

# Property planning report

28 ELIZABETH Street, Melbourne, VIC, 3000

11\PS617983 • 356 m<sup>2</sup> • Melbourne

LEGAL REPORT



## At a glance

Land area	356 m <sup>2</sup> (cadastre)
Approx. dimensions	22.6 × 15.8 m
Lot / Plan	11\PS617983
Zone	CCZ2 — Capital City Zone - Schedule 2
Council	Melbourne
Postcode	3000

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## 1 Site Summary

Address	<b>28 ELIZABETH Street, Melbourne, VIC, 3000</b>
Lot Reference	11\PS617983
Site Area	356 m <sup>2</sup> Source: Vicmap Property · guide only — verify with a surveyor before reliance
LGA	Melbourne
Tenure	<b>Freehold Title</b>
Zone	<b>CCZ2</b> — Capital City Zone - Schedule 2 (activity_centre)
planning scheme	Melbourne Planning Scheme
Heritage	Yes — 1 item
Environmental Overlays	3 overlays applicable
Contamination Status	<b>3 contaminated site(s) within 500m</b>
Victoria Planning Provisions Count	0
Total Obligations	13 (prohibition: 1, structural: 2, condition: 2, requirement: 2, obligation: 5, threshold: 1)
Population Context	9,848 persons, density 12279/km <sup>2</sup> , 2.1 persons/dwelling (s7.11 contribution basis)
Composite Scores	Regulatory complexity: 100/100 — Amenity: 49.8/100

## 2 Zoning & Permissibility

### CCZ2 — Capital City Zone - Schedule 2

Category: activity\_centre | Instrument: Melbourne Planning Scheme

## 3 Development Standards

Control	Value	Source	Notes
<b>Maximum Building Height</b>	9 m	Clause 43.02 (DDO1)	Maximum building heights in VIC are typically set by Design and Development Overlay schedules (Clause 43.02) or zone-specific provisions. Exceeding a discretionary maximum requires a planning permit that demonstrates compliance with the schedule's design objectives. Mandatory maximums require a scheme amendment.

## 4 Regulatory Risk Assessment

### Regulatory Risk Summary

#### Heritage Overlay (Elevated Regulatory Complexity)

The property is affected by the Heritage Overlay (VPP Clause 43.01) — HO506. A planning permit is required for buildings, works, demolition and many external changes that affect heritage significance.

**Legal implication:** A heritage impact statement is typically required. Inadequate treatment of heritage impact is a common ground for refusal and for review at the VCAT Planning & Environment List. Local Heritage Overlay controls apply under the planning scheme.

#### Nearby Potentially-Contaminated Sites (3 within 500 m) — Standard Due Diligence

3 potentially-contaminated or audited site(s) within 500 m. While the property itself is not on the register, contamination can migrate through groundwater.

**Legal implication:** Proximity is a potential material fact. An EPA Victoria Priority Sites Register search should be obtained, and a preliminary site investigation considered, as part of due diligence.

### Disclosure Obligations

A vendor's statement under s32 of the Sale of Land Act 1962 (VIC) must disclose prescribed matters before sale, and known material facts must be disclosed under the Estate Agents Act 1980 (VIC) (Consumer Affairs Victoria guidelines). The following constitute material planning facts for this property:

- Heritage Overlay (VPP Clause 43.01); Heritage Act 2017 (VIC) where on the Victorian Heritage Register.
- 3 potentially-contaminated site(s) within 500 m — potential material fact.

### Total Regulatory Burden

13 planning obligations identified across 1 instrument tier (planning scheme + Victoria Planning Provisions). 0 are qualitative controls requiring professional planning assessment. Merits review of a permit decision is available at the VCAT Planning & Environment List (ss77, 80, 82 of the Planning and Environment Act 1987 (VIC)).

## 5 Obligation Register

### Building Height (1 obligation)

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Maximum building height 9.0 m  
The maximum building height permitted under DDO1 within Central Melbourne is 9.0 metres.

### Design & Built Form (6 obligations)

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Integrate and contribute to street hierarchy context

To ensure that development integrates with, and makes a positive contribution to, its context, including the hierarchy of main streets, streets and la...

