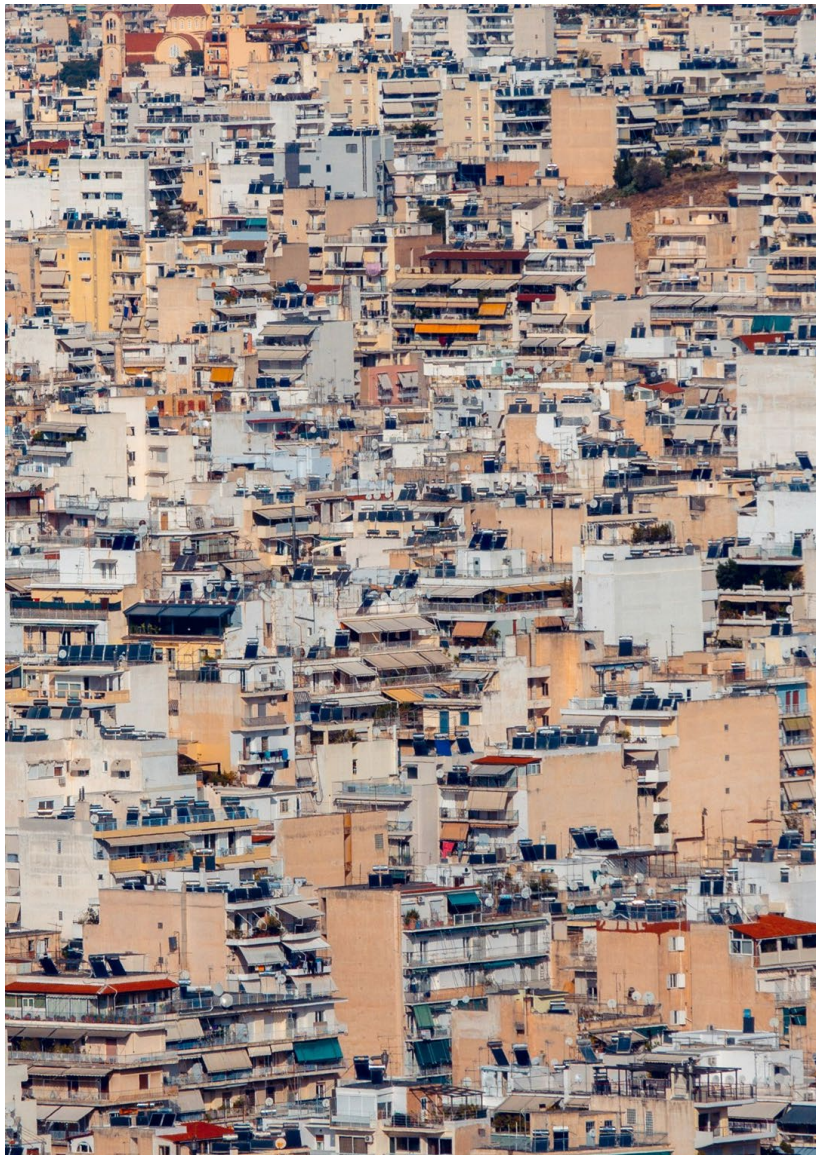


**Select Committee on Victoria Planning Provisions  
Amendments VC257, VC267 and VC274**

**Jacinta Allan's Undemocratic Plan to Destroy  
Melbourne's Liveability and Quality of Life**

**Minority Report  
Liberal Members  
May 2025**



## 1. Introduction

This minority Report of the Liberal Members of the Select Committee on Victoria Planning Provisions Amendments VC257, VC267 and VC274 has been necessitated by the need to convey our concern for the future of Melbourne and its magnificent suburbs.

It has also imperative to convey our concerns at the undemocratic, high handed, indeed authoritarian approach being adopted by the Allan Labor Government in its misguided approach to planning in Melbourne's suburbs. Stripping Councils and communities of planning controls and planning rights reflects Labor's almost 11 years in office and their failure to provide a proper and adequate supply of housing. Unfortunately, Labor and Jacinta Allan have provided the wrong solution to the problem of Victoria's housing shortage, a problem for which they bear the primary responsibility.

The minority report should be read in conjunction with the overall committee report which was supported by the Liberal members.

The Select Committee Inquiry into Planning Scheme amendments VC257, VC 267 and VC 274 was initiated by a motion of the Liberal Party carried in the Legislative Council.

The Liberal members of the Committee's findings and recommendations are included in this minority report.

## 2. Non provision of requested material and documents

The Committee has requested key materials from the Department and the Victorian Planning Authority which have not been provided as requested.

Key documents that have not been provided to the Committee include the materials presented to Minister Kilkenny to support the action of gazetting the amendments that are the subject of this committee's reference and amendment GC252. These briefs are readily accessible, and several have been sought by the Legislative Council weeks earlier. They were first requested at the hearing on 17 May 2025 and again requested on 30 May.

The Committee was told by the Department, *"In relation to the requests for Ministerial approval documents for the VC and GC amendments and infrastructure modelling, I am instructed that Government cannot respond to the request for these documents within the Committee's timeframes."*

The claim that these documents should not be accepted by the Victorian community. It is bunk. These documents are readily accessible and recent. They are being hidden for only one reason; the Allan Labor Government is embarrassed by them.

There is a long list of documents still outstanding which the Allan Labor Government has chosen to keep secret.

**Finding: The Committee finds that the Department and other agencies of government have not provided requested materials and background documents sought by the Committee during this inquiry and that the explanations proffered by the Allan Labor Government are unconvincing.**

**Recommendation: The Department and other agencies should have provided to the Committee provide all sought documents and materials and should do so following the tabling of the report.**

### **3. The intervention of the Premier's Private Office in the Inquiry**

The Premier's Private Office (PPO) rang witnesses and sought to influence the presentation of materials at this Inquiry. This breaches longstanding understandings that the Executive will not interfere in the activities of Parliament, such as the work of Parliamentary committees.

Under questioning at the hearing on 29th May Cath Evans from the Property Council was unable to indicate that she had not been contacted by the Premier's Office.

Ms Evans was questioned:

**David DAVIS:** Just to continue on a couple of these points, what I would also be interested to know is: has there been any consultation with the Premier's office – by any of the three organisations – prior to this hearing? Have any of you spoken to the Premier's office?

**Linda ALLISON:** Not the Premier's office on this matter, no.

**David DAVIS:** Ms Evans?

**David DAVIS:** This particular matter, the inquiry. Please be very truthful; you are under oath. The answer is yes, I think.

