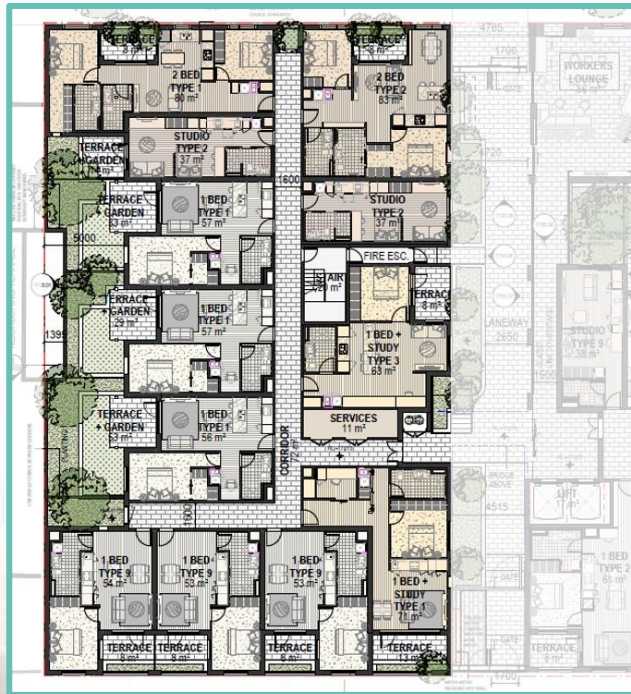


Figure 22. Northern building ground-floor plan. Source: Warren and Mahoney.

Along its northern elevation, the northern building will adopt a ground-level setback to the centre of its northern boundary. This space will provide for terraces to apartments and deep soil planting. Separately, a brick wall on boundary will be constructed along the northern boundary to provide privacy between the site and adjoining residential tenancy. The adjoining tenancy's brick wall (which encroaches onto the site by about 1.4 metres) will also be retained in situ.

Along its eastern elevation, the northern building will present a three-storey (9.50 metre) street wall, with inset balconies, integrated planter boxes and simple, regular fenestration. Upper levels along the northern elevation will adopt a continuous 1.50-metre setback from the title boundary.



Figure 23. Eastern elevation of northern building. Source: Warren and Mahoney.

Along its southern elevation, the northern building will carry nil setbacks up to its top floor (level five), though incorporate some modulation through recessed windows, balconies and an external staircase. Apart from where balconies are present physical break of between 4.735 and 4.515 metres is maintained at all points between the northern and two south-adjoint buildings.

Along its western elevation, the northern building presents a similar scheme to the eastern elevation with a three-storey brick podium and recessed (3.145-metre setback including balcony) tower clad in light-grey metal above. The tower is then tiered back further from Little Lithgow Street with multiple added setbacks above.

### 3.2.4.2. Western building

The western building will be situated behind the heritage warehouse, fronting Little Lithgow Street to the west and extending to the southern site boundary. It will incorporate the reconstructed heritage tower at its north-western corner and feature a podium that is built to the site's southern and western boundaries.

Along the ground floor of the building's southern elevation, a courtyard and terrace will provide two ground-floor setbacks. Similarly, along the western elevation, a row of terraces and raised planters, as well as a recess to accommodate the existing smokestack, will provide offsets to the street edge.



Figure 24. Western building ground-floor plan. Source: Warren and Mahoney.

The building's northern elevation will feature no windows and be built up as a sheer wall, with articulation provided through varied building depths. At no point will the western building reduce the separation to the northern building to less than 4.515 metres (excluding balconies).

Along the eastern boundary of the western building, a series of ground-floor terraces with deep-soil planting will provide private open space and amenity to the lower-level apartments. Upper levels along this elevation will be clad in light-bronze metal and be set back generously from Lithgow Street (over the heritage warehouse) by between 15.035 and 15.335 metres.

To provide for open space and a visual break between the warehouse and western building, a setback of between 4.080 and 5.120 metres will be provided between the two elements

Along the southern elevation, apart from a 3.790-metre-deep courtyard to the south, the western building's podium will be effectively built to the common boundary. At the third floor, a 3.055-metre-deep setback is introduced, with this expanding to 6.175 metres (including balcony) at floor four. An expanded setback of 8.975 metres is then provided at the level above (floor five).



Figure 25. Elevation of the western building's southern edge (facing east). Source: Warren and Mahoney.

At its western elevation, the proposal will reconstruct the existing tank tower from salvaged materials where feasible and provide for the retention in-situ of the landmark smokestack (with supporting structures as necessary).

Then, from the ground plane – which is recessed along the centre of the elevation owing to outdoor terraces – the podium will rise to four storeys (12.40 metres) before setting back by 5.655 metres (excluding balconies and existing tank tower) the fourth floor. This setback increases to 9.2 metres (excluding balconies) at the fifth floor, with the tank tower falling beneath.

### 3.2.5. Basement

The proposal will include a single-level basement with car and bike parking spaces, resident storage cages, services including a rainwater tank, and two waste loading and bin storage rooms – one for the residents and one for the cafe's waste stream. The basement will be accessible via two internal staircases and a lift.

### 3.2.6. Car parking, access and servicing

The basement will accommodate 43 car parking spaces, with three bays for electric vehicles. The basement will be accessible to vehicles via a ramp to the south-west of the site, with grades of 1:8 (top), 1:4 (middle) and 1:8 (bottom). In accordance with planning scheme requirements, all car parking spaces will be 2.6-metres wide, 4.9-metres long and accessible from a 6.4-metre-wide aisle.

At the ground plane, the proposed streetscape upgrades will provide for two time-limited drop-off bays toward the north of the site and two loading bays at the south of the site. All of these spaces will be 2.5-metres wide by 6.0-metres long.

The loading bay will enable loading and servicing for the proposed cafe, as well as direct access to the building services for contractors.

Waste collections for both the dwellings and cafe will occur twice per week and via the basement. A private contractor will be engaged to collect the waste generated on the site.

For further detail on parking and access arrangements, please refer to the accompanying Traffic Engineering Assessment (October 2025) prepared by Traffix.



Figure 26. The proposed basement arrangement. Source: Warren and Mahoney.

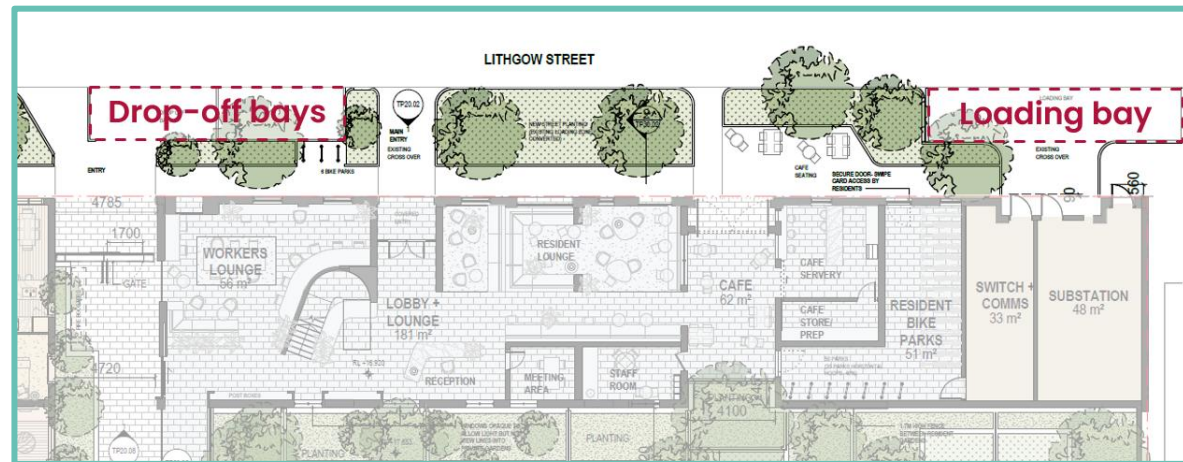


Figure 27. The proposed access arrangement at the ground floor frontage to Lithgow Street. Source: Warren and Mahoney.

### 3.2.7. Open space, streetscape upgrades and landscaping

The arrangement of buildings will allow for a high proportion of open space at the ground plane, supporting a distinctively landscaped outcome for a development of this scale and context. The layout also supports ground-floor terraces for residents and accommodates deep-soil planting – features uncommon in comparable inner-urban projects.

The multiple-building arrangement creates a central, clear-to-sky link between Lithgow Street and Little Lithgow Street, forming a primary pedestrian circulation spine and allowing residents to choose their street of entry or exit. The link will be framed by landscaped edges and deep-soil planting, with gated entries at each end for controlled access.

Along Lithgow Street, streetscape upgrades will include new lawn areas, tree planting and garden beds, creating public benefit through the enhancement of an inactive and deteriorated interface. On Little Lithgow Street, planting and raised planters will soften perceptions of built form and the laneway environs.

Additional communal open space will be provided at the roof where planting, including tree planting, will support biodiversity. The design of the rooftop terrace will maximise the usability and function of the space, incorporating communal herb garden, seating areas, cooking facilities, clotheslines, and a designated dog-run.

For more information on open space, please refer to the Architectural Drawings (October 2025) by Warren and Mahoney and Landscape Concept Design (October 2025) by Ratio.



Figure 28. Ground-level public and private greenery plan. Source: Ratio.

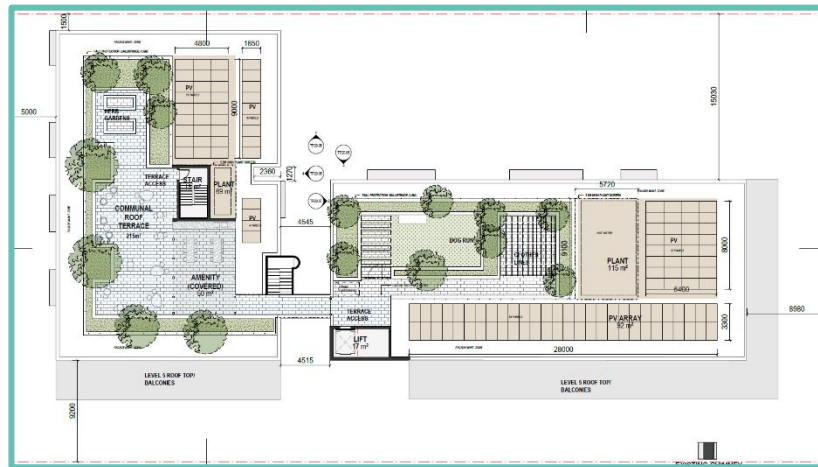


Figure 29. Roof terrace plan. Source: Warren and Mahoney.



Figure 30. Render of ground-floor resident courtyards, facing north. Source: Warren and Mahoney.

### 3.2.8. ESD benchmarks

The proposal seeks to set a new benchmark for environmentally sustainable development in inner Melbourne, combining superlative building ratings with an adaptive reuse scheme.

The proposal commits to achieving the following targets:

- **5 Star Green Star:** 'Australian Excellence' in sustainable building design.
- **7 Star NatHERS average and 6 Star NatHERS minimum:** delivering strong energy performance across all dwellings.

Additionally, subject to detailed design, the proposal will strive for the following aspirational targets:

- **6 Star Green Star:** 'World Leadership' in sustainability.
- **Passivhaus Classic Certification:** achieving exceptional energy efficiency and indoor environmental quality.
- **9 Star NatHERS average or equivalent:** optimising operational performance and minimising household energy costs.

Beyond these targets, the project will align with industry-leading sustainability principles that go well beyond standard fare:

- **Adaptive reuse of the heritage-listed Schweppes Cordial Factory**
  - The primary volume of the c.1927 factory as well as the site's landmark heritage features will be retained and adapted for the site's future use, avoiding demolition and rebuild emissions that would otherwise occur.
- **Mass timber construction**
  - The primary structure is intended to use cross-laminated timber (CLT) and other engineered timber products in place of concrete and steel, reducing embodied carbon by approximately 50 per cent when compared with conventional construction methods.
  - It is proposed that all timber used in the development of the proposal will be responsibly sourced and third-party certified.