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Promote legible, walkable pedestrian environment

To ensure that development promotes a legible, walkable and attractive pedestrian environment.

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Strong relationship of internal layout to public realm

To ensure that the internal layout including the layout of uses within a building has a strong relationship to the public realm.

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Visually interesting, human-scaled, safe public realm edge

To ensure that development provides a visually interesting, human scaled and safe edge to the public realm.

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Active frontage requirement

Development must provide active frontages within Central Melbourne under DDO1.

+ 1 more obligation in this category

## Heritage (3 obligations)

**DCP Melbourne Planning Scheme** · Cl. 43.01 / Schedule HO506 · Demolition permit required — Flinders Lane Precinct (HO506)

Demolition of buildings or works on 'Flinders Lane Precinct' (HO506) requires a planning permit under Cl. 43.01-1.

**DCP Melbourne Planning Scheme** · Cl. 43.01 / Schedule HO506 · Heritage place: Flinders Lane Precinct (HO506, melb)

Heritage Overlay HO506 (melb) applies to 'Flinders Lane Precinct' (precinct significance). Permit required for buildings, works, demolition, and exter...

**DCP Melbourne Planning Scheme** · Cl. 43.01 / Schedule HO506 · External paint controls — Flinders Lane Precinct (HO506)

External paint colour changes to 'Flinders Lane Precinct' (HO506) require a planning permit under Cl. 43.01.

## Prohibited Uses (1 obligation)

**DCP Melbourne Planning Scheme** · Zone CCZ Section 3 catch-all · Catch-all: any other use prohibited in Zone CCZ (melb)

Any use not listed in Section 1 or Section 2 of Zone CCZ (melb scheme) is prohibited (Section 3 catch-all under Cl. CCZ-2).

## Scheme Structure (2 obligations)

**DCP Melbourne Planning Scheme** · Schedule DDO1 (Schedule 1 to Cl. 43.02) · DDO1 - Urban Design in Central Melbourne structural root

Schedule 1 to the Design and Development Overlay (DDO1) applies to Urban Design in Central Melbourne and establishes design and development objectives...

**DCP Melbourne Planning Scheme** · Schedule 2 to Schedule 2 to Cl. 37.04 · CCZ2 (Schedule 2 to Schedule 2 to Cl. 37.04) — applies in melb

Schedule 2 to Cl. Schedule 2 to Cl. 37.04 (CCZ2) applies to land in melb scheme. Schedule name: CAPITAL CITY ZONE.

0 of 13 obligations are qualitative (require professional judgment rather than numerical compliance).

## 6 Heritage & Environmental Constraints

### Heritage Items (cl. 5.10)

Item ID	Name	Significance	Type	Clause
HO506	HO506	local	Heritage Overlay	Clause 43.01 (Heritage Overlay)

### Environmental Overlays

Overlay	Classification	Clause	Implication
Design and Development Overlay	Design and Development Overlay	Clause 43.02	This land is within a Design and Development Overlay (VPP Clause 43.02). The schedule sets discretionary controls — typically maximum building height plus setback and design requirements.
Heritage Overlay	Heritage Overlay	Clause 43.01	This place is included in the Heritage Overlay (VPP Clause 43.01). A planning permit is required for buildings, works, demolition, and many minor changes that affect heritage significance. State-level Victorian Heritage Register listings under the Heritage Act 2017 carry additional Heritage Council controls.
Parking Overlay	Parking Overlay	Clause 45.09	This land is within a Parking Overlay (VPP Clause 45.09). Car-parking provision and (for some schedules) financial contributions may differ from the default Clause 52.06 rates.

#### Nearby EPA Contaminated Sites (3 within 500m)

- 433-455 Collins St, Melbourne Vic 3000 433-455 Collins St — Environmental Audit (398m)
- 433-455 Collins St, Melbourne Vic 3000 433-455 Collins St — Environmental Audit (453m)
- Stage 1 Commercial Area Freshwater PI, Southbank Bvd Compri... — Environmental Audit (491m)

Consider contamination migration risk in site investigation scope.