**Cath EVANS:** No, I am trying to reflect on the phone calls that I have received and whether they have been from the Premier's office or not.

**Keith RYAN:** Sorry, can I just maybe – I did, when the inquiry was first announced, get a phone call from the Premier's office telling me it was happening, and that was fine. It was good to get the heads-up that that was happening. I then had a chat to one of your colleagues, Richard, and I expressed our concern that we felt this was not a great inquiry, but we understood why you had chosen to go ahead. But that was the end of my discussion with the Premier's office and, for that matter, the Liberal Party.

**David DAVIS:** So, Ms Evans, just on reflection you have had –

**Cath EVANS:** My recollection is of being notified by the Premier's office. I have not had a discussion –

**David DAVIS:** Who did you talk to? You can come back to us with the details.

**Cath EVANS:** I would have to check my notes.

**David DAVIS:** Thank you.

**Cath EVANS:** I do have notes of my conversations, and I would have to check them.

**Linda ALLISON:** For clarification, my interaction has been the same as Keith's. I was notified of the intention for the select committee to be established, but since then I have –

**David DAVIS:** What did they ask you to do?

**Linda ALLISON:** They wanted to make us aware of the potential outcome.

**David DAVIS:** What did they ask you to do?

**Georgie CROZIER:** Potential outcome?

**Linda ALLISON:** They asked us to consider whether that was an outcome that we would support and if –

**Georgie CROZIER:** What is the outcome? What is the potential outcome?

**David DAVIS:** What did they ask you to do?

**Linda ALLISON:** Sorry, let me be clear: they notified me of the intention to establish a committee and what that process may entail, which I was not previously familiar with, and asked if the potential delay of the introduction of these amendments would be something that the industry would be in favour of or not.

**David DAVIS:** Were any drafts of the activity centre proposals shared with any of the three organisations?

**Linda ALLISON:** Do you mean in the lead-up to –

**David DAVIS:** Yes, lead-up to the gazettal.

**Linda ALLISON:** I believe there were – I would need to take advice on that, but industry was consulted.

**David DAVIS:** Mr Ryan?

**Keith RYAN:** There was some consultation. To be frank, I was understaffed with planning people at the time, so it is possible we were advised of a process, but we did not participate to any great extent. I do not believe we were actively involved.

**David DAVIS:** Ms Evans?

**Cath EVANS:** My recollection, and again, I would have to check my documentation, is that we were asked to provide formal feedback to the draft activity centre plans, which we did, and we have shared that documentation with this committee.

**David DAVIS:** All of the documentation you provided to the government?

**Cath EVANS:** We have, as it relates to these matters, yes. The proposal we did on activity centres, we have provided. We also provided a written submission in relation to the townhouse code. We have not annexed that to our submission today, but we are happy to.

**David DAVIS:** Can you provide to us all the material that you sent to government on these matters? That would be helpful.

**Cath EVANS:** Absolutely, happy to.

**David DAVIS:** It is important because I think many in the community were not consulted, and industry appears to have been more heavily consulted than the local

communities. I ask you further, the three of you: did any large corporate members who would benefit from government incentives on build-to-rent have any input into the organisation's position on activity centres?

**Keith RYAN:** No.

**David DAVIS:** Ms Evans?

**Cath EVANS:** The division council of the property council, which is akin to the board of the property council, does have several members. The local board is called the division council. It does have several members who have build-to-rent assets. Our usual process is to provide our division council with a copy of submissions that we are providing to government for any formal processes.

**David DAVIS:** Did they help with framing the submissions?

**Cath EVANS:** For their consideration?

**David DAVIS:** For framing the submissions, did they help with that? **Cath EVANS:** Those documents, as per our usual process, are provided to them for their feedback and commentary.

**David DAVIS:** So they are provided. We might have a copy of those too, please.

**Cath EVANS:** The submission on activity centres has already been provided to you.

The PPO was also involved in the co-ordination of lobbying of business and building groups, including the Property Council and the Urban Development Institute of Australia. It is apparent that the PPO was active in encouraging the contact of cross bench MPs by the Property Council and the UDIA. While Members of Parliament may contact industry groups to lobby them and may in turn be lobbied by them it is most unorthodox for ministerial offices and the PPO staff to be involved in lobbying campaigns to influence cross bench MPs.

#### **4. Minister's non-appearance at inquiry**

The Minister for planning has failed to appear before the Inquiry despite a request being extended to her. The Minister in correspondence attached did not even explain why she would not attend. The Minister also failed to provide a written submission to the Inquiry.

**Finding: The Minister for Planning, Sonya Kilkenny failed to appear at the Inquiry.**

**Recommendation: The Minister should provide to the Inquiry and the parliament the briefs or other material on which she relied supporting the gazettal of the three planning scheme amendments which have been withheld.**

#### **5. Charter 29 – Submissions**

The Charter 29 organisation provided several submissions to the Inquiry which were very informative and gave evidence on the 17<sup>th</sup> of May 2025. Their submission can be viewed here...

This organisation is comprised of a range of planners, some retired, academics, engineers and other professionals with knowledge of and an interest in Melbourne's planning future. They are deeply concerned about the direction of planning under the proposed amendments.

A recent communication from Michael Buxton usefully summarises the impact of the Government's changes and indicates some of the their concerns. This is attached as Appendix 2

Further key work is available in Charter 29's April 2025 report entitled *Providing for Future Housing for Victorians* (on the website of charter 29.com), "*which presents an alternative to the Government's radical model of change.*"

## **6. Taxation, especially State Taxation and its impact on the provision of housing**

The Allan Labor Government has not understood that simply changing the planning rules will not deliver an agreed aim, more housing.

Labor has over its period of government jacked up taxation on homes with significant increases in the number and impact of taxation on affordability.

The Property Council said in its submission:

While we again reaffirm that the planning changes made including the three PSAs subject to this inquiry are broadly beneficial for the industry, the more significant barrier to industry delivery is the volume and complexity of Victoria's property taxes. Several new taxes have been introduced in recent years that impact both land and housing development, including windfall gains tax, vacant residential land tax (including its impending application on vacant undeveloped residential land), foreign purchaser additional duty, absentee owner surcharge and the additional Covid land tax levy in place until 2033.