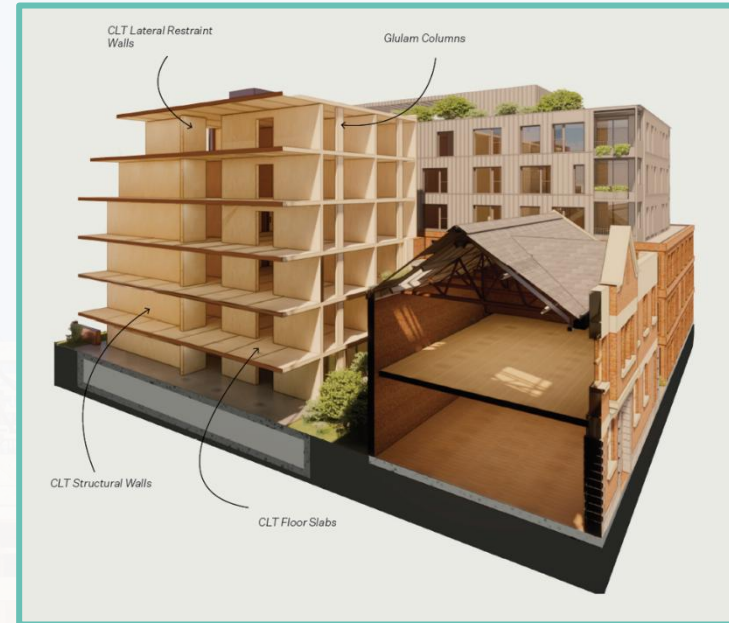
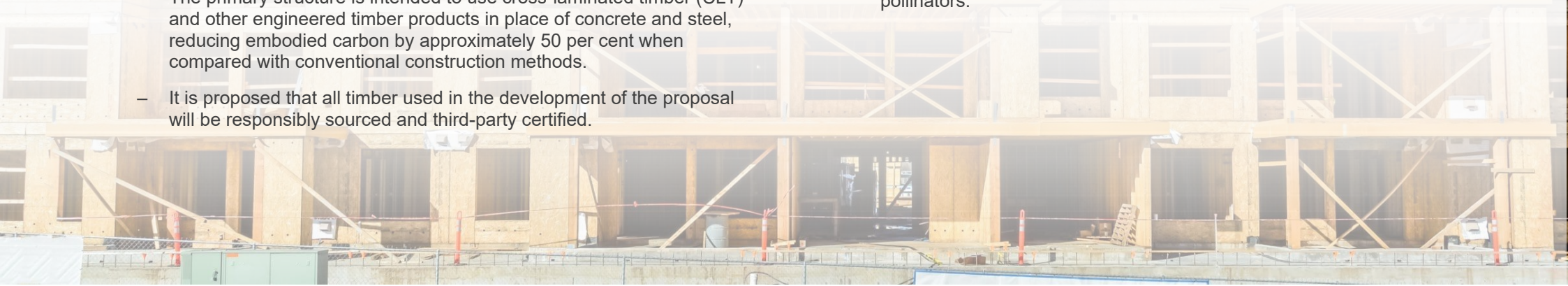


Figure 31. Axonometric section of the proposal's mass-timber construction. Source: Warren and Mahoney.

- **Urban biodiversity**
  - More than 700 square metres of landscaped area will be delivered across the site. Planting design within these areas also contribute to an urban environment that improves local biodiversity.
  - Additionally, a significant nesting tree is proposed as part of the streetscape upgrades and will provide habitat for native birdlife and pollinators.



## 4. YARRA PLANNING SCHEME

A detailed overview of the relevant planning controls and policies is provided in [Appendix A](#).

A summary of the key controls and policies is provided below.

### 4.1. MIXED USE ZONE

The subject site is located within the Mixed Use Zone (MUZ) pursuant to Clause 32.04 of the Yarra Planning Scheme. The MUZ seeks to:

- To implement the *Municipal Planning Strategy and the Planning Policy Framework*.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Relevantly, the zone provides that:

- A permit is not required to use land for *Dwelling* or for a *Food and drinks premises* with a leasable floor area of equal to or less than 150 square metres (Clause 32.04-2).
- A permit is required to construct two or more dwellings on a lot (Clause 32.04-7).



## 4.2. OVERLAYS

### 4.2.1. Design and Development Overlay – Schedule 22

The site is affected by the Design and Development Overlay – Schedule 22 (DDO22), which refers to the 'Victoria Street Activity Centre'. DDO22 provides the following design objectives:

- To support a mid rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas.
- To ensure that new development respects the values of heritage buildings and maintains their prominence in the streetscape.
- To maintain a prominent street wall character along Victoria Street with new development at upper levels setback, visually recessive and clearly distinct.
- To provide a comfortable level of street enclosure and ensure a high-quality built form interface to all streets and public spaces.
- To minimise amenity impacts on residential properties adjoining the Victoria Street activity centre including overlooking, overshadowing and visual bulk impacts.

More specifically within DDO22, the site is located within 'Precinct 4 – Victoria South East'. It is policy for this area that development must:

- not overwhelm the heritage buildings on Victoria Street and Lithgow Street;
- maintain and reinforce the prominence of the street wall character of Victoria Street;
- maintain a sense of openness of Victoria Street;
- maintain views to the Skipping Girl sign when viewed from the intersection of Leslie Street and Victoria Street;
- provide a respectful transition to heritage buildings along Victoria Street and along Lithgow Street;

- provide a transition to the predominantly single storey buildings in heritage precincts adjoining the activity centre; and
- respect the low scale existing development adjoining the activity centre.

The controls for Precinct 4 further provide a mandatory maximum building height of 18 metres. Along the eastern frontage, development must retain the heritage facade, and where no heritage facade exists, an 11-metre street wall must be maintained.<sup>6</sup> Additionally, any built form above a historically significant building must be set back 6 metres.



#### 4.2.1.1. Setback requirements

The subject site is located within a heritage overlay meaning it must *occupy no more than one quarter of the vertical angle defined by the whole building in the view from a sight line at a height of 1.7 metres above the footpath (on the opposite side of the street)*. Figure 32 below provides a of this requirement.

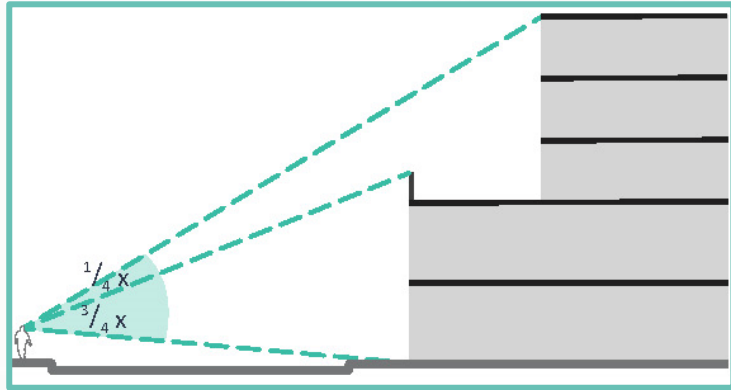


Figure 32. Heritage setback requirement under DDO22.

#### 4.2.1.2. Building separation requirements

The DDO22 outlines that the following should be achieved:

- Where development shares a common boundary, upper level development must:
  - be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed;
  - be setback a minimum of 3.0m from the common boundary where a commercial or non habitable window is proposed.
- Where the common boundary is a laneway, the setback is measured from the centre of the laneway.
  - In addition to the above, a building that exceeds a height of 21 metres must be setback at least one-sixth of the width of the lot to maintain views to the sky between buildings. Where the boundary is a laneway, the setback is measured from the centre of the laneway.

#### 4.2.1.3. Vehicular access requirements

DDO22 implements the following requirements for vehicle access:

- Development must provide vehicular access from rear lanes or from side streets.
- Development with redundant vehicle access points must reinstate the kerb, line mark parking bays, and relocate any parking signs.
- Pedestrian access to buildings, including upper level apartments, must be from a street or a shared zone. Where pedestrian access can only be provided from a laneway, the pedestrian entrance must be setback from the rear laneway and well lit to enable safe access.

#### 4.2.1.4. Building design requirements

DDO22 requires that development must:

- incorporate vertical articulation in the street wall that reflects the prevailing pattern of subdivision and buildings;
- allow for commercial activity at the ground and first floor (as a minimum) incorporating commercial floor to floor heights of at least 4m, where heritage elements are not a constraint;
- incorporate awnings over the footpath on commercial zoned land for the full width of the lot, continuous with any adjoining awning;
- be expressed in the round and provide detail on facades when viewed from all directions;
- incorporate an architectural expression at upper levels that is distinct from but complimentary to the street wall.

#### 4.2.1.5. Heritage building design requirements

##### Building facades and street frontages for infill buildings and development adjoining a heritage building

*Façade treatments and the articulation of infill buildings on land affected by a heritage overlay and of new buildings on land immediately adjoining a heritage building must:*

- *ensure the façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of the adjoining heritage building(s);*
- *respect the vertical proportions of the nineteenth and early twentieth century facades of the heritage streetscape and/or adjoining heritage building(s);*
- *avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts;*
- *maintain the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building;*
- *be articulated to reflect the fine grained character of the streetscape.*

**Building facades and street frontages for contributory or individually significant buildings**

*Adaptation of contributory or individually significant buildings must:*

- *avoid highly reflective glazing in historic openings;*
- *encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings;*
- *maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.*

**Upper levels (above street wall height)**

*Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:*

- *be visually recessive and not visually dominate the heritage building and the heritage streetscape*
- *retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’;*
- *utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades;*
- *incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape; and*
- *be articulated to reflect the fine grained character of the streetscape.*

## 4.2.2. Heritage Overlay

The subject site is subject to Heritage Overlay – Schedule 339 (HO339). Under Clause 43.01, the purpose of the HO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

HO339 relates to the heritage place of 'William Street Precinct, Abbotsford'. This heritage policy applies to the subject sites immediate surrounds to the north, south and west, it partially applies to the north eastern sites.



Subject Site  
Heritage Overlay

### 4.2.3. Environmental Audit Overlay

The subject site is located within the Environmental Audit Overlay (EAO) Under Clause 45.03, the purpose of the EAO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The provisions of the EAO provide that before a sensitive use (including a residential use) commences or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or
- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.



Legend:  
[Black Outline] Subject Site  
[Orange] Environmental Audit Overlay

#### 4.2.4. Development Contributions Plan Overlay – Schedule 1

The site is affected by Development Contributions Plan Overlay – Schedule 1 (DCPO1), this refers to 'Yarra Development Contributions Plan'.

The DCPO aims to:

- *...identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Schedule 1 of Clause 45.01 outlines that the subject site is within Area 07-Abbotsford requiring \$2,040.56 per dwelling.



### **4.3. GENERAL AND PARTICULAR PROVISIONS**

The following general and particular provisions are relevant:

- Clause 52.06 – Car parking
- Clause 52.29 – Land adjacent to the Principal Road Network
- Clause 52.34 – Bicycle parking
- Clause 53.23 – Significant residential development with affordable housing
- Clause 58 – Apartment developments

### **4.4. MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK (PPF)**

The following clauses of the Municipal Planning Strategy and PPF are relevant.

#### **Municipal Planning Strategy**

- Clause 02.01 – Context
- Clause 02.01-2 – Community and population growth
- Clause 02.01-3 – Activity centres
- Clause 02.01-5 – Climate change
- Clause 02.01-6 – Built environment and heritage
- Clause 02.01-7 – Housing
- Clause 02.02 – Vision
- Clause 02.03-1 – Settlement
- Clause 02.03-4 – Built environment and heritage
- Clause 02.03-5 – Housing
- Clause 02.04 – Strategic Framework Plans

#### **Planning Policy Framework**

- Clause 11 – Settlement
- Clause 11.01.1S – Settlement
- Clause 11.01-1R – Settlement – Metropolitan Melbourne
- Clause 11.03-1S – Activity centres and precincts
- Clause 11.03-1R – Activity centres and precincts - Metropolitan Melbourne
- Clause 11.03-1L – Activity Centres
- Clause 15.01-1S – Urban design
- Clause 15.01-1R – Urban design - Metropolitan Melbourne
- Clause 15.01-1L – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L – Building design
- Clause 15.01-2L-01 – Environmentally sustainable development
- Clause 15.01-4S – Healthy neighbourhoods
- Clause 15.01-5S – Neighbourhood character
- Clause 15.03-1S – Heritage conservation
- Clause 15.03-1L – Heritage
- Clause 16 – Housing
- Clause 16.01-1S – Housing supply
- Clause 16.01-1R – Housing supply - Metropolitan Melbourne
- Clause 16.01-1L – Location of residential development
- Clause 16.01-1L-01 – Housing diversity
- Clause 16.01-2S – Housing affordability

- Clause 16.01-2L – Housing affordability

## 4.5. STRATEGIC DOCUMENTS

### 4.5.1. Plan for Victoria

Plan for Victoria is a long-term strategy that aims to create a state which offers choice and opportunity in housing and employment, while providing for the environment and caring for Country. The Plan is intended to guide land use and development across the state at a high level until 2051. The Plan's key pillars are:

- Self-determination and Caring for Country
- Housing for All Victorians
- Accessible Jobs and Services
- Great Places, Suburbs, and Towns
- Sustainable Environments