## 7 Clause 4.6 Variation Pathways

### Variation & review pathways

Where a proposal does not meet a discretionary standard, the variation is sought through the planning permit application itself — there is no separate standalone written request to except a development standard. The responsible authority may grant a permit, with or without conditions, after weighing the decision guidelines (Clause 65) and the objectives of the relevant zone and overlay.

- **Permit (responsible authority):** decision under s60–s61 of the Planning and Environment Act 1987 against the scheme's decision guidelines.
- **VCAT review:** an applicant may apply to the Victorian Civil and Administrative Tribunal (Planning & Environment List) under s77 (refusal) or s80 (conditions); objectors may seek review under s82. VCAT re-decides the application on its merits.
- **Mandatory standards:** alterable only by a planning scheme amendment (s8A–s39) or ministerial intervention (s20) — not by permit or VCAT.

Standard	Value	Clause	Assessment considerations
Maximum building height	9m	Clause 43.02 (DDO1)	Maximum building heights in VIC are typically set by Design and Development Overlay schedules (Clause 43.02) or zone-specific provisions. Exceeding a discretionary maximum requires a planning permit that demonstrates compliance with the schedule's design objectives. Mandatory maximums require a scheme amendment.

## 8 L&E Court Precedent

### VCAT precedent — Planning & Environment List

270 planning decisions on record for Melbourne in the Victorian Civil and Administrative Tribunal (Planning & Environment List), 23 in the last 3 years. Recent decisions:

Citation	Matter	Outcome	Date
[2024] VCAT 1187	Billboards Australia Pty Ltd v Melbourne CC [2024] VCAT 1187 (31 December 2024)	affirmed	2024-12-31
[2024] VCAT 768	Wotherspoon v Melbourne CC [2024] VCAT 768 (12 August 2024)	dis-missed	2024-08-12
[2024] VCAT 681	Seafirst Australia Pty Ltd v Melbourne CC [2024] VCAT 681 (18 July 2024)	dis-missed	2024-07-18
[2024] VCAT 608	Mayne v Melbourne CC [2024] VCAT 608 (8 July 2024)	affirmed	2024-07-08
[2024] VCAT 555	Leftbank Right Pty Ltd v Melbourne CC [2024] VCAT 555 (13 June 2024)	set-aside	2024-06-13
[2024] VCAT 501	Laneway Developments Pty Ltd v Melbourne CC [2024] VCAT 501 (12 June 2024)	affirmed	2024-06-12
[2024] VCAT 384	Dowling v Melbourne CC [2024] VCAT 384 (3 May 2024)	varied	2024-05-03
[2024] VCAT 332	Port Melbourne Storage Pty Ltd v Melbourne CC [2024] VCAT 332 (17 April 2024)	set-aside	2024-04-17

Source: VCAT Planning & Environment List decisions (AustLII). Outcomes are matter-specific and not predictive of any individual application.

## 9 State Policy Override Analysis

No Victoria Planning Provisions overrides apply.

## 10 DCP Guidelines

No DCP data available.

# Appendices

The planning instruments and land-use permissibility this report relies on, reproduced in full as the legal reference basis. The complete defined-terms dictionary is provided as a free companion glossary (referenced below).

## A Planning Scheme Defined Terms

### Melbourne Planning Scheme — Defined Terms

The defined terms of **Melbourne Planning Scheme** are reproduced in full in a free companion glossary, so this report stays focused on your property. The glossary is shared across every report under this instrument and updated with it.

Download the full defined-terms glossary (PDF) → <https://zonedss.com/glossary/melbourne-planning-scheme.pdf>

## B Applicable Instruments

Type	Instrument	Description
planning scheme	Melbourne Planning Scheme	Primary planning instrument. Statutory controls for height, FSR, lot size, heritage, and land use permissibility.

**Sources.** Vicmap Property (boundaries, areas & dimensions), the Victorian Planning Provisions and planning schemes (zoning & overlays) and ABS Census 2021 (demographics). All figures are **indicative only and are not legal, survey, or valuation values** — they may contain errors and must not be relied on for development, financial, or legal decisions. This automated summary is general information, not professional advice; verify current operative provisions against Victorian Legislation ([legislation.vic.gov.au](http://legislation.vic.gov.au)) and confirm with Melbourne and a qualified professional before acting. © 2026 ZoneDSS.