The Property Council has put forward a range of suggested and informed solutions to the Victorian Government for the upcoming 2025-26 Victorian Budget to support the industry to deliver an increased volume of quality new homes, including:

- **Extending off-the-plan stamp duty concessions:** These concessions are critical to reviving Victoria's apartment and townhouse markets by providing developers with the certainty they need to initiate new projects.
- **Boosting the First Homeowner Grant:** A temporary but targeted increase to the grant will help more Victorians realise their homeownership dreams while driving demand in growth areas and unlocking housing supply.
- **Reforming the foreign investor surcharges:** These taxes have made Victoria uncompetitive, deterring international capital that is essential for housing supply, including build-to-rent, student accommodation, and retirement living projects.
- **Providing relief for developers building housing at scale:** Reforms to the Windfall Gains Tax and Vacant Residential Land Tax are necessary to remove financial barriers that are delaying housing delivery and driving up costs, with

deeper relief to be made available for developers delivering a quantum of affordable housing.

- **Implementing Special Economic Zones:** Combining tax incentives and streamlined planning processes, these zones would unlock development in key metropolitan and regional precincts, maximising the impact of upcoming planning initiatives.
- **Introducing tax incentives for active development projects:** Providing targeted land tax exemptions and other incentives during the active development phase would bridge the feasibility gap and encourage higher-density residential projects.

In questioning the Property Council said:

**David DAVIS:** All right. We will leave that there. Thank you. I have just looked at this from the three organisations, and there is one three-letter word that does not appear on this: tax. Was there a decision by the three organisations to go soft on the government on tax? Are you rolling over nicely for the government on tax? I am deadly serious.

**Cath EVANS:** Our previous statements, our individual statements –

**David DAVIS:** I have seen those.

**Cath EVANS:** make very clear comments around the challenges in the sector at the moment in delivering housing due to the myriad of taxes and charges which burden the industry.

**David DAVIS:** Is it on this sheet?

**Cath EVANS:** That is very clear in our detailed statements.

**David DAVIS:** It is not on this sheet, though.

**Linda ALLISON:** It is not on the sheet because we were specifically addressing the three planning amendment changes. Obviously our –

**A member:** It is in relation to the inquiry, isn't it?

**Linda ALLISON:** Yes, that is right.

**David DAVIS:** Yes. Good. Thank you.

**Ken Ryan from the HIA said “Tax is very much a matter, yes. In fact, I have this for you later. Tax is a critical problem, let us not shy from that.” (page 48 Tuesday 29 April 2025)**

**The Urban Development Institute of Australia said:**

**Ashley WILLIAMS:** Thanks, Cath. I will just I guess reinforce what Cath has said, which is that these amendments by themselves do not really shift the dial on affordability. Affordability is only going to improve if there is a significant increase in the supply of products, whether that be sites or apartments or townhouses, coming through the system with appropriate planning approvals and then in the context of the economic

conditions at that time the feasibilities then allow for those projects to go ahead. As Cath said, in the current economic conditions these changes by themselves will not make a difference. It is a suite of changes that are required, and it goes to taxation, it goes to consumer confidence, it goes to selection of sites and it goes in some detail to the conditions that apply to these amendments. A lot of those issues have not really been understood because the industry is waiting to see what the outcome of this process is.

...

The range of issues impacting the provision of housing was noted by Robert Pradolin, Executive Director and Co-Founder of Housing All Australians and long-standing property industry participant stated on taxation the following:

**David DAVIS:** No – so you have not. Thank you. Now, I want to come to Mr Pradolin about tax and some of the other points. Your point about a number of these other matters is that obviously planning is only one part of housing, and there are a huge raft of measures that impact. One of those is tax. There are a raft of state government taxes that impact the ability to go forward with developments. So even where there are planning approvals, sometimes developments do not go forwards.

**Robert PRADOLIN:** Correct.

**David DAVIS:** As you understand as a former property developer, there are now thousands of permits granted that are not being built.

**Robert PRADOLIN:** At the moment, correct.

**David DAVIS:** Correct. So I want to be very clear here that the mere change to the planning system will in no way guarantee the movement of development forward.

**Robert PRADOLIN:** At this current point in time, that is correct.

**David DAVIS:** Yes. And I want to ask you about a specific state government tax, the windfall gains tax. Have you looked at that tax and its impact?

**Robert PRADOLIN:** Yes. In fact I was part of an earlier consultation process on this, because the principle of the windfall gains tax is actually sound; the implementation is terrible.

**David DAVIS:** Correct.

**Bev McARTHUR:** In that it is not hypothecated.

**Robert PRADOLIN:** Well, if you look at the windfall gains tax, when the state government, through a pen, increases the land value quite substantially, it should in my theory –

**David DAVIS:** Through a planning change.

**Robert PRADOLIN:** Through a planning change, it should at the farmer level capture some of that uplift, because that is the way you can fund things. But it must stay in the local government area that granted that, because if you are a local government

councillor, why the hell would you advance a rezoning to me as a developer when all of a sudden I was going to provide you with school, a road et cetera –

**David DAVIS:** The money goes into the city and you never see it again.

**Robert PRADOLIN:** It goes into consolidated revenue.

**David DAVIS:** Correct.

**Robert PRADOLIN:** It is just wrong, fundamentally, in my view.

**David DAVIS:** Stepping away from the city edge matter – I am just asking about the large developments in some of the middle suburbs – the windfall gains tax is likely to slow or stall some of those developments.

**Robert PRADOLIN:** I believe that is the case, because, again, I just do not think it is actually correctly implemented, in my view.

**David DAVIS:** Thank you.

## **7. Failure to follow or heed the Advice of the Standing Committee on Activity Centres**

The Allan Labor Government has established an advisory mechanisms through a Standing Committee to advise on activity centres. The evidence provided to the Committee by the City of Bayside and community groups in Boroondara shows the government did not provide all the material needed by the committees and did not heed the advice provided, particularly on heritage impacts of the planning changes.

**Finding: The Allen Labor Government and the Minister for Planning failed to follow the advice of the Activity Centre Advisory Committee, a Standing Committee established to provide advice on Activity centres, on the three planning scheme amendments and should have done so.**

**Finding: The Advice of the Standing Committee on Activity Centres specifically provided advice to change the planning scheme amendments to protect heritage. This advice should have been heeded by the Minister for Planning. This advice should guide amendment of the planning schemes.**

## **8. Consultation**

There is clear concern from many Councils and communities that the Allan Labor Government did not consult adequately before gazetting the three planning scheme amendments and the associated GC 252 amendment.