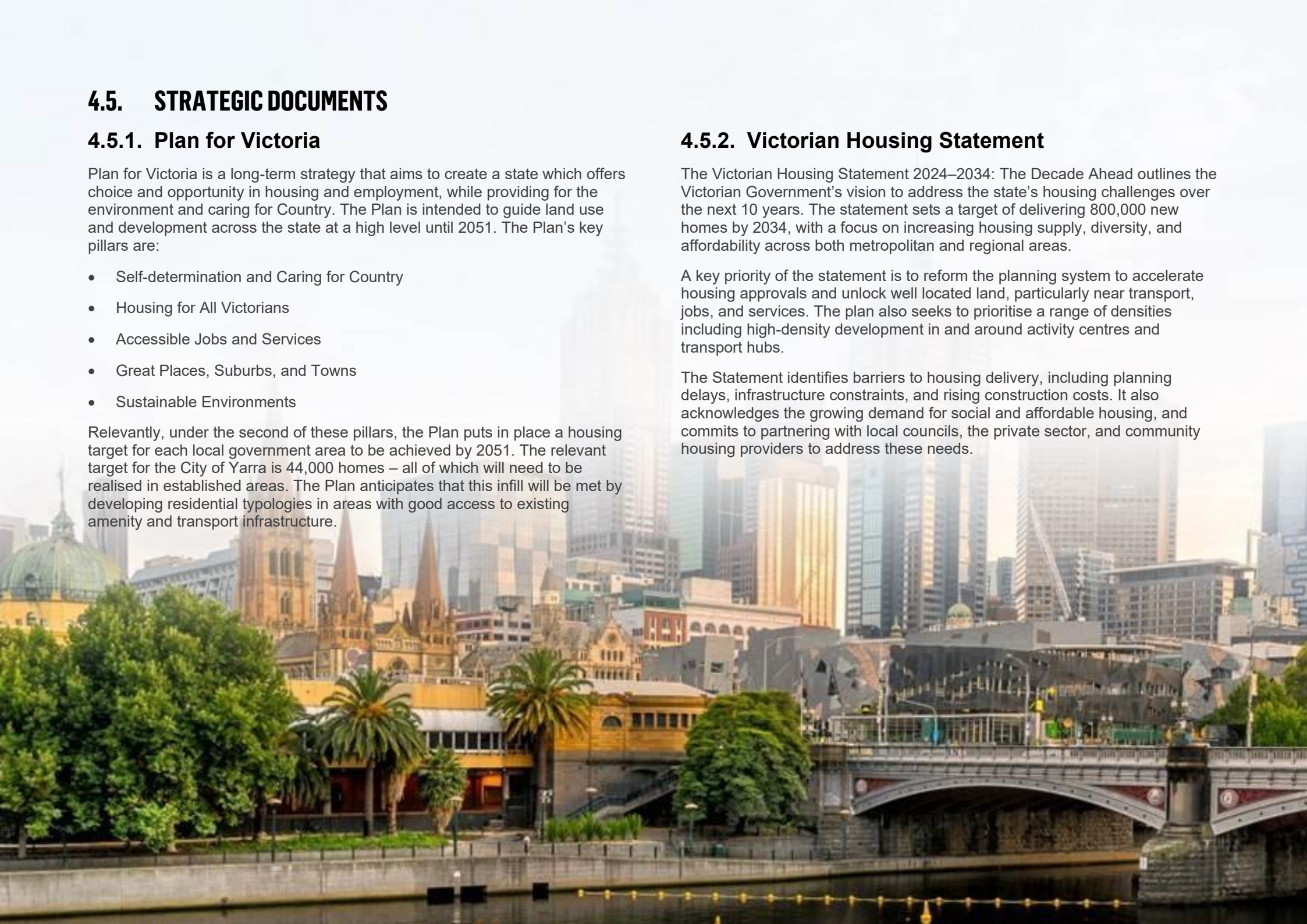
Relevantly, under the second of these pillars, the Plan puts in place a housing target for each local government area to be achieved by 2051. The relevant target for the City of Yarra is 44,000 homes – all of which will need to be realised in established areas. The Plan anticipates that this infill will be met by developing residential typologies in areas with good access to existing amenity and transport infrastructure.

### 4.5.2. Victorian Housing Statement

The Victorian Housing Statement 2024–2034: The Decade Ahead outlines the Victorian Government's vision to address the state's housing challenges over the next 10 years. The statement sets a target of delivering 800,000 new homes by 2034, with a focus on increasing housing supply, diversity, and affordability across both metropolitan and regional areas.

A key priority of the statement is to reform the planning system to accelerate housing approvals and unlock well located land, particularly near transport, jobs, and services. The plan also seeks to prioritise a range of densities including high-density development in and around activity centres and transport hubs.

The Statement identifies barriers to housing delivery, including planning delays, infrastructure constraints, and rising construction costs. It also acknowledges the growing demand for social and affordable housing, and commits to partnering with local councils, the private sector, and community housing providers to address these needs.



## 5. ASSESSMENT

The following sections of this report provide an assessment of the proposal against the relevant statutory and strategic provisions of the Planning Scheme having regard to the site's physical context.

This assessment focuses on the appropriateness of the following key matters:

- 1 Planning merit
- 2 Built form
- 3 Heritage
- 4 Environmental and amenity impacts
- 5 Internal amenity
- 6 Sustainability
- 7 Landscaping
- 8 Transport
- 9 Waste
- 10 Potential for land contamination

Each of these matters is dealt with in turn below.



## 5.1. PLANNING MERIT

### The housing proposition has strong strategic merit.

The Municipal Planning Strategy and Planning Policy Framework provide substantial strategic support for a development of the proposed nature on the site. The site is in an identified economic and activity area (Victoria Street Activity Centre) and is walkable to railway stations and tram stops.

Plan for Victoria recognises the need for *well-designed homes at an affordable price point and close to daily needs*. It also recognises that *ensuring housing is affordable, diverse and accessible is central to creating inclusive, prosperous, liveable communities* and, to this end, promotes the increased development of medium- and high-density housing close to transport.

North Richmond Station is located 500 metres south-west of the site, and Collingwood station is located 550 metres north-west of the site. These stations are served by frequent, high-quality public transport services towards the Melbourne CBD and other employment and amenity clusters. Additionally, the tram stops 190 metres to the south of the site provide services along Victoria Street between Port Melbourne, the CBD and Box Hill.

The Municipal Planning Strategy also supports growth of this scale at this location. The Strategic Framework Plan at Clause 02.04 notes that the land on and around the site is in a 'Major Activity Centre,' to which Clause 11.03-1L directs *high-quality mid-rise buildings* alongside wider urban consolidation. In addition, Clause 2.03-1 specifies that:

- *Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city's growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*

Under this clause, areas where residents can access most of their daily needs within a convenient walking, cycling or public transport journey are also recognised for housing growth.

The Planning Policy Framework also recognises the suitability of the site for change and residential development. Clause 16.01-1L directs *new housing development to locations in a major or neighbourhood activity centre...as shown in clause 02.04*. Clause 16.01-1R recognises that areas in activity

centres with good access to public transport and near existing railway stations as ideal locations for housing change. Clause 16.01-1S includes strategies to:

- *Increase the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land)*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

### The proposal will support housing affordability and choice.

Clauses 16.01-1L-01, 16.01-2S and 16.01-2L provide policy backing for residential developments that incorporate a proportion of affordable housing and integrate these with the remainder of the development. Consistent with these policies, the proposal will provide for 10 per cent of the dwellings on the site as affordable housing.

These provisions, as well as Clause 16.01-1S, also emphasise a need to widen the stock of dwelling types in established areas to increase choice and social mobility. The proposal will provide an appropriate diversity of apartment types and increase the range of dwelling types in an area where land is currently defined by a largely homogenous mix of lower-density single dwellings. While the proportion of apartments with two bedrooms is less than other types, the proposal's contribution to apartment dwellings is in this wider context remains a meaningful aspect of the proposal and there is a sufficient response to Clause 16.01-1S.

Clause 16.01-1S in particular has an objective to *facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of types*. Build-to-rent housing is an emerging model that provides an important contribution to the housing mix, particularly in inner areas, offering an alternative to typical ownership structures and providing choice to its occupants. Prospective occupants may choose to lease an apartment in a build-to-rent development rather than committing to a

conventional lease or purchasing an apartment owing to the extensive communal facilities and services offered within the complex.

**The site is a strategic opportunity site with the capacity to contribute substantively to the City of Yarra's housing target.**

Under Clause 16.01-1S, the City of Yarra is required to accommodate 44,000 additional dwellings between 2025 and 2051. Within this context, the subject site is relatively large for its neighbourhood and therefore one of a limited number in Abbotsford capable of making a meaningful contribution to this target. The strategic significance of such sites lies not only in the outside share of growth they can shoulder, but in their capacity to do so without the cumulative cost to neighbourhood character that would arise if the same housing yield were achieved through the piecemeal and dispersed upscaling of Abbotsford's residential hinterlands.

**The site responds appropriately to its strategic context and physical location.**

The clear direction for change is tempered by policies and directions that seek development which responds appropriately to both its physical context (Clauses 15.01-1S, 15.01-1R, 15.01-1L). Additionally, Clause 16.01-1L identifies the site in a 'minimal change area' and encourages development be of a density and scale that is respectful of the existing streetscape character.

While Clause 16.01-1L designates the site as a 'minimal change' location, its provisions should be approached on the presumptive basis that they are to be construed reasonably, and, as policy, weighed alongside other applicable policies in the planning scheme. When interpreting the effect of the clause, regard must also be given to its overarching strategies of supporting *residential growth that is appropriate to both its physical location and strategic context* and development in minimal change areas that *respects the prevailing type, scale and character of development in the street*.

In this context, the proposal can be understood as a reasonable reconciliation of the site's strategic potential to accommodate housing growth with its designation as a minimal change area. By distributing development across the site in a way that avoids a singular, monolithic outcome, the scheme introduces a finer grain that is more consistent with the street's prevailing character.

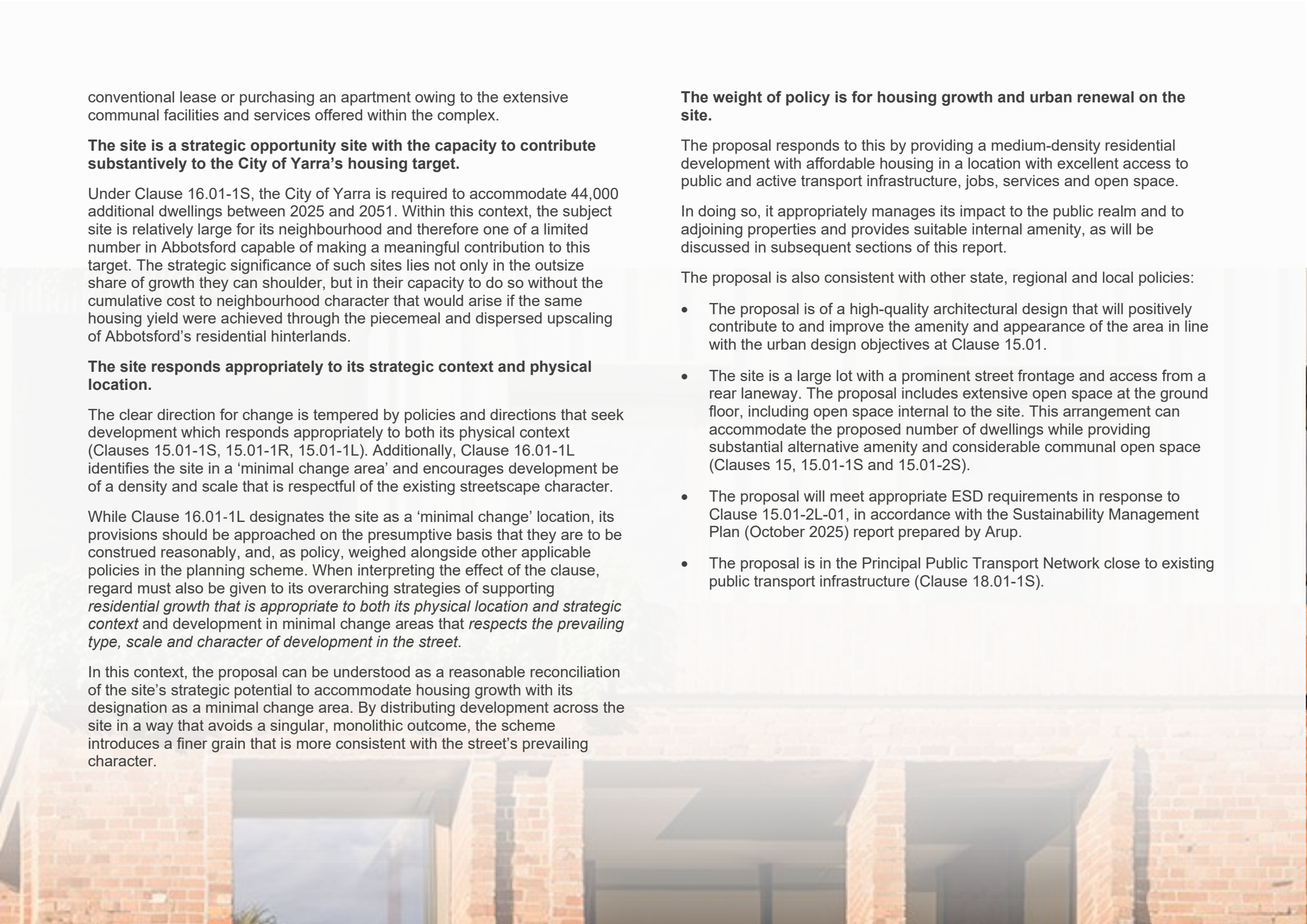
**The weight of policy is for housing growth and urban renewal on the site.**

The proposal responds to this by providing a medium-density residential development with affordable housing in a location with excellent access to public and active transport infrastructure, jobs, services and open space.

In doing so, it appropriately manages its impact to the public realm and to adjoining properties and provides suitable internal amenity, as will be discussed in subsequent sections of this report.

The proposal is also consistent with other state, regional and local policies:

- The proposal is of a high-quality architectural design that will positively contribute to and improve the amenity and appearance of the area in line with the urban design objectives at Clause 15.01.
- The site is a large lot with a prominent street frontage and access from a rear laneway. The proposal includes extensive open space at the ground floor, including open space internal to the site. This arrangement can accommodate the proposed number of dwellings while providing substantial alternative amenity and considerable communal open space (Clauses 15, 15.01-1S and 15.01-2S).
- The proposal will meet appropriate ESD requirements in response to Clause 15.01-2L-01, in accordance with the Sustainability Management Plan (October 2025) report prepared by Arup.
- The proposal is in the Principal Public Transport Network close to existing public transport infrastructure (Clause 18.01-1S).



## 5.2. BUILT FORM

### 5.2.1. Background and design evolution

As outlined in Section 2 above, the proposed built form is the result of an extensive design and pre-application process with input from DTP, OVGA and the City of Yarra. The evolution of the scheme through this process has led to a design that represents architectural excellence and responds positively to the site's unique attributes, immediate interfaces and wider context.

Following the current scheme's presentation to a VDRP on 27 August 2025, OVGA in its Design Review Report dated 10 September 2025 was generally supportive of the scheme in its current form (see relevant excerpts at Section 2.3.3 above).

### 5.2.2. DDO22

#### General design objectives

Council's urban design policy at Clause 15.01-1L and building design policy at Clause 15.01-2L provide general guidance with respect to built form in the City of Yarra. However, DDO22 provides more site-specific requirements which address the range of policy direction included in these clauses.

The following design objectives for DDO22 are relevant:

- *To support a mid-rise scale built form with lower built form at the interfaces with streets and the adjoining low rise residential areas.*
- *To minimise amenity impacts on residential properties adjoining the Victoria Street activity centre including overlooking, overshadowing and visual bulk impacts*
- *To provide a comfortable level of street enclosure and ensure a high-quality built form interface to all streets and public spaces.*
- *To ensure that new development respects the values of heritage buildings and maintains their prominence in the streetscape.*

The proposal responds sufficiently to these objectives. It proposes a mid-rise building that tapers down along its interfaces to the street and adjoining low-rise residential areas.

#### Height of building

The proposal seeks a minor (0.7 metre excluding roof services) variation from the 18.0-metre height control. We submit that this variance, in the context of the proposed design and strategic public benefit offer, is an appropriate design response.

The surrounding urban context is generally consistent in height at between one- and two-storeys, with the notable exception of the five-storey apartment building to the south. While it is clear that a six-storey proposal is different from this context, it is a reasonable outcome when weighed against the applicable policy direction and the site's strategic context.

It is appropriate, too, to consider the contribution the proposal can make to the area in the long-term, rather than what exists today. To this end, we note that the proposed height will still achieve the sought-after local stepping down from the activity centre 'core' (i.e., the alignment of Victoria Street) to its fringes. Land to the south is subject to greater building-height limits of up to 24.0 metres and some of these height limits are not mandatory. It is a reasonable expectation that the Victoria Street Activity Centre will undergo further change in the future, and that this level of change will result in a new character that has not yet developed in the area. As the area changes, it is also reasonable to expect that greater developments of greater height than the proposal (including buildings over 24.0 metres) will develop along Victoria Street. In this context, the proposal – at just over 18-metres tall – will continue to support the design objective to 'downscale' built form from the activity centre core to surrounding lower-density land.

Importantly, the proposed height has been designed to protect the amenity of the area, and will only cause minimal additional overshadowing on adjoining dwellings' secluded private open space during September equinox mornings, as well as no additional overshadowing to Abbotsford Primary School's open space during school hours on a September equinox afternoon.

We consider that, viewed in the context of the streetscape and future character expected in the Victoria Street Activity Centre, the proposed height is an appropriate design response and assists delivering more housing where it is needed.

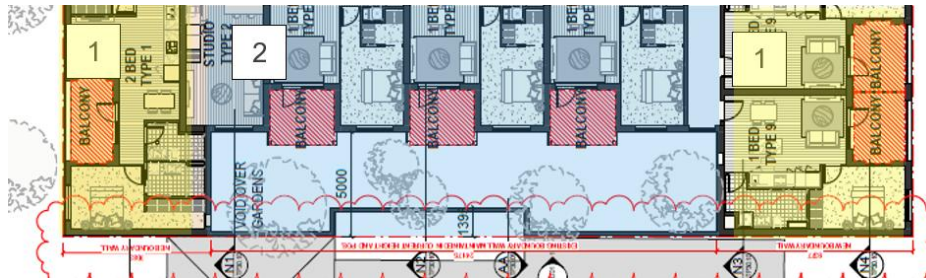
## 5.2.3. Side and Rear Setbacks

### Northern Interface:

For the purposes of assessment, the northern interface of the proposed development can be considered as two distinct components as shown at Figure 33 below:

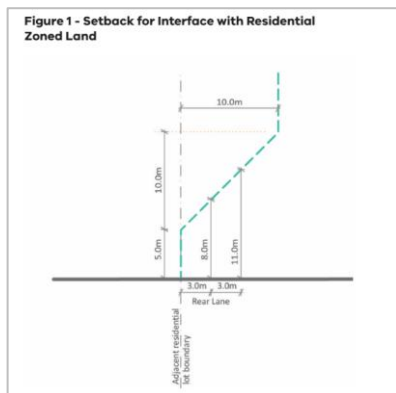
1. The north east and north west corners; and
2. Light court.

Figure 33 Mark-up of northern boundary interface at lower levels



The Design and Development Overlay – Schedule 22 outlines the following setback requirements for the northern interface which abuts No. 49 Lithgow Street, Abbotsford.

- Buildings must be setback from residentially zoned land (excluding MUZ) as shown below:



Component 1 comprises the north-east and north-west corners of the northern building, shown in yellow at Figure 33. These elements are built to the title boundary to a height of 9.5 metres (ground level to Level 2). Above this 9.5m the building is setback 5 metres from the boundary from Level 3 through to Level 6 (roof).

Component 2, shown in blue, addresses the northern interface and incorporates a light court through a 5-metre setback from the northern title boundary to the building edge, noting that the existing 7.5 metre boundary wall will be retained/reinstated in this location.

The DDO22 setback requirement is shown on the sections provided within the architectural plans package. These demonstrate compliance with the setback requirement up to Level 2. There is a very minor exceedance at Level 3 which increases slightly at the upper most levels. While there is a minor exceedance of the DDO22 setback requirement to the north it is submitted that the generous 5 metre setback for the majority of this interface and above the walls built to boundary to the north-east and north-west corners of the site, that the proposal will not result in an adverse amenity impact on 49 Lithgow Street or the other dwellings to the north. Due to the orientation of the site, the proposed northern building will not cast any additional shadow on the dwelling to the north. Additionally, 49 Lithgow Street is generally orientated with outlook to the east and west, with these outlooks maintained by the proposed development.

Additionally, these setbacks create a clear stepping-down of the built form to the north, ensuring an appropriate transition from the site's activity centre context to the neighbourhood-residential character to the north.

## **Eastern interface**

The eastern interface is primarily defined by the retained heritage warehouse which establishes a fine-grain and human-scaled street presence. The interface and presentation of the warehouse building to Lithgow Street will be enhanced through works that reveal its brick and bluestone materials and original form, in addition to the introduction of a café tenancy and associated streetscape upgrades. These interventions will strengthen the public realm and reinforce the heritage character of the street.

The remaining, smaller portion of the eastern interface is formed by the northern apartment building. DDO22 requires a 6 metre setback above the Lithgow Street street-wall, which is a mandatory requirement for individually significant buildings.

Above the retained warehouse building, the western apartment building is set back approximately 15.035 metres. This generous setback ensures the upper levels of the development remain balanced and visually recessive.

The northern building proposes a 1.5 metre setback above the street wall. It is submitted that the reduced setback of 1.5 metres will have a limited visual and amenity impact due to the building's orientation. Only the narrower end of the northern apartment building addresses Lithgow Street, significantly reducing the perceived bulk when viewed from the public realm. This condition is further moderated by the generous width of Lithgow Street and its relationship to the grand-scale school building opposite.

The limited reduction in setback to the northern building is also appropriately offset by meaningful public realm improvements, including enhanced landscaping, active frontages and improved pedestrian amenity along Lithgow Street.

This approach is consistent with the OVGA advice, which supports the reduced upper-level setbacks to Lithgow Street where they are justified by contextual conditions and deliver a demonstrably enhanced public realm outcome.

## **Southern Interface:**

For the purposes of this assessment, the southern interface of the proposed development has also been considered as two distinct components as shown at Figure 34 below:

1. The eastern retained heritage building; and

2. The western apartment building.

Figure 34 Mark-up of southern boundary interface at lower levels



Despite the land to the south sharing the site's MUZ1 zoning, it is recognised as a sensitive interface and has therefore been carefully considered. Along the eastern portion of the southern boundary, the retention of the existing warehouse building will result in the interface remaining largely unchanged.

DDO22 requires that upper level development is setback 4.5 metres from this boundary where a habitable window or balcony is proposed or 3 metres where a non habitable window is proposed.

Component 1 comprises the existing heritage building, which is proposed to be retained. No additional setback is provided; however, this maintains the existing setback condition and does not result in any additional impacts on surrounding or adjoining properties.

Behind the retained warehouse building (component 2), the western building is generally constructed to the boundary for the first three storeys, with no windows orientated to the south. The upper levels are sequentially set back by approximately 3 metres per level. As such except for Level 3, the proposed development complies with the setback requirements along this boundary.

It is submitted the 3 metre setback to the south at Level 3 is appropriate and represents a minor variation to the requirement. At Level 3 there are three windows orientated to the south of which only one is the primary outlook for the habitable room. Should the adjoining sites be developed in the future it is submitted that the southern setbacks will allow for equitable development opportunities to the south and the setbacks provided on site will ensure an appropriate outlook for the Level 3 dwellings with windows overlooking this boundary.

This built form provides an appropriate visual transition and assists in mitigating potential impacts, thereby addressing the setback requirement.

Between Components 1 and 2, a break in the built form with a width of 5.085 metres is provided. This area contains no development other than ground-level terraces and landscaping and therefore does not result in any impact to the southern adjoining boundary.

### Western Interface

For the purposes of this assessment, the western interface of the proposed development can be considered as three distinct components as shown at Figure 35 below:

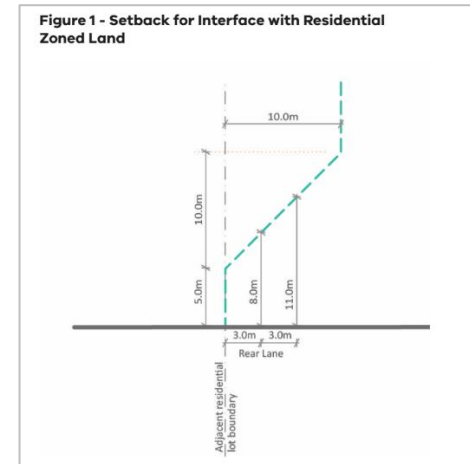
3. The northern building;
4. The western building; and
5. The retained heritage buildings, which form part of the western building.

Figure 35 Mark-up of western elevation



DDO22 outlines the following setback requirements for the western interface which abuts Little Lithgow Street, Abbotsford.

- Buildings must be setback from residentially zoned land (excluding MUZ) as shown below:



As demonstrated on Drawings TP30.02 and TP30.03 of the Architectural Plans, Components 1 and 2 of the proposed development complies with the western interface setback requirements. These components provide a podium height of 9.5 metres (ground floor to Level 2), with upper levels setback in a stepped form from Level 3 to Level 6 (roof).

Component 3 incorporates the retained heritage tower. As the existing building is being retained, the current setback conditions are maintained and no additional built form or impacts are introduced. It is also noted that the development achieves full compliance with the applicable setback requirements from Level 4 and above.

The land to the immediate west of the site is used residentially and is included in the Neighbourhood Residential Zone. A guiding principle in responding to this interface, since the inception of the proposal, has been setting back to reduce the extent of adverse amenity impacts on these dwellings.

These dwellings fronting William Street have backyards at the rear that count as secluded private open space. Mindful of these, the proposal has been designed to include setbacks which cast practically nil additional overshadowing on these backyards across a morning on the September equinox.

## 5.3. HERITAGE

The site is an individually significant place under the applicable HO339. This overlay recognises the precinct's heritage values and seeks to ensure that new buildings and works respect and conserve their significance.

### 5.3.1. Demolition

As outlined in the Heritage Impact Statement (October 2025) which accompanies this application, the proposal responds to the demolition objectives of the heritage overlay through the confinement of its extent to the non-original and less-contributory parts of the proposal. This is consistent with planning policy that buildings and works which affect a heritage place should *not affect the significance of the heritage place* (Clause 15.03-1S).