**Finding: the Allan Labor Government did not properly consult on these three amendments and the Committee is of the view that the Minister has inappropriately exempted herself from expected consultation.**

**Recommendation: At a minimum modification of the amendments should be undertaken after a round of genuine consultation with councils and communities. This should include the Minister for Planning attending open public meetings in each of the impacted municipalities.**

#### **9. Will the Allen Labor Government’s planning amendments provide more housing?**

**Finding: Little convincing evidence was advanced to the Inquiry that the State Government’s announced planning changes will guarantee additional housing and certainly no substantive evidence was advanced that the Government’s plan would with certainty provide additional affordable housing.**

Concerningly one witness described the Governments reform as *‘an experiment.’* Mr Coates from the Grattan Institute said, *“I think the most important thing is that we roll out the reforms and we basically run the experiment.”*

**Finding: The Minority finds that the evidence provided that the planning amendments are an “experiment” is accurate in that the outcomes and results are unknown but concerning because public policy in our suburbs should not be conducted through loose experiments with deeply uncertain results.**

#### **10. Alternative approaches to provide more housing**

The Committee discussed many alternative ways to provide more housing which all members accept is needed.

Noting the current government has been in power for more than a decade, now its eleventh year these options should have been explored much earlier.

These options include (and this is just examples not an exhaustive list):

- Capacity for housing at the Maribyrnong former defence site currently owned by the Commonwealth Government. This 128-hectare site could be developed in part if the Commonwealth accepted its responsibility to clean the site of contamination directly linked to Commonwealth usage. This could add parkland as well as many thousands of houses.
- The failure of the Andrews and Allen Government to develop up the significant number of dwellings that could be built at Fishermans’ Bend is a shocking mistake.

Perhaps as many as 80,000 people could be accommodated if Labor had developed the precinct over the last 11 years.

- The evidence given by the City of Casey on 30 May 2005 showed the Allan Labor Government’s slowness, tardiness has prevented housing capacity coming to market in a timely way. Thousands of lots are still caught in Jacinta Allan’s sclerotic planning approval processes.

**David DAVIS:** Thank you. Now, I just want to talk about Casey – and I am pleased that you are here. I do note Casey is the largest municipality in the state. You still have a number of outstanding PSPs. I was out at Casey relatively recently. I think one of the ones – it might be Clyde South from memory – has been waiting for five, six, seven years for approval. Am I right on that?

**Kathryn SEIRLIS:** Yes, that is correct. We have been advocating for the VPA to commence the Clyde South PSP, which is our largest remaining PSP that is yet to be developed, and that will in itself –

**David DAVIS:** It has got industrial land, it has got a range of uses, but it has also got significant new housing.

**Kathryn SEIRLIS:** Yes, very much so, and hopefully some stabling for a railway extension, which we have been also waiting for some time on.

**David DAVIS:** To Clyde?

Kathryn SEIRLIS: Yes.

**David DAVIS:** So we are in a housing crisis and we have got a government sitting on its hands on the work on a PSP for seven years.

**Kathryn SEIRLIS:** I would suggest that is something you can ask the VPA this afternoon. But yes, we have been –

**David DAVIS:** How many houses, roughly?

**Kathryn SEIRLIS:** I would say –

**David DAVIS:** Five thousand?

**Kathryn SEIRLIS:** I think more than that.

**David DAVIS:** More than that. Ten thousand?

**Kathryn SEIRLIS:** Maybe more than that.

**David DAVIS:** Maybe more than that, in a housing crisis and a state government that will not lift a finger to move on this. You do not need to comment.

**Kathryn SEIRLIS:** We have been advocating on that matter. We believe it is in the work program now for pre-planning.

## **11. Third party appeal rights**

The Alan Labor Government's planning amendments strip away community rights and democratic processes that have existed for many decades in Victoria.

**Finding: The planning amendments reduce third party appeal rights in a fundamentally undemocratic way.**

## 12. Heritage

Heritage is one of the most significant concerns of many of the hundreds of submitters to the Inquiry.

**The Heritage Council raised many issues in its submission which is attached at Appendix 1.**

**The Heritage Council said:**

The gazettal of multiple, significant VPP amendments since February 2025, without an overall overarching accompanying explanation and detailed description as to how they precisely operate, creates uncertainties and challenges for stakeholders, practitioners, and the community. Clarity has been sought by the Council. A Government briefing is scheduled for the Council on 1 May 2025.

...

**Comments on the matters relating to Amendments VC257, VC267 and VC274 invited by the Select Committee**

### **1. Appropriately balancing the objectives of planning in Victoria**

Implementation of Victorian Government policy, through planning scheme amendments, is expected by the objectives of planning to maintain protections and management processes to sustain and enhance our shared cultural heritage. The Council emphasises that:

- cultural heritage protection, conservation and adaptation can contribute to change rather than be viewed as a constraint to override;
- the amenity of our cities and towns, which is highly valued by communities, can be enhanced by the retention and adaptation of cultural heritage places;
- heritage is a key economic and tourism driver in many communities (and is hoped to be for many Victorian goldfields locations) and provides connections to place;
- conservation of cultural heritage can contribute positively to Victoria's growth and planning strategies, climate mitigation response and housing initiatives;
- balanced and considered growth, respectfully, should weigh both heritage values and development outcomes that will work together to serve the community and future generations who will inherit the legacy.

### **2. Likely significant unintended outcomes**

Inadequate or an absent focus on the context for new development may compromise the setting and context of State-registered places, and places and precincts of regional and/or local significance:

Examples from the three amendments as to how this could arise are:

- the provisions for activity centres which include locations with significant heritage values and State-registered heritage places but where the new

provisions do not provide the requirement and framework for these to be acknowledged or considered;

- the lack of any reference to places that have identified special cultural values in the purpose of the BFO (clause 43.06) and the purpose of the HCT (clause 32.10);
- the ability of schedules to the BFO to specify that if there is any inconsistency between the outcomes and standards in the Overlay or a schedule to the Overlay and any other provision in this planning scheme, the outcomes and standards in the Overlay or a schedule to the Overlay prevail;
- the removal of neighbourhood character provisions and policy considerations in residential areas in situations where heritage and broader preferred design outcomes are entwined.

### **3. Appropriateness of clause 55 exemptions (VC267)**

The Council queries whether and to what extent heritage assessments under clause 43.01 (Heritage Overlay) would be 'switched off' and how/whether relationships with heritage areas and places will be taken into account because the HCT and BFO do not have a purpose or outcomes that refer to heritage places or considerations. Unintended and/or inappropriate outcomes may arise, for example:

- if demolition controls are 'switched off' or are not a permit trigger;
- where multi-storey development occurs in or adjacent to heritage places within the HCT Zone or activity centres/catchment areas, such that the heritage context and values of a place or area are significantly and adversely affected.

### **4. Suggested changes to the three amendments**

At a high level, the Council suggests changes to the three amendments that:

- provide clarity and certainty, where that might not currently be the case as described in this submission.
- ensure that assessments with respect to heritage places are not 'switched off', including permission for demolition;
- ensure the deemed to comply provisions do not override the assessments required under other controls for locations and places with already-identified special cultural values;
- related to the above point, retain discretion to allow for heritage values and contexts to be considered alongside the deemed to comply standards;
- exclude override provisions operating for heritage places and settings relevant to State-registered places.
- provide incentives and provisions to encourage the use, retention and adaptation of heritage places, such as a 'public benefit' provision in the BFO.

**The Royal Historical Society of Victoria submitted and whose submission is attached and who said:**

... we believe that the three proposed amendments would undermine and/or are contrary to the following objectives set forth in Section 4 of the Planning And Environment Act 1987 Victoria:

(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

The amendments fail at the first hurdle as they have not been through a proper amendment process so have not been subject to public exhibition and submissions. Therefore, regardless of the content of the amendments, the process has not been fair and orderly.

(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

The amendments will encourage new builds instead of recycling existing housing stock in the form of heritage. Demolishing and rebuilding housing in Australia carries significant environmental costs, including wasted embodied energy, landfill waste as well as the loss of the cultural value of heritage. Moreover, a significant portion of Australia's greenhouse gas emissions comes from concrete, which will undoubtedly be the dominant material of new builds ...

(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The loss of heritage will have a negative impact on the quality of the environment.

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

As we have detailed, the three Amendments, especially VC257, would have a major adverse impact on the maintenance of heritage under the Heritage Overlay. As the Activity Centres Standing Advisory Committee Reports showed, the HCTZ would be incompatible with the proper functioning of the HO. Moreover, the tendency throughout the three Amendments is to curtail community, neighbourhood and third-party participation in planning discussion, and obliging the responsible authority to issue permits without regard for the impact of the proposal on the community.

The Royal Historical Society of Victoria therefore submits that the Committee should recommend rejection of VC257, VC267 and VC274.

**Finding: The Committee finds that the concerns expressed by many submitters that heritage and heritage values are at serious risk of being compromised by these planning amendments are valid. The planning amendments will likely damage many heritage properties and precincts, and that the Allen Labor Government's approach is too risky to support.**

Protections should be available to ensure our city and its magnificent heritage buildings and zones are not torn asunder by Labor's new planning amendments.

Labor's plans will wreak havoc destroying much of Melbourne's stunning built heritage in favour of ugly dog boxes that fail to meet basic design standards. Once this heritage is lost it is lost forever.

The approach adopted by the Jacinta Allen and Planning Minister Sonia Kilkenny is an act of vandalism.

**Finding: Heritage protected properties and streets should not be subject to the full blast of Labor's new planning amendments, and, at a minimum, these zones should be exempted.**

### **13. Conclusion**

There are other options and ways forward to ensure a greater supply of housing in our city, including affordable housing. None of these have been adequately explored by government.

Yet the Allen Labor Government appears prepared to allow significant damage to our suburbs for very little proven additional housing.

**Recommendation: The three planning amendments should be opposed. The government should return with a proper set of measures after consulting widely with councils and communities. Minister Kilkenny and Premier Allen need to listen to the community.**

**Recommendations:**

**Planning scheme VC257 should be revoked or amended substantially.**

**Planning scheme VC267 should be revoked or amended substantially.**

**Planning scheme VC 274 should be revoked or substantially amended.**

**Planning scheme GC 252 should undergo further consultation and be modified in the light of council and community input.**

**Hon David Davis MP**



**Georgie Crozier MP**



**Beverly McArthur MP**



**10 May 2025**

**INQUIRY INTO VICTORIA PLANNING PROVISIONS AMENDMENTS  
VC257, VC267 AND VC274**

**Organisation:** Heritage Council of Victoria

**Date Received:** 24 April 2025

Select Committee  
Victorian Legislative Council  
Parliament of Victoria

Via email to: [vppamendments@parliament.vic.gov.au](mailto:vppamendments@parliament.vic.gov.au)  
[REDACTED]

24 April 2025

Dear Select Committee,

**RE: INQUIRY INTO VICTORIA PLANNING PROVISIONS AMENDMENTS VC257, VC267 AND VC274 – INVITATION TO MAKE A SUBMISSION**

The Heritage Council of Victoria thanks the Select Committee for the opportunity to make a written submission to the above Inquiry and respond to the specific matters identified by the Committee.

The Heritage Council's written submission is appended to this letter.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Introduction

The Heritage Council of Victoria ('Council') is an independent statutory authority established under the *Heritage Act 2017* (Vic). The Council is the Victorian Government's primary decision-making body for the identification of places and objects of State-level cultural heritage significance.

Functions include advising the Minister for Planning, government departments and agencies, municipal councils and other bodies on the protection and conservation of Victoria's cultural heritage. The Council also has functions with respect to Victoria's World Heritage places.

Aboriginal cultural heritage is protected under the *Aboriginal Heritage Act 2006* (Vic) through which the Victorian Aboriginal Heritage Council is formed and operates.

The Council acknowledges the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

## Context for this submission to the Select Committee Inquiry

The Council has not yet fully reconciled how the three Victoria Planning Provision ('VPP') amendments, and the additional VPP amendments and housing reforms that have recently been announced, all work together in practice.

It is understood that the amendments do not and would not change nor override the *Heritage Act 2017* in any way.

The gazettal of multiple, significant VPP amendments since February 2025, without an overall overarching accompanying explanation and detailed description as to how they precisely operate, creates uncertainties and challenges for stakeholders, practitioners, and the community. Clarity has been sought by the Council. A Government briefing is scheduled for the Council on 1 May 2025.

## Inquiry's terms of reference

The Select Committee is inquiring into, considering and reporting on whether the three amendments, being Amendments VC257, VC267 and VC274, give proper effect to the objectives of planning in Victoria and the objectives of the planning framework under section 4 of the *Planning and Environment Act 1987* (Vic) ('PEAct').

The objectives of planning are replicated in Appendix A to this submission.

The Council notes the following objectives as particularly relevant to the matters referred to in this submission:<sup>1</sup>

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<sup>1</sup> Council's emphasis added. It is noted that objective 4(f) does not refer to objectives 4(fa) or 4(g).

- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (fa) *to facilitate the provision of affordable housing in Victoria;*
- (g) *to balance the present and future interests of all Victorians.*

## The 'three amendments'

Broadly, the three amendments seek to do the following, as the Select Committee has described:

- Amendment VC257 introduces the Housing Choice and Transport Zone ('HCT') and the Built Form Overlay ('BFO') into the Victoria Planning Provisions to support housing growth in areas with good public transport, infrastructure, and community facilities, particularly around activity centres.<sup>2</sup>
- Amendment VC267 aims to streamline the planning assessment process for residential developments, particularly for multi-residential dwellings up to three storeys.<sup>3</sup>
- Amendment VC274 introduces a new Precinct Zone to the Victoria Planning Provisions and all planning schemes in Victoria. This zone intends to support housing and economic growth in priority areas, particularly Suburban Rail Loop precincts.

## Further amendments since the three amendments were gazetted

Since the gazettal of Amendments VC257, VC267 and VC274, more amendments have been gazetted in the suite of housing reforms, and also with respect to World Heritage values. These include:

- Amendment VC276 which was gazetted on 31 March 2025, advances Amendment VC267, and makes corrections and clarifications;
- 'Great Design Fast Track' provisions in Amendment VC280 that were gazetted on 7 April 2025;
- Amendment CG252 that was gazetted on 11 April 2025 and facilitates the development of new homes within 10 activity centres and their catchments; and
- revised provisions for the World Heritage Environs Area ('WHEA') of the UNESCO Royal Exhibition Building and Carlton Gardens, gazetted on 17 April 2025.<sup>4</sup>

The Council briefly refers to some of these as well.

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<sup>2</sup> Detail will be introduced through schedules, to be developed.

<sup>3</sup> Clause 57 applies to all four-storey residential developments but does not include 'deemed-to-comply' standards.

<sup>4</sup> [https://www.heritage.vic.gov.au/\\_\\_data/assets/pdf\\_file/0030/746481/REB-and-CG-Strategy-Plan\\_2025.pdf](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0030/746481/REB-and-CG-Strategy-Plan_2025.pdf) - link to the adopted 2025 Strategy Plan.

## Comments on the matters relating to Amendments VC257, VC267 and VC274 invited by the Select Committee

### 1. Appropriately balancing the objectives of planning in Victoria

The Council understands:

- pressures on housing affordability, choice and stability across communities;
- announced Government reforms in relation to housing supply that are underpinned by *Victoria's Housing Statement 2023*;
- the principles of supporting housing growth in areas with good public transport, infrastructure, and community facilities, particularly around activity centres, and supporting housing and economic growth in priority areas, particularly Suburban Rail Loop precincts; and
- that facilitating the provision of affordable housing is an important objective of planning.

There are other objectives which must, and can, work together.

Implementation of Victorian Government policy, through planning scheme amendments, is expected by the objectives of planning to maintain protections and management processes to sustain and enhance our shared cultural heritage. The Council emphasises that:

- cultural heritage protection, conservation and adaptation can contribute to change rather than be viewed as a constraint to override;
- the amenity of our cities and towns, which is highly valued by communities, can be enhanced by the retention and adaptation of cultural heritage places;
- heritage is a key economic and tourism driver in many communities (and is hoped to be for many Victorian goldfields locations) and provides connections to place;
- conservation of cultural heritage can contribute positively to Victoria's growth and planning strategies, climate mitigation response and housing initiatives;
- balanced and considered growth, respectfully, should weigh both heritage values and development outcomes that will work together to serve the community and future generations who will inherit the legacy.

The Council observes that:

- none of the three amendments have been explained or advanced as supporting objective 4(d) of the PE Act;<sup>5</sup>
- none of the three amendments have been explained or advanced with reference to benefits with respect to objective 4(d) of the PE Act;<sup>6</sup>
- the Department of Transport and Planning's presentation to the Select Committee also does not refer to objective 4(d).<sup>7</sup>

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<sup>5</sup> Referring to the explanatory statements for the three Amendments. There is mention of (f) in the explanatory statement for Amendment VC267 and VC276 but (d) is not cited individually.

<sup>6</sup> Referring to the explanatory statements for the three amendments.

<sup>7</sup> [https://www.parliament.vic.gov.au/497958/globalassets/sections-shared/get-involved/inquiries/victoria-planning-provisions/slide-pack\\_dtp-presentation-to-select-committee.pdf](https://www.parliament.vic.gov.au/497958/globalassets/sections-shared/get-involved/inquiries/victoria-planning-provisions/slide-pack_dtp-presentation-to-select-committee.pdf)

Cultural heritage is an integral component in creating thriving, liveable and sustainable communities and cities for all Victorians. This is not only with respect to State-level heritage places and objects that are the Council's remit. It is also important with respect to buildings, areas or other places that are identified as of significance at regional and local levels, and strongly valued by Victorian communities, being considerations which are relevant to the Council's exercise of function under s.11(1) of the *Heritage Act 2017* (Vic). Many State-registered places sit within larger heritage precincts and activity centres.

Heritage conservation and adaptation are part of orderly planning, good community outcomes and best-practice heritage management.

The State's cultural heritage can contribute positively to the Victoria's growth strategies, sustainability, and housing initiatives. Conserving and enhancing those buildings, areas or other places of special cultural value should not be seen, or assumed, as an impediment to housing supply ambitions. The Council's published evidence-based research on the value of cultural heritage to Victorians dispels many myths about heritage as an impediment to growth, amenity and/or housing value.<sup>8</sup>

Without reference to enhancing buildings, areas or other places that are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value, both now and into the future, may imply that there is not value and risks a regrettable legacy.

The Council is deeply concerned that revised provisions for the WHEA (buffer) of the UNESCO Royal Exhibition Building and Carlton Gardens could be, or would be, overridden by provisions in the housing reform amendments.<sup>9</sup> The revised buffer area provisions were gazetted one week ago, after many years of work and extensive community consultation and public hearings. The adopted 2025 Strategy Plan and Amendment VC251 protect the 'outstanding universal values' of the Royal Exhibition Building and Carlton Gardens. The Council has emphasised through its review and adoption of the Strategy Plan for the environs of the Royal Exhibition Building and Carlton Gardens, that Victoria must avoid the unfortunate situation associated with the potential parallels of Liverpool and Vienna. There, development in buffer areas undermined the world status and values of those places.<sup>10</sup>

Having just secured better protection and control for the WHEA, the Council draws attention to this as an important matter to not only consider, but also one where consequences of the multiple amendments must be collectively and holistically understood to ensure all objectives of planning are appropriately addressed. In the case of this World Heritage asset, Amendment VC251 expressly gives **priority** to protection of universal heritage values, rather than greater weight to growth ambitions and outcomes.<sup>11</sup>

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<sup>8</sup> <https://heritagecouncil.vic.gov.au/research-guidance/reports/valuing-victorias-heritage>

<sup>9</sup> For example, the Built Form Overlay and Great Design Fast Track provisions.