A summary of the assessment set out in the HIS in support of the proposed demolition is provided below:

- The northern annexes to the warehouse were constructed during the latter part of the twentieth century and are *considered to be of little significance* (p. 54). While the HIS recognises the northern gable, which falls between the newer annex and the 1927 warehouse, as having some heritage value, it posits that the proposed reinterpretation through the laneway gate is a sufficient response to this item.
- The HIS finds that the existing heritage fabric toward the centre of the site which is proposed to demolition has been extensively modified and, being at the centre of the site, cannot make an appreciable contribution to the significance of the wider heritage precinct.
- The HIS also finds that the fabric proposed for removal along the Little Lithgow interrace is appropriate to be demolished, owing to its extensive modification over past decades and the relatively low quality of Little Lithgow Street as a heritage environment.
- The proposed dismantling and reconstruction of the tank tower is supported on the basis that it will help allow for urgently required structural remediation works that will in turn help facilitate its adaptive reuse as apartments.

### 5.3.2. New development

The proposal will introduce two new apartment buildings alongside the retained 1927 factory building, which will remain the primary heritage element on the site. The proposed arrangement of these built forms, as outlined in the HIS, is central to achieving the respectful heritage outcome sought.

By physically separating the new buildings from the heritage warehouse with a through-block link, the scheme will allow the factory to be read as a freestanding element, consistent with its historic role in the streetscape. The HIS finds that this approach responds positively to Council's heritage policy and the objectives of DDO22.

In terms of street wall, the HIS identifies the proposed three-storey street wall to Lithgow Street as acceptable in heritage terms, as it will align with the datum set by the existing warehouse's gable and parapet heights and provide for a cohesive link between the old and the new. Above the street wall, while the northern building's upper-level setback to Lithgow Street is less than the mandatory six-metre requirement, the HIS notes that this is offset by the building's clear separation from the heritage building and the reading of this portion as an infill element within an already mixed-scale streetscape.

From a heritage perspective, the HIS is also supportive of the proposed height of 18.7 metres, noting that the vertical breaks and upper-level setbacks across the site provide enough visual relief to avoid a monolithic outcome.

The proposed materiality – in particular the use of brick at podium levels – is identified as an appropriate way of referencing the texture and tone of the heritage warehouse. The use of metal cladding at the upper levels, in distinct tones for each new building, is similarly supported for its role in distinguishing new from old.

Finally, when it comes to building detailing, the HIS supports the approach for the proposed new buildings, which has been deliberately kept simple so as not to compete with the heritage building's utilitarian and modest presentation.

## 5.4. EXTERNAL AMENITY IMPACTS

The proposed development is located within the Mixed Use Zone. In accordance with Clause 32.04-11, where land in this zone adjoins land zoned General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone, consideration must be given to Clauses 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary. The subject site adjoins residentially zoned land (NRZ1) to the north and west; noting Little Lithgow Street forms the immediate western interface. The site also partially adjoins residentially zoned land to the east. The development has been designed to respond appropriately to the site and its surroundings, with measures incorporated to limit external amenity impacts on neighbouring residential properties.

### 5.4.1. Clause 55.02-3 Side and Rear Setbacks

As outlined above, the proposal is required to consider Clause 55.02-3. Accordingly, the setbacks to the northern boundary must be assessed.

Standard B2-3 requires that where a new building is not constructed on or within 200 millimetres of a boundary, the building must be set back from side and rear boundaries in accordance with either Standard B2-3.1 or B2-3.2. This assessment has adopted Standard B2-3.2, which requires a minimum setback of 3 metres for building heights up to 11 metres, and a minimum setback of 4.5 metres for any part of the building above 11 metres in height.

The northern boundary, which adjoins 49 Lithgow Street, Abbotsford, provides a 5 metre setback within the internal portion of the site, where walls are not constructed to the boundary. This setback accommodates a light court and terrace garden areas. The 5 metre setback is provided for the full height of the building and therefore exceeds the minimum setback requirements of the standard.

The north-east and north-west corners of the site are constructed on the boundary up to a height of three storeys and are assessed under Clause 55.02-4, as they comprise walls on boundaries to a height of 9.5 metres. Above this height, a setback of 5 metres is provided, which complies with the relevant standard.

### 5.4.2. Clause 55.02-4 Walls on boundary

The existing built form on the subject site includes a two-storey wall constructed along the full length of the northern boundary, inclusive of a setback that mirrors the light court at 49 Lithgow Street. The proposal seeks to retain/reinstate the 24.175 metres of this existing boundary wall, along with the construction of two new wall sections on the northern boundary. These comprise a 7.083-metre-long wall to the eastern portion of the northern boundary and a 9.377-metre-long wall to the western portion of the northern boundary. Both new walls on the northern boundary are to be constructed to a height of 9.5 metres.

While the proposed walls do not strictly comply with the numerical standard of Clause 55.02-4 due to their length and height, they are consistent with and reinforce the established built form and character of the development currently on the site. Walls built to the boundary are a common and defining feature of the surrounding area, which is predominantly characterised by terrace housing and development constructed boundary to boundary. Additionally, the new walls on boundary will be constructed in the same location as the existing walls on boundary but to a height of three storeys noting the existing wall on boundary in these locations are two storeys. This results in a replacement wall on boundary with a height 2.2 metres taller than existing.

49 Lithgow Street benefits from an east-west orientation with outlook to Lithgow Street and the east. Due to the existing wall on boundary, it is submitted that the new wall on boundary will not result in unacceptable visual bulk and the outlook from 49 Lithgow Street is maintained.

In this context, the proposed boundary walls represent a logical continuation of the existing development pattern on the site and are compatible with the prevailing neighbourhood character.

### 5.4.3. Clause 55.04-1 – Daylight to existing windows

49 Lithgow Street includes glazed doors orientated towards the site. The proposal retains the existing light court arrangement and wall on boundary in this location, which has a minimum width of 1.395 metres and provides approximately 25 square metres of secluded private open space for the dwelling at 49 Lithgow Street, Abbotsford.

On this basis, the proposal satisfies the requirements of the relevant standard.

#### 5.4.4. Clause 55.04-3 – Overshadowing secluded open space objective

Clause 55.04-3 seeks to ensure that new development does not result in unreasonable overshadowing of existing secluded private open space. The standard requires that at least 50 per cent of the secluded private open space, or 25 square metres with a minimum dimension of 3 metres (whichever is the lesser), remains free from shadow cast by the development for a minimum of five hours between 9.00 am and 3.00 pm on 22 September.

A shadow analysis demonstrating the shadow impacts of the proposed development has been prepared by Warren and Mahoney Architects and is included within the submitted architectural plans. The analysis illustrates the extent of shadows at the Spring Equinox (22<sup>nd</sup> September).

The shadow diagrams confirm that the proposed development does not result in any additional overshadowing of the secluded private open space of adjoining properties in the NRZ1 surrounding the site.

Accordingly, the proposal complies with the requirements of Clause 55.04-3.

#### 5.4.5. Clause 55.04-4 Overlooking objective

Clause 55.04-4 seeks to limit views into existing secluded private open space and habitable room windows of adjoining dwellings. In accordance with this clause, overlooking to the adjoining NRZ1 zoned land has been considered as part of the proposal and is demonstrated within the submitted architectural plans, specifically Drawings TP30.10 to TP30.12.

Having regard to the orientation of windows, the retention of boundary walls, and the provision of appropriate setbacks, the proposal complies with the objective and standard of Clause 55.04-4.

#### 5.4.6. Clause 55.05-2 – Overshadowing domestic solar energy systems objective

As shown on the shadow analysis plans, the nearest domestic solar energy systems are located at 27 Lithgow Street, Abbotsford; 14 William Street, Abbotsford; and 16 William Street, Abbotsford. The proposed development does not result in any overshadowing of these properties or their solar energy systems and is therefore compliant with the relevant clause.

### 5.5. INTERNAL AMENITY

The proposed development has been designed to provide for a high level of internal and external amenity for future residents.

The proposed apartment buildings have been designed in compliance with the Apartment Design Guidelines (ADGs) and achieve a high level of compliance against the relevant standards. Additionally, the proposal makes a generous contribution to communal amenities for all occupants, with a focus on health, wellbeing and recreation. The Architectural Drawings prepared by Warren and Mahony provide a comprehensive assessment against the ADGs, however we highlight the following key elements in particular:

#### Communal facilities

- **Communal outdoor open space areas:** Significant communal landscape space, including a 215 square metre rooftop terrace with a communal herb garden and seating areas. Also provided at roof level is a dog run and external clothes drying area.
- **Indoor recreational facilities:** First-floor health and wellness space including a gym, pool, spa, cold plunge and saunas.
- **Work and social hubs:** Residential lounge and co-working spaces located at ground and first-floor levels, designed to support remote work and social interaction.
- In total 1,295sqm of internal and external communal facilities are provided for building occupants comprising 575sqm of internal communal facilities and 720sqm of external communal facilities.

#### Apartment amenity (ADGs)

The key elements of the detailed design and internal amenity of residential apartments are summarised below:

- 50 per cent of dwellings provide accessible design exceeding the requirements of Standard D18 of the Yarra Planning Scheme.
- 100 per cent of dwellings provide storage facilities in accordance with Standard D21 of the Yarra Planning Scheme.
- 100 per cent of dwellings provide room depths in accordance with Standard D27 of the Yarra Planning Scheme.

- 100 per cent of dwellings provide windows in accordance with Standard D28 of the Yarra Planning Scheme.
  - The development will achieve highly compliant and functional dwelling layouts having regard to the requirements of Standard D26. Notwithstanding, it is acknowledged that 3 of the 151 apartments propose minor intrusions to the functional room dimensions required for living areas. The affected apartment type is 2B-01 which does not meet the standard for the minimum living room area and dimension. The living room provided measures 3.2m x 2.8m providing a total of 8.9sqm. On balance, the variation is considered appropriate noting:
    - The variation only applies to a minority of apartments within the development. The variation proposed is very minor and the minor shortfall in overall size (3.1sqm) and minimum width (0.4sqm) is not considered to compromise the functionality of the apartment overall.
    - The living area provided is still highly functional and provides sufficient space for future residents to utilise the space including a location for a couch and TV. The living area is located adjacent to the kitchen with immediate accessibility to the balcony.
- ‘Living areas’ for all studios are indicated on the ADG plans prepared by Warren and Mahoney. However, it is acknowledged that these ‘living areas’ are also immediately adjacent to the sleeping area and kitchen for each studio dwelling. The studios are considered to provide a high standard of amenity and meet the objections of Standard D26, noting:
- The studios are generously sized and provide floor plans that provide a high level of internal amenity for future occupants.
  - Studios are, for the majority, single occupancy units and accordingly it is considered sufficient space has been provided for future resident needs.
  - The ‘living area’ shown on the ADG plans meets the minimum width 3.3 and minimum area 10sqm for a studio as required by Table 12 under Standard D26. This area does not incorporate the sleeping or cooking areas for the studio. We note there is no bedroom dimension requirement by Table D11, under Standard D26 for a studio apartment given the open plan nature of this dwelling typology.
  - An efficient and functional bathroom is provided at the rear of the floor plan.
- The studio apartments play an appropriate role in contributing to the development’s dwelling diversity and providing an increasingly popular dwelling type for renters. The functional layout and sizes of these apartments are considered to meet the Clause 58.07-1 objective.
  - 33 (22%) apartments achieve effective cross ventilation. It is acknowledged that this falls short of the Standard which requires 40%. Due to the shape and size of the site and the unique heritage restrictions including required setbacks, there are a limited number of corner apartments which typically lend them self to achieving ‘cross ventilation’. Despite this, the development includes the installation of a Heat Recovery Ventilation (HRV) mechanical system that provide a constant supply of fresh, filtered air while maintaining indoor thermal comfort and energy efficiency. By continuously extracting stale air and replacing it with fresh outdoor air, HRV systems significantly improve indoor air quality, reducing pollutants, moisture, and odours. The heat recovery process transfers warmth from exhaust air to incoming air, minimising energy loss and lowering heating and cooling demands. This results in more stable indoor temperatures, reduced condensation and mould risk, and improved occupant health and comfort. A constant supply of fresh air also supports cognitive performance, wellbeing, and long-term building durability. This HRV system is part of the PassivHaus principles being embedded into the project, which also includes high performance windows, super insulation and ultimately an energy efficient building that has exceptional air quality and internal comfort year round. As such, it submitted that the proposal complies with the objective at Clause 58.07-4 and the HRV system will allow occupants to effectively manage natural ventilation of dwellings that do not benefit from cross ventilation.
  - The proposal incorporates private open space for the majority of dwellings through a terrace garden or balcony. The exception to this Studio Type 6 (5 apartments total) and Type 9 (3 apartments total) which do have an area of private open space. 44 studio apartments are provided with an area of private open space, some of which are Juliet balconies which fall short of the minimum area required by Standard D20. Studio Type 8 (1 apartment total) and Type 10 (1 apartment total) meet the minimum dimension and area for private open. Additionally, the private open space provisions for ground level apartments vary between dwellings, with the minimum provision being 7sqm and the maximum provision being 54sqm. As such, 9 of the 28 ground floor apartments will meet the minimum 25sqm POS provision as required by Clause 58. As such, a total of 73

apartments representing 48% of dwellings do not meet Standard D20. On balance, the variation is considered appropriate noting:

- To offset these variations of the standard, the design includes a range of high-quality communal facilities for residents, including a rooftop terrace. A total of 720sqm of communal open space is provided for residents in addition to 575sqm of internal residential amenity spaces. This represents an excellent provision for residents which will offset the studios and ground floor dwellings which do not meet the standard.
- The ground floor terraces provided are well proportioned and will provide for a high quality private open space area for residents despite many not meeting the minimum sqm required by the standard. It is noted having these ground floor apartments assists with activation and activity to the overall building and streetscape, so is considered a positive for the scheme. This is in lieu of having a large number of carparks at ground floor and lower levels, which we typically see in apartment buildings.
- The one and two bedroom dwellings at Level 1 and above will all meet the minimum sqm and dimensions for balcony sizes required by Standard D20.