<sup>10</sup> In 2021 the UNESCO World Heritage Committee deleted the property 'Liverpool – Maritime Mercantile City' from the World Heritage List, due to the irreversible loss of attributes conveying the outstanding universal value of the property. In 2017, the same Committee inscribed the 'Historic Centre of Vienna' on the List of World Heritage in Danger. The Committee expressed its regret that developments had impacted adversely on the outstanding universal value of the site.

<sup>11</sup> A new regional policy at clause 15.03-1R has been implemented to address the heritage conservation, protection and management of the World Heritage Listed Royal Exhibition Building and Carlton Gardens and the associated WHEA, giving certainty and priority to conserving and

## 2. Likely significant unintended outcomes

The broad concept of what is sought to be achieved by the planning scheme reforms is known through the high-level documents such as *Plan for Victoria* and *Victoria's Housing Statement 2023*.

The detail through the three amendments is, however, complex for many to understand. There appear to be gaps, that the Council would encourage be resolved. Specifically, the Council questions if heritage fabric and the heritage setting of places of State significance and local significance will be assessed.

Inadequate or an absent focus on the context for new development may compromise the setting and context of State-registered places, and places and precincts of regional and/or local significance.

Examples from the three amendments as to how this could arise are:

- the provisions for activity centres which include locations with significant heritage values and State-registered heritage places but where the new provisions do not provide the requirement and framework for these to be acknowledged or considered;
- the lack of any reference to places that have identified special cultural values in the purpose of the BFO (clause 43.06) and the purpose of the HCT (clause 32.10);
- the ability of schedules to the BFO to specify that if there is any inconsistency between the outcomes and standards in the Overlay or a schedule to the Overlay and any other provision in this planning scheme, the outcomes and standards in the Overlay or a schedule to the Overlay prevail;
- the removal of neighbourhood character provisions and policy considerations in residential areas in situations where heritage and broader preferred design outcomes are entwined.

The Council has not yet clarified what the suite of amendments applying to residential land, activity centres and priority areas mean for:

- State-registered places whose context includes heritage places in Heritage Overlays;
- for State-registered places that are not sited in a context of heritage places in a Heritage Overlay/s;
- demolition and development in Heritage Overlays;<sup>12</sup>
- for land that is contained in the WHEA and is now the subject of new policy and a new Design and Development Overlay DDO4.

The importance of context is demonstrated in the situation of the outstanding universal values of the Royal Exhibition Building and Carlton Gardens, which has been referred to above. An unintended consequence resulting in compromise to Victoria's existing and proposed World Heritage assets would be a serious failing, including to Melbourne's and Victoria's national and international reputation.

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protecting the Outstanding Universal Values of the REB & Carlton Gardens in decision making for land within the WHEA.

<sup>12</sup> For example, through the three amendments and via the 'Great Design Fast Track' provisions of Amendment VC280.

### 3. Adequacy of consultation

Unfortunately, the Council was not contacted or consulted at any stage in the preparation of the three amendments. The Council understands that there was some consultation and 'testing' of the content.<sup>13</sup>

As background, it is relevant to record that the Council sought a meeting with the Department of Transport and Planning in the consultation phase of *Plan for Victoria*. The Council had not been contacted or consulted to that time. The draft *Plan for Victoria* did not mention the value or conservation of heritage, nor recognise how heritage can positively contribute and add value to the Plan's outcomes. The final version of *Plan for Victoria* expressly records an outcome of the engagement process as:<sup>14</sup>

While it's clear that Victoria needs more homes, you told us it's vital that local areas maintain their local characters, including the heritage and environmental features you value.

In the final version of *Plan for Victoria*, in Pillar 3 'Great Places, Suburbs and Towns', heritage protection is one of eight 'enabling' statements:

Heritage protection: We'll preserve Victoria's rich and diverse cultural heritage by protecting significant sites and precincts.

The three amendments do not, however, appear to balance planning for more homes with other reasons to plan including that 'We plan to protect and preserve the things Victorians love and value'.

### 4. Appropriateness of clause 55 exemptions (VC267)

The VPP is a performance-based approach to managing land use and development change.

A one-size-fits-all approach, using extensive 'deemed to comply' measures will give certainty (subject to ensuring the legal drafting is clear and unambiguous), but brings with it the limited ability to respond to specific circumstances of land and locations. The removal of more restrictive location variations in individual planning schemes is related to this.

All sites and locations are not the same. Variations exist across metropolitan Melbourne, regional centres and smaller townships. Heritage areas have different values and reasons for their cultural heritage significance.

The Council queries whether and to what extent heritage assessments under clause 43.01 (Heritage Overlay) would be 'switched off' and how/whether relationships with heritage areas and places will be taken into account because the HCT and BFO do not have a purpose or outcomes that refer to heritage places or considerations.

Unintended and/or inappropriate outcomes may arise, for example:

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<sup>13</sup> It is also aware of the consultation cited on the Department of Transport and Planning's website and summarised in the presentation to the Select Committee (footnote 6).

<sup>14</sup> Plan for Victoria, [https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0033/739473/Final-Plan-for-Victoria-For-Web.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0033/739473/Final-Plan-for-Victoria-For-Web.pdf), at page 15.

- if demolition controls are ‘switched off’ or are not a permit trigger;
- where multi-storey development occurs in or adjacent to heritage places within the HCT Zone or activity centres/catchment areas, such that the heritage context and values of a place or area are significantly and adversely affected.

## 5. Suggested changes to the three amendments

At a high level, the Council suggests changes to the three amendments that:

- provide clarity and certainty, where that might not currently be the case as described in this submission;
- ensure that assessments with respect to heritage places are not ‘switched off’, including permission for demolition;
- ensure the deemed to comply provisions do not override the assessments required under other controls for locations and places with already-identified special cultural values;
- related to the above point, retain discretion to allow for heritage values and contexts to be considered alongside the deemed to comply standards;
- exclude override provisions operating for heritage places and settings relevant to State-registered places.
- provide incentives and provisions to encourage the use, retention and adaptation of heritage places, such as a ‘public benefit’ provision in the BFO.

At more detailed level, examples are to ensure the HCT, Precinct Zone and the BFO include a purpose/outcomes, and (as relevant) requirements for schedules and masterplans, that expressly address heritage contexts and relationships with identified heritage places. For example:

- in the BFO, amend the third purpose to read — *To ensure development contributes positively to the functionality, amenity, heritage and character the of the area.*
- in the BFO development framework, add reference to identifying heritage places that are specified in the schedule to clause 43.01 (Heritage Overlay);
- in masterplan requirements in clause 43.06-2, require the analysis of the existing context to include the identified places in the Heritage Overlay.