For a more detailed assessment of the proposal against the ADGs, please refer to Appendix B.

## 5.6. SUSTAINABILITY

Arup has prepared the accompanying Sustainability Management Plan (October 2025) in support of the proposal. This document outlines the Environmentally Sustainable Design (ESD) initiatives to be incorporated into the project, demonstrating how it achieves best practice in sustainable building design and performance. To this end, the proposal commits the following specific sustainability targets:

- 5 Star Green Star Buildings v1 rating, with 35 points targeted – exceeding the relevant planning requirements.
- 7 Star NatHERS average and 6 Star minimum (or equivalent).

Further confirmed sustainability outcomes include:

- Sourcing 100% renewable energy for all residential common area energy uses.
- Installation of 70 kW of rooftop photovoltaic (PV) panels.

In addition, the project team is seeking to achieve the following stretch targets, subject to detailed design resolution:

- 6 Star Green Star Buildings v1 rating (70 points targeted).
- Passivhaus Classic certification for the apartment buildings.
- 9 Star NatHERS average (or equivalent).
- Achieving a 40% reduction in upfront carbon emissions through the use of low-carbon materials (such as cross-laminated timber) and efficient design strategies.

The planning scheme includes objectives relating to building design and ESD factors such as energy and thermal performance, integrated water management, indoor environment quality and waste management – all of which the proposal is considered to generously exceed.

Under Clause 15.01-2L-01, residential developments comprising more than 10 dwellings must undertake a sustainability assessment using either the BESS or Green Star framework. For 35–45 Lithgow Street, the project team is targeting a 5 Star Green Star Buildings v1 rating, which exceeds the planning requirement and represents Australian Excellence in sustainability leadership. A stretch target of 6 Star Green Star is also under consideration and will be sought to be implemented at the detailed design stage.

Relatedly, the project team is investigating Passivhaus Classic certification for the proposed two new apartment buildings. This is an internationally recognised standard focuses on exceptional energy efficiency and indoor comfort, with strict performance criteria.

## 5.7. LANDSCAPING

Ratio has prepared a Landscape Plan that identifies strategic opportunities for urban greening across the site and as part of the proposed development. .

Specifically, the following landscape elements will be incorporated across key areas of the development:

- **Ground level planting** – Public and private green spaces will be created through a mix of native shade-tolerant species, year-round flowering natives in sunny areas, and ferns along the central laneway.
- **Level 1** – The outdoor wellness area will be planted to deliver an immersive spa-like experience, featuring shallow-soil natives, mallee trees, native grasses, ferns, and ground covers. Planting will be positioned to optimise sunlight access and enhance overall amenity.
- **Rooftop terrace** – A diverse mix of hardy perennials, compact shrubs, and native grasses will provide seasonal variation in colour and texture. Cascading greenery will soften planters, seating areas, and edges, creating a sense of openness. Informal steppers will guide movement through garden zones, encouraging exploration. Native species will support biodiversity and frame views of the city and sky, offering a welcoming space for gatherings.
- **Integrated balustrade and site planters** – Native evergreens in grey and green tones, with varied textures, will complement the historic built form. Trailing plants will cascade over edges, softening terraces and façades while adding depth and movement.

The Plan details the proposed planting and material selections for the project. It includes indicative planting schedules for each area of the site, specifying plant sizes and quantities. The proposal incorporates a total of 55 native trees and an additional 16 native ferns. A separate shrub schedule outlines the indicative selection of shrubs, grasses, and groundcovers to be used across the site.

## 5.8. TRANSPORT

The subject site is located partially within category 2 and category 3 as identified in the *Car Parking Requirement Maps* (Department of Transport and Planning, 2025) (CPR maps). In accordance with the requirements of Clause 52.06, the rates associated with category 3 apply to the site.

In accordance with Clause 52.06, there is a 0 minimum car parking requirement for dwellings and food and drink premises. The maximum for dwellings is 2 spaces to each dwelling. A total of 43 car parking spaces for residents are proposed which does not exceed the maximum car parking provision set out at Clause 52.06.

The proposed car parking provision is considered an appropriate outcome for the locality on the following bases:

- The site's location supports a suite of alternate travel modes and is well positioned in regard to public transport, with multiple tram and train options within a short walk.
- Nearby car share pods offer an alternative to private car ownership, encouraging sustainable travel for most trips.
- The proposed build-to-rent model will support efficient parking management, with spaces allocated separately from apartments and managed by the future Building Manager based on demand. This will ensure that spaces are only leased when required and avoids under-utilisation.
- The cafe on site is expected to primarily serve locals, who will be unlikely to access it using private vehicles.

Traffix Group has prepared the accompanying Traffic Engineering Assessment Report (March 2026) in support of the current application. This report finds that the proposed traffic engineering response is appropriate. The report's discussion points and findings are summarised below:

The following additional findings of Traffix's report are relevant:

- The proposed parking layout and access arrangements comply with the Planning Scheme (Clause 52.06-9), AS/NZS 2890.1:2004 and align with current industry practice.
- The residential and cafe uses are expected to generate up to 13 vehicle movements during peak hours and approximately 129 movements per day via Little Lithgow Street.
  - This impact, including the restriction of site access to right-in/right-out movements only (northbound on Little Lithgow Street), is considered acceptable.
- Bicycle parking provision of 88 spaces will exceed the minimum requirements outlined in Clause 52.34 of the Planning Scheme.
- The proposal will result in a net gain of two on-street parking spaces within Lithgow Street.

## 5.9. WASTE

Traffix Group has prepared a Waste Management Plan. For a discussion on how the proposed waste arrangement for the cafe tenancy and the apartment dwellings, please refer to this document.

The relevant conclusions of this Plan may be summarised as follows:

- The proposed bin supply, which is detailed as follows, is suitable to meet the waste needs of the proposed land uses:
    - Residential
      - Bin room provision 95 square metres
      - 4 x 1,110L General waste collected twice per week
      - 5 x 1,110L Recycling collected twice per week
      - 10 x 240L FOGO (Food and Organic Waste) collected twice per week
      - 2 x 660L Glass collected twice per week
    - Café
      - Bin (*café waste*) room provision 22 square metres
      - 1 x 1,110L and 1x 660L General waste, each collected once per week
      - 1 x 1,110L Recycling collected once per week
      - 1 x 660L Paper and Cardboard collected once per week
      - 3 x 240L FOGO (Food and Organic Waste) collected once per week
  - There is ample room within the proposed development to store these bins.
  - The building management will ensure that the bin storage areas remain clear and clear to avoid attracting vermin and maintain easy access
  - Ventilation to the waste area will be provided in accordance with the relevant Australian standards
- Waste is proposed to be collected twice per week via the rear (Little Lithgow Street) site access. It is proposed that a private contractor use a Mini-Hino rear loader waste collection vehicle to do this.

## 6. CONCLUSION

This report described the subject site and its surrounding context. It further details the proposed works and provides a detailed assessment against the relevant planning controls and policies outlined in the Planning Scheme.

Overall, this report demonstrates that the proposal is an acceptable and appropriate outcome for the site for the following reasons:

- ✔ The proposal is consistent with the statutory and strategic frameworks of the Yarra Planning Scheme.
  - ✔ Strategic fit and location – The proposal will deliver medium-density housing, including 10% affordable dwellings, in a Major Activity Centre with good access to public transport, services, and employment, directly supporting state and local housing supply and affordability objectives.
  - ✔ Heritage-led design – The proposed scheme will retain and restore the most significant elements of the 1927 Schweppes Cordial Factory, expressing it in the round' and integrating it with new built form in a way that cleverly reinterprets the site's industrial legacy.
  - ✔ Contextually responsive built form – Following OVGA input, the proposed design has evolved into two distinct mid-rise buildings, reducing visual bulk, increasing permeability and open space, and aligning more closely with the DDO22 height control. The final six-storey height represents a significant reduction from the original nine-storey concept and is a reasonable and appropriate built-form outcome.
  - ✔ Public realm and landscape benefits – The proposal delivers a genuine through-site pedestrian link, enhanced streetscape planting, reduced crossovers, widened nature strips, and deep-soil planting zones, improving connectivity, amenity, and urban greening for both residents and the wider community.
  - ✔ High-quality internal amenity – All apartments are afforded with excellent internal amenity, supported by extensive communal facilities including a rooftop terrace, wellness centre, co-working spaces, and landscaped courtyards.
- ✔ Sustainability leadership – The project targets best-practice sustainability targets and will set a new benchmark for environmentally responsible build-to-rent housing in inner Melbourne.
  - ✔ Transport and access – The proposal provides adequate car parking provision and the site benefits from excellent transport connectivity, and a strong bicycle parking offer, which will encourage sustainable travel behaviour.

## 7. DISCLAIMER

This report is dated 30 March 2026 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, MODEL (**Instructing Party**) for the purpose of Planning Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**APPENDIX A**

**YARRA PLANNING SCHEME**



## A.1 RELEVANT PARTICULAR PROVISIONS

### A.2 CLAUSE 52.06 CAR PARKING

This clause seeks to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

Under this clause, a permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5
- Provide some or all of the car parking spaces required under Clause 52.06-5.
- Provide more than the maximum parking requirement specified in clause 52.06-5 or in a schedule to the Parking Overlay.

### A.2.1 CLAUSE 52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

This clause seeks to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network and ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Under this Clause, a permit is required to:

- Create or alter access to a road in a Transport Zone 2.
- Subdivide land adjacent to a road in a Transport Zone 2.

#### Referral

An application must be referred under section 55 of the Act to Head, Transport for Victoria, the determining referral authority.

#### Notice and Review

An application under Clause 52.29 is exempt from notice requirements.

### A.2.2 CLAUSE 52.34 BICYCLE PARKING

This clause seeks to encourage cycling as a mode of transport. provide secure, accessible and convenient bicycle parking spaces.

A permit may be granted to vary, reduce or waive the bicycle parking requirements.

### A.2.3 CLAUSE 53.23 – SIGNIFICANT RESIDENTIAL DEVELOPMENT WITH AFFORDABLE HOUSING

Clause 53.23 was recently introduced to facilitate residential development that includes affordable housing to meet existing and future needs. This clause applies to an application for the use or development of residential land use (other than camping and caravan park, group accommodation and residential hotel).

Clause 53.23-2 allows the Responsible Authority to waive height, setback, and minimum garden area requirements. However, a proposal will still need to have regard to all planning considerations for the site.

Eligibility for this process includes:

- The cost of development for accommodation is at least \$50 million; and
- At least 10% of the total number of dwellings are affordable housing; and
- Written advice from CEO – Invest Victoria confirming the likely financial feasibility of the proposal.

The Minister for Planning is the responsible authority for applications under this clause and these applications are not subject to third party review at VCAT.

### A.2.4 CLAUSE 58 – BETTER APARTMENT DESIGN STANDARDS

This clause aims to promote apartment developments that offer reasonable standards of amenity for both existing and new residents, while being responsive to the site and its surrounding area. The provisions apply to applications for constructing or extending apartment developments, or

dwellings within such developments, if they are five or more storeys (excluding basements) and located in the Mixed Use Zone.

Under this clause, a development must meet all the objectives and should meet all the standards outlined.

## A.3 STATE AND LOCAL PLANNING POLICY

The Planning Policy Framework (PPF) seeks to develop the objectives for planning in Victoria, and Council, to foster appropriate land-use and practices that encompass relevant environmental, social, and economic factors. The framework includes a Municipal Planning Strategy and various policies to address planning matters that are contextual to the municipality including, but not limited to, settlement, economic development, transport, and preferred neighbourhood character.

### MUNICIPAL PLANNING POLICY

- **Clause 02.01-2 – Community and population growth** outlines that Yarra is a well-connected, diverse community of over 100,000 people, projected to grow by nearly 30,000 by 2031, requiring 13,000+ new homes. The Council is committed to inclusion and affordable housing, but faces challenges in managing growth while protecting heritage, open space, infrastructure and neighbourhood character.
- **Clause 02.01-3 – Activity centres** states Yarra’s activity centres are located along main retail streets, featuring valued and intact heritage streetscapes. With strong access to services, public transport and walkable streets. Yarra intends to support the strengthening of these places to ensure they remain vibrant, liveable and able to support growing local economies and changing communities.
- **Clause 02.01-5 – Climate change** outlines how inner-city growth can improve sustainability by maximising infrastructure use, boosting access to services and jobs, encouraging sustainable transport, and reducing sprawl. In Yarra, development must also address climate impacts such as heat, extreme weather and flooding.
- **Clause 02.01-6 – Built environment and heritage** states Yarra’s rich heritage, including some of Melbourne’s oldest suburbs and shopping strips, shapes its inner-city character. Built form ranges from uninterrupted terrace frontages with minimal setbacks, to modest suburban-style homes, to spacious garden settings in Fairfield and Alphington. Mid-rise and taller buildings, often in activity centres and along main roads, are increasing, with apartment living becoming more common and expected to dominate housing over the next 15 years
- **Clause 02.01-7 – Housing** highlights that new apartment development is concentrated in areas such as Abbotsford and around activity centres.

Yarra’s focus is on providing accessible, adaptable and affordable housing options that meet the needs of its diverse community, both now and into the future.

- **Clause 02.02 – Vision** sets out a range of goals for the municipality, with policy noting in particular ‘New housing will provide homes in a range of sizes to meet the needs of the population, and be supported by the necessary community facilities and infrastructure. High quality urban design will respect the city’s heritage and built form character, provide new public and open spaces, and improved connections for walking and cycling.’
- **Clause 02.03-1 – Settlement** highlights how activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city’s growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.
- **Clause 02.03-4 – Built environment and heritage** outlines the intention to conserve and enhance heritage places and streetscapes while still allowing appropriate development is a key driver in Yarra.
- **Clause 02.03-5 – Housing** states Yarra will manage residential growth according to each site’s capacity and context, while supporting more and better social, public and affordable housing with access to services and jobs. ***Plan for future housing growth and for more housing choice to support Yarra’s diverse community:***
  - Direct housing growth to appropriate locations including major regeneration areas (Alphington Paper Mill, the former Gasworks site in Fitzroy North and south-west Cremorne, south of Gough Street) as shown in clause 02.04 (Strategic Framework Plan), and areas within activity centres that have good access to public transport, jobs, open space and other services.
  - Support Yarra’s diverse community by facilitating accessible, adaptable, affordable housing options that:
    - Provide for diverse housing types including shared, sole person, couple and family households.
    - Include housing for people with disabilities, older persons, students and those in need of crisis accommodation.

- Provide for a range of affordable housing types appropriate to the needs of very low, low and moderate-income households.
- Include greater housing choice for key workers.
- Encourages the supply of additional social housing and improvements to existing social housing.

## LOCAL PLANNING POLICY

- **Clause 11.01.1S – Settlement** is a state level policy which aims to facilitate sustainable, resilient development across Victoria. Growth should be directed towards existing settlements to combat urban sprawl
- **Clause 11.01-1R – Settlement – Metropolitan Melbourne** aims to focus growth on Melbourne towards places of significance, including activity centres. The policy desires a variety of housing types at varying densities
- **Clause 11.03-1S – Activity centres and precincts** seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres with good public transport services
- **Clause 11.03-1R – Activity centres and precincts - Metropolitan Melbourne** contains similar goals to the state level policy above. This policy aims to support activity centre growth which achieves a high level of amenity and is well serviced by transport and infrastructure.
- **Clause 11.03-1L – Activity Centres** seeks to manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction. Specifically, the subject site is located within the 'Victoria Street Activity Centre Plan' that outlines the following relevant objectives:
  - Retain the visual prominence of the heritage buildings
  - Reinforce the concentration of height, density and mixed uses east of Burnley Street, to provide a visual mark to the east end of Victoria Street.
  - Allow for mid-rise development elsewhere in the activity centre that responds to the mix of heritage forms.
- **Clause 15.01-1S – Urban design** aims to promote developments with high quality urban design aspects. This includes high quality landscaping, public/private interfaces, walking/cycling environments, and safety.
- **Clause 15.01-1R – Urban design - Metropolitan Melbourne** aims to support high-quality designs which are memorable, distinctive and liveable.
- **Clause 15.01-1L – Urban design** outlines strategies regarding public realm, wind, weather protection, projections over a public realm, development adjoining land in a Heritage Overlay, laneways, boulevards, and development adjacent to a public open space. These strategies aim to guide development to address relevant topics, ensuring a coherent and well-considered design outcome across the City of Yarra
- **Clause 15.01-2S – Building design** highlights the importance of responding to the local context by considering height, scale, and massing of the development. The policy also aims to support developments incorporating ESD.
- **Clause 15.01-2L – Building design** outlines strategies for building form, building heights, building setbacks, walls on boundaries, site coverage, internal amenity, impact of development on adjoining properties, roof form, materials, landscaping, pedestrian access, frontages, front fences and gates, carparking, loading facilities and outbuildings, and service equipment. Implementing these strategies will enable future development to enhance both the existing and planned built form of the municipality.
- **Clause 15.01-2L-01 – Environmentally sustainable development** aims to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.
- **Clause 15.01-4S – Healthy neighbourhoods** is intended to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01-5S – Neighbourhood character** aims to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S – Heritage conservation** seeks to protect and conserve places of heritage significance.






- **Clause 15.03-1L – Heritage** aims to conserve and enhance Yarra's natural and cultural heritage by preserving the scale and pattern of streetscapes in heritage areas. It supports the adaptation of heritage places in line with sound conservation principles and encourages signage that respects and reinforces their heritage significance.
- **Clause 16.01-1S – Housing supply** is a state level housing policy which aims to encourage housing that is suitable for the elderly, students, and those with disabilities. Higher density development is supported on sites close to jobs, services and public transport.
- **Clause 16.01-1R – Housing supply - Metropolitan Melbourne** aims to manage the supply of new housing to encourage transit-oriented development and housing in activity centres. Council aims to create 20-minute neighbourhoods and create mixed-use neighbourhoods with a variety of housing options.
- **Clause 16.01-1L – Location of residential development** outlines Yarra's aim to encourage new housing development to locations in a major or neighbourhood activity centre or major regeneration area as shown in clause 02.04, in which the subject site is located.
- **Clause 16.01-1L-01 – Housing diversity** supports the delivery of well-designed apartment developments within designated high and moderate change areas. These developments should provide a diverse mix of housing types, including larger dwellings suitable for families and shared households, particularly at lower building levels, with direct access to high-quality communal open space. The policy encourages design outcomes that facilitate social interaction and supports housing models such as cohousing, as well as purpose-built student accommodation located in proximity to tertiary institutions and accessible via walking, cycling, or public transport.
- **Clause 16.01-2S – Housing affordability** aims to deliver more affordable housing which is closer to jobs and services. This is partly achieved through greater housing diversity, facilitating a mix of private, affordable, and social housing, and encouraging a significant proportion of new development to be affordable housing.
- **Clause 16.01-2L – Housing affordability** seeks to support and facilitate the provision of affordable housing and social housing (public and affordable community housing), including new social housing and upgrades to existing social housing.

**APPENDIX B**

**CLAUSE 58 (APARTMENT DESIGN  
GUIDELINES) ASSESSMENT**



# CLAUSE 58 (ADG) ASSESSMENT

Objectives	Standard	Assessment  Complies  Variation Required
<b>Clause 58.02 – Urban Context</b>		
<p><b>58.02-1 – Urban Context objectives</b></p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p><b>Standard D1</b></p> <p>The design response must be appropriate to the urban context and the site.</p> <p>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</p>	<p> Does the proposal meet the <b>objective</b>?</p> <p> Does the proposal meet the <b>standard</b>?</p> <p>The proposed design response is appropriate to the site context and the urban surrounds. For further discussion please refer to the Town Planning Report prepared by Urbis, to be read in conjunction with the Architectural Package prepared by Warren and Mahoney accompanying this submission.</p>
<p><b>58.02-2 - Residential policy objectives</b></p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p>	<p><b>Standard D2</b></p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p> Does the proposal meet the <b>objective</b>?</p> <p>Does the proposal meet the <b>standard</b>?</p> <p>The proposed high density residential development is supportable in its location that benefits from proximity to established public and community infrastructure, services and transport infrastructure.</p> <p>Please refer to the town planning report for a written statement describing how the proposal is consistent with state and local planning policy relating to housing.</p>

**58.02-3 - Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard D3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal provides a range of dwelling sizes and types. As noted within the enclosed documents and Urbis Town Planning Report, the following dwelling mix is provided within the proposed development:

- 54 Studios
- 68 one bedroom apartments
- 9 one bedroom and study apartments
- 20 two bedroom apartments

Please refer to the enclosed Architectural Plans which further specify the dwelling mix and sizes.

**58.02-4 - Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.

To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard D4**

Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposed development will be connected to reticulated services, including sewerage, drainage and electricity.

**58.02-5 - Integration with the street objective**

To integrate the layout of development with the street.

**Standard D5**

Development should be oriented to front existing and proposed streets.

Along street frontage, development should:

Incorporate pedestrian entries, windows, balconies or other active spaces.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

To support development that activates street frontage.

Limit blank walls.

Limit high front fencing, unless consistent with the existing urban context.

Provide low and visually permeable front fences, where proposed.

Conceal car parking and internal waste collection areas from the street.

Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.

The proposed development, as outlined in the Town Planning Report and shown on the plans, has been designed to maximise activation along the primary street frontages while retaining the heritage façade, which is central to the project's character.

Along Lithgow Street, activation is achieved through the use of a cafe, while the balance of the frontages to both Lithgow and Little Lithgow Streets adopt pedestrian entrances, balconies, and windows to apartments enhance engagement and passive surveillance.

Consistent with permitted street wall development, no fences are proposed. Security gates will be permeable, supporting both safety and visual connection with the public realm.

Car parking and internal waste collection will be located in the basement, keeping these functions out of sight and contributing positively to the amenity of the surrounding area.

### Clause 58.03: Site Layout

#### 58.03-1 Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

#### Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

- Sited and designed to ensure that the energy efficiency of existing dwelling or small second dwellings on adjoining lots is not unreasonably reduced.
- Living areas and private open space should be located on the north side of the development, if practicable.
- Developments should be designed so that solar access to north-facing windows is optimised.
- Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 – Cooling Load

NatHERS climate zone	NatHERS maximum cooling load MJ/M <sup>2</sup> per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

The provision of north-facing windows has been maximised throughout the proposal via the architectural built form design on site.

The dwellings will not exceed the maximum NatHERS annual cooling load for Climate Zone 21 Melbourne.

Please refer to the Sustainable Management Plan and Architectural Drawings, prepared by for further details.

**58.03-2 Communal open space objective**

To provide communal open space that meets the recreation and amenity needs of residents.

To ensure that communal open space is accessible, practical, attractive, easily maintained.

To ensure that communal open space is integrated with the layout of

**Standard D7**

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.

Each area of communal open space should be:



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

As the development contains more than 13 dwellings (151), the development is required to provide an additional minimal communal open space area of 220 square metres.

the development and enhances resident amenity.

- Accessible to all residents.
- A useable size, shape and dimension.
- Capable of efficient management.
- Located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings and existing second small dwellings.

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

The proposed development offers generous communal outdoor open spaces, primarily a 325sqm terrace open space (including 110sqm dog run) is located on the rooftop, with additional area provided at ground level and Level 1.

**58.03-3 Solar access to communal outdoor open space objective**

To allow solar access into communal outdoor open space.

**Standard D8**

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The primary communal outdoor open space is located on the rooftop, ensuring ample solar access throughout the day. As displayed within the enclosed Architectural Plans, the principal terrace comprising 215 square metres of open space, is situated atop the northern building and benefits from unobstructed sunlight, with no impact from shadowing or other forms of solar obstruction.

**58.03-4 Safety objective**

To ensure the layout of development provides for the safety and security of residents and property.

**Standard D9**

Entrances to dwellings should not be obscured or isolated from the street and internal accessways.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Safety and security for residents have been a prevalent consideration for the proposed development as a whole.

Access via Lithgow Street is considered its primary access. As such, the Architectural Plans, prepared by Warren and Mahoney demonstrates appropriate lighting solutions, pathways and internal access and pedestrian wayfinding to ensure passive surveillance for residents.

The proposal has been designed to ensure that no dwellings are obscured or isolated. The development has been designed to provide good visibility and surveillance of car park entries and internal accessways.

#### 58.03-5 Landscaping objectives

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

To preserve existing canopy cover and support the provision of new canopy cover.

To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.

#### Standard D10

Development should retain existing trees and canopy cover.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Development should:

- Provide the canopy cover and deep soil areas specified in Table D2.
- Existing trees can be used to meet the canopy cover requirements of Table D2.

Provide canopy cover through canopy trees that are:

- Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
- Consistent with the canopy diameter and height at maturity specified in Table D4.
- Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal includes extensive deep space and creates generous opportunities for deep-soil planting. For further information, please refer to the accompanying Landscape Plan (October 2025) Ratio.

- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 – Canopy Cover and Deep Soil Requirements

Site Area	Canopy Cover	Deep Soil
1000 sqm or less	5% of site area Include at least 1 Type A Tree	5% of site area or 12 sqm (whichever is the greater)
1001 – 1500 sqm	50 sqm plus 20% of site area above 1,000 sqm Include at least 1 Type B Tree	7.5% of site area
1501 – 2500 sqm	150 sqm plus 20% of site area above 1,500 sqm Include at least 2 Type B trees or 1 Type C Tree	10% of site area
2500+ sqm	350 sqm plus 20% of site area above 2,500 sqm Include at least 2 Type B trees or 1 Type C Tree	15% of site area

Table D3 – Soil Requirements for Trees

Tree Type	Tree in deep soil - Area of deep soil	Tree in planter - Volume of planter soil	Depth of planter soil

A	12 sqm (min. plan dimension of 2.5 metres)	12 cubic metres (min. plan dimension of 2.5 metres)	0.8 metres
B	49 sqm (min. plan dimension of 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 sqm (min. plan dimension of 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metres

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%

Table D4 – Tree Type

Tree Type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

### 58.03-6 Access objective

To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.

To ensure the vehicle crossovers are designed and located to minimise visual impact.

### Standard D11

Vehicle crossovers should be minimised.

Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.

Pedestrian and cyclist access should be clearly delineated from vehicle access.

The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.

Developments must provide for access for service, emergency and delivery vehicles.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

In accordance with Standard D11, the proposal reduces the number of vehicular access points on the site. While the existing site currently has multiple access points along both frontages, the new design consolidates vehicle access to a single entry from Little Lithgow Street.

Pedestrian and cyclist access along Little Lithgow Street is positioned at the northern end of the site, away from the basement entry

area. The main pedestrian and cyclist entries are located on Lithgow Street, which has no vehicle access, ensuring a safe and unobstructed arrival experience.

Overall, the proposed access arrangement supports the urban design objectives, minimises potential conflicts between vehicles and pedestrians, and reduces any adverse impacts on the public realm.

### 58.03-7 Parking location objectives

#### Standard D12

To provide convenient parking for resident and visitor vehicles.  
To protect residents from vehicular noise within developments.

Car parking facilities should:  
Be reasonably close and convenient to dwellings.  
Be secure.  
Be well ventilated if enclosed.  
Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal contains 43 car parking spaces.  
The car parking areas are easily accessed by residents via internal stairwells and internal lift facilities, the parking is secure, well ventilated and provides the apartment development with the full suite of amenity including services, bicycle spaces and utility areas.

### 58.03-8 Integrated water and stormwater management objectives

#### Standard D13

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.  
To facilitate stormwater collection, utilisation and infiltration within the development.  
To encourage development that reduces the impact of stormwater run-off on the drainage system and

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.  
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.  
The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The development has been designed with integrated water and stormwater management objectives in mind. The proposal is generally consistent with the relevant objectives of stormwater standards and practices as

filters sediment and waste from stormwater prior to discharge from the site.

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

outlined within the Sustainable Management Plan, prepared by Arup.

The overall proposal has been afforded 1,785 sqm of rainwater collection area that is serviced by a 20-kilolitre underground water tank.

It is considered the proposal adequately meets the objectives of Standard D13.

## Clause 58.04 – Amenity Impacts

### 58.04-1 Building setback objectives

To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.

To allow adequate daylight into new dwellings.

To limit views into habitable room windows and private open space of new and existing dwellings.

To provide a reasonable outlook from new dwellings and existing small second dwellings.

To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

### Standard D14

The built form of the development must respect the existing or preferred urban context and respond to the features of the site.

Buildings should be set back from side and rear boundaries, and other buildings within the site to:

- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings and existing small second dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal is appropriately set back from adjoining buildings, in line with the prevailing urban context.

### 58.04-2 Internal views objective

To limit views into the private open space and habitable room windows of dwellings within a development.

### Standard D15

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The orientation of the site combined with the layout of the proposed dwellings will result in no internal overlooking as a result of the dwelling design.

### 58.04-3 Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings or small second dwellings.

To protect residents from external and internal noise sources.

### Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table D5 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 - Noise influence area

Noise Source	Noise Influence Area
Zone Interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The development has included relevant design measures to minimise the environmental and building services noise to the Australian Standard levels, ensuring that indoor spaces are comfortable and amenable.

Freeways, tollways, and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
<b>Railways</b>	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

#### 58.04-4 Wind impacts objective

To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.

#### Standard D17

Development of five or more storeys, excluding a basement should:

- Not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and
- Achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land

Within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Table D6 – Wind Conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind direction.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The VIPAC wind assessment evaluates the proposed development against Clause 58.04-4m and finds it compliant. The design is expected to deliver acceptable wind conditions for comfort and safety across all key areas of the site. Key findings are:

- Ground-level footpaths and access ways meet walking comfort criteria.
- Building entrances meet standing comfort criteria.
- Private balconies and gardens meet walking comfort criteria.
- The rooftop communal terrace meets standing or walking comfort criteria, subject to recommended measures.
- Gust wind conditions meet safety criteria.

For additional detail, please refer to the enclosed Wind Impact Assessment.

	<p>than 20% of the time, equal to or less than:</p> <p>3 metres per second for sitting areas,</p> <p>4 metres per second for standing areas,</p> <p>5 metres per second for walking areas.</p>
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**Clause 58.05: On-Site Amenity and Facilities**

**58.05-1 Accessibility objective**

To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard D18**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

Table D7 – Bathroom Design

	<b>Design option A</b>	<b>Design option B</b>
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: A slide door, or A door that opens outwards, or A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: A slide door, or A door that opens outwards, or A door that opens inwards and has readily removable hinges.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The Architectural Plans show a total of 151 apartments, with 76 (50%) designed to be accessible. This meets the requirements of Standard D18.

The mix of apartment types has been designed to support a wide range of resident needs, incorporating features such as generous clear openings, main bedrooms with ensuites, and functional layouts that facilitate ease of movement throughout the dwelling.

Circulation area	A clear circulation area that is: A minimum area of 1.2 metres by 1.2 metres. Located in front of the shower and the toilet. Clear of the toilet, basin, and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: A minimum width of 1 metre. The full length of the bathroom and a minimum length of 2.7 metres. Clear of the toilet and basin. The circulation area can include a shower area.
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

**58.05-2 Building entry and circulation objectives**

To provide each dwelling and building with its own sense of identity.

**Standard D19**

Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

- The layout and design of buildings should:
  - Clearly distinguish entrances to residential and non-residential areas.
  - Provide windows to building entrances and lift areas.
  - Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
- Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Pedestrian access to the development is provided at ground level along both Lithgow Street and Little Lithgow Street, with entry points designed to be visible and easy to identify. The primary access for residents is via a gated entry on Lithgow Street, which is clearly distinguished as a private entry. Public access to the café is located on the eastern façade, where two large doors provide both entry and shelter.

Passive surveillance is supported through the arrangement of landscaped areas, ensuring clear sight lines to all main entry points. This design approach enhances safety and visibility for residents and visitors.

Each dwelling is accessed via internal corridors, with windows positioned to provide natural light to both the corridors and the lift core. All common areas benefit from daylight, contributing to a comfortable and welcoming environment.

Safe and well presented stairs, along with open bridge walkways, are available from ground level for resident use, offering convenient vertical and external connectivity within the development.

**58.05-3 Private open space objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard D20**

A dwelling should have private open space consisting of at least one of the following:

- An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

- A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
- An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
- An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 – Balcony Size

Orientation of dwelling	Dwelling Type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 sqm	1.7m
South (between south 30 degrees west to south 30 degrees east)	All	8 sqm	1.2m
Any other orientation	Studio or 1 bedroom dwelling	8 sqm	1.8m
	2 bedroom dwelling	8 sqm	2m
	3 or more bedroom dwelling	12 sqm	2.4m

Table D9 – Additional Living Area or Bedroom Area

Dwelling Type	Additional area
Studio or 1 bedroom dwelling	8 sqm

The proposal incorporates private open space for the majority of dwellings through a terrace garden or balcony. The exception to this Studio Type 6 (5 apartments total) and Type 9 (3 apartments total) which do have an area of private open space. 44 studio apartments are provided with an area of private open space, some of which are Juliet balconies which fall short of the minimum area required by Standard D20. Studio Type 8 (1 apartment total) and Type 10 (1 apartment total) meet the minimum dimension and area for private open.

Additionally, the private open space provisions for ground level apartments vary between dwellings, with the minimum provision being 7sqm and the maximum provision being 54sqm. As such, only 9 of the 28 ground floor apartments will meet the minimum 25sqm POS provision as required by Clause 58.

As such, a total of 73 apartments representing 48% of dwellings do not meet Standard D20.

To offset these variations of the standard, the design includes a range of high-quality communal facilities for residents, including a rooftop terrace.

Additionally, the ground floor terraces provided are well proportioned and will provide for a high quality private open space area for residents despite many not meeting the minimum sqm required by the standard. The size of the terraces is considered to be appropriate given the build-to-rent nature of

2 bedroom dwelling	8 sqm
3 + bedroom dwelling	12 sqm

the building and will meet the private open space objective of Clause 58.05-3.

#### 58.05-4 Storage objective

To provide adequate storage facilities for each dwelling.

#### Standard D21

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 – Storage

Dwelling type	Total minimum storage	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

As displayed within the Apartment Design Guideline Compliance Schedule, all apartments are provided with sufficient total minimum storage.

Appropriate internal storage volume is also provided throughout each apartment layout.

### Clause 58.06: Detailed Design

#### 58.06-1 Common property objectives

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

#### Standard D22

Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal clearly delineates communal and private areas, with common property designed to be functional and capable of efficient management.

### 58.06-2 Site services objectives

To ensure that site services are accessible and can be installed and maintained.

To ensure that site services and facilities are visually integrated into the building design or landscape.

### Standard D23

Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.

Meters and utility services should be designed as an integrated component of the building or landscape.

Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposed development services are designed to be install and easily maintained through ease of access and adaptability of site location and facilities.

### 58.06-3 Waste and recycling objectives

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

### Standard D24

Developments should include dedicated areas for:

Waste and recycling enclosures which are:

- Adequate in size, durable, waterproof and blend in with the development.
- Adequately ventilated.
- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019).



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

In accordance with Standard D23, the proposal demonstrates commitment to ensure the dwellings are encouraged to recycle and manage waste effectively.

A bin room and waste collection point is provided within the basement.

The Waste Management Plan prepared by Traffix Group, further details the waste collection and management services relating to this proposal.

- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**58.06-4 External walls and materials objective**

To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

**Standard D25**

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

As shown in the Architectural Plans, the external walls and finishes have been designed to ensure durability, respect the site's heritage context, withstand wear from intended use, and present a high-quality architectural outcome to both Lithgow Street and Little Lithgow Street.

Further detail on the proposed materials and finishes, and their integration with the surrounding streetscapes, is provided in the Architectural Package.

**Clause 58.07: Internal Amenity**

**58.07-1 Functional layout objective**

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard D26**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table D11.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Table D11 – Bedroom Dimensions

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Table D12 – Living Area Dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

As displayed within the Apartment Design Guideline Compliance Schedule and Architectural Plans Package, all apartments except for 2B-01 are provided with sufficient functional layouts and dimensioned rooms.

Apartment Type 2B-01 does not meet the standard for the minimum living room area and dimension. The living room provided measures 3.2m x 2.8m providing a total of 8.9sqm. There are only 3 apartments of this type within the overall development. It is submitted that despite this non-compliance with the standard, Apartment Type 2B-01 still meets the functional layout objective. The living area provided is still highly functional and provides sufficient space for future residents to utilise the space including a location for a couch and TV. The living area is located adjacent to the kitchen with immediate accessibility to the balcony. The minor shortfall in overall size (3.1sqm) and minimum width (0.4sqm) is not considered to compromise the functionality of the apartment overall.

**58.07-2 Room depth objective**

To allow adequate daylight into single aspect habitable rooms.

**Standard D27**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

No single aspect habitable room has a depth which exceeds 9m. All apartments are compliant with Standard D27.

### 58.07-3 Windows objective

To allow adequate daylight into new habitable room windows.

### Standard D28

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

A minimum width of 1.2 metres.

A maximum depth of 1.5 times the width, measured from the external surface of the window.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

The proposal meets the objectives and requirements of Standard D27 by allowing adequate daylight into new habitable room windows. Where windows are provided from a secondary area, they have a minimum width of 1.2 metres and maximum depth of 1.5 metres.

### 58.07-4 Natural ventilation objectives

To encourage natural ventilation of dwellings.

### Standard D29

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.



Does the proposal meet the **objective**?



Does the proposal meet the **standard**?

To allow occupants to effectively manage natural ventilation of dwellings.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

A maximum breeze path through the dwelling of 18 metres.

A minimum breeze path through the dwelling of 5 metres.

Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

33 (22%) apartments achieve effective cross ventilation. Falling short of the Standard which requires 40%. Due to the shape and size of the site and heritage restrictions, there are not a lot of corner apartments which typically lend them self to achieving 'cross ventilation'.

As displayed in the architectural plans provided with this application, the following apartment types achieve cross ventilation:

- S-04, S-05 & S-10
- 1BS-01, 1BS-02 & 1BS-06
- 2B-01 – 2B-11.

Despite this, the development includes the installation of a Heat Recovery Ventilation (HRV) mechanical system that provide a constant supply of fresh, filtered air while maintaining indoor thermal comfort and energy efficiency. By continuously extracting stale air and replacing it with fresh outdoor air, HRV systems significantly improve indoor air quality, reducing pollutants, moisture, and odours. The heat recovery process transfers warmth from exhaust air to incoming air, minimising energy loss and lowering heating and cooling demands. This results in more stable indoor temperatures, reduced condensation and mould risk, and improved occupant health and comfort. A constant supply of fresh air also supports cognitive performance, wellbeing, and long-term building durability.