## 6. Are the VPP that existed prior to these amendments, these amendments, or alternative proposals appropriate to meet the housing needs of the State and local communities?

This topic extends beyond the Council’s functions. Many factors are involved in the housing market and, it follows, meeting housing needs. Housing supply is one part of this.

## Further influential amendments in the suite of housing reforms

Amendment VC280 'Great Design Fast Track' is a new planning assessment pathway for high-quality housing and apartment developments. This includes a new clause 53.25 and making the Minister for Planning is the responsible authority for applications under the Great Design Fast Track. It is understood from the website relating to this amendment that the Office of the Victorian Government Architect ('OVGA') will lead the assessment process. The Minister may vary requirements of other clauses in schemes that would usually apply.

The Council questions what this means for:

- for State-registered places whose context includes heritage places in Heritage Overlays;
- for the physical context of State-registered places that are not within a Heritage Overlay/s where development is to occur potentially up to eight storeys;
- demolition and development in Heritage Overlays;
- for land in the WHEA, and key goldfields towns and cities that are prospective World Heritage locations through the Victorian Goldfields World Heritage Bid.

The 'State Design Book' and 'Great Fast Track Design Principles' ('design principles') are effectively silent on heritage, heritage context and heritage fabric. There is inadequate recognition that heritage can be part of design excellence and housing solutions. Climate change is also in crisis, with potential irreversible effects on our cultural heritage, to which building adaptation can contribute.

It remains uncertain:

- how or whether heritage considerations under Heritage Overlays are 'switched off' when the new clause 52.23 is relied upon;
- how adaptive reuse of heritage buildings will form part of the design principles and guidelines — adapting existing structures often requires fewer resources than building new ones and there is known value and acknowledgement by the Victorian Government of the embodied energy contained in existing and heritage buildings;<sup>15</sup>
- how Great Design Fast Track provisions sit with mandatory and other controls in the WHEA;
- how the OVGA will consider the scheme's heritage provisions as the design principles do not address this, and other guidelines being developed between Heritage Victoria and OVGA and which are not yet finalised.

Moreover, how will information usually obtained via internal referrals in local government when assessing permits (eg. a heritage advisor and arborist) be sourced to inform the assessment process? How will the OVGA be resourced to ensure the good design does not overlook other important heritage, strategic or practical matters? How will the obligations of net community benefit under clause 71 of the Victoria Planning Provisions be assessed and weighed?

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<sup>15</sup> <https://heritagecouncil.vic.gov.au/research-guidance/heritage-and-climate-change>; and [https://www.planning.vic.gov.au/\\_\\_data/assets/pdf\\_file/0034/635965/Built-Environment-Climate-Change-Adaptation-Action-Plan-2022-2026.pdf](https://www.planning.vic.gov.au/__data/assets/pdf_file/0034/635965/Built-Environment-Climate-Change-Adaptation-Action-Plan-2022-2026.pdf)

## **Conclusion**

As mentioned, the Council's briefing on 1 May 2025 will provide an opportunity for Council Members to clarify and explain their concerns further with representatives of the Department of Transport and Planning.

Cultural heritage considerations can assist in complementing the expansion of housing supply and management of urban growth; they can be a constructive part of the solution so as to:

- ensure irreplaceable assets are encouraged to be protected and enhanced;
- enable strategically important locations and precincts to evolve to respond to housing imperatives while respecting identified heritage and environmental features that the community values; and
- for the above reasons, represent a balanced outcome.

**APPENDIX A –**

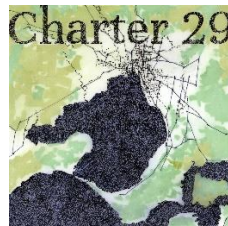
**PEAct 4(1) The objectives of planning in Victoria are—**

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

**PEAct 4(2) The objectives of the planning framework established by this Act are—**

- (a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
- (b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;
- (c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
- (d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
- (da) to provide for explicit consideration of the policies and obligations of the State relating to climate change, including but not limited to greenhouse gas emissions reduction targets and the need to increase resilience to climate change, when decisions are made about the use and development of land;
- (e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;
- (f) to provide for a single authority to issue permits for land use or development and related matters, and to co-ordinate the issue of permits with related approvals;
- (g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;
- (h) to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;
- (i) to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice;
- (j) to provide an accessible process for just and timely review of decisions without unnecessary formality;
- (k) to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements;
- (l) to provide for compensation when land is set aside for public purposes and in other circumstances.

# APPENDIX 2 Charter 29



## HOW THE PROPERTY INDUSTRY HAS CAPTURED THE VICTORIAN LABOR PARTY

In a period of eighteen months, the Victorian government has shattered the fundamentals of Victoria's planning system by rushing through thirteen highly significant amendments to planning controls without following the normal statutory process. The property industry and special interests have gained their 'wish list' of radical new measures designed to advantage developers and remove residents and local government from planning decisions. This radical new agenda will fundamentally transform metropolitan Melbourne and regional centres for the worse.

This document includes a [Charter 29 summary of planning system reforms that outlines these changes](#). These reforms:

- will transform much of the established metropolitan area into medium and high rise apartment blocks, obliterating the treasured amenity and heritage that make Melbourne so liveable; they will also affect significant areas in regional cities;

- were developed by the government in consultation with the property industry, their consultants or special interests, but excluding residents and largely excluding local government;

- were imposed on the Victorian community without public exhibition, a radical break with procedure denying the rights of residents and councils to make submissions to an independent review panel;

- remove or severely curtail the rights of residents to be notified of development applications, make submissions or appeal against them;

- introduce an approval 'pathway' direct to the minister under a 'development facilitation program' which overrides normal approvals processes involving councils and communities under the Planning and Environment Act.

[The types of development that can occur under these new rules include:](#)

- From 4-20 storey – and up to 40 storey – towers in an activity centre core.

- Up to six storey apartments in residential areas 800m (and beyond) from the edge of an activity centre core, or up to eight storeys if the Minister judges it to be a 'great design'.

- 'Deemed-to-comply' planning standards for medium density developments under which council officers must simply certify compliance without regard for design quality or neighbourhood character.

The 800m radius areas around each designated activity centre conjoin to cover more than 50% of all residential areas in some municipalities.

The government has announced the new planning amendments in a bewildering series of rapid public releases about complex changes that have overwhelmed and confused the public about the impacts on their local neighbourhoods and shopping centres.

The summary table on pages 3 and 4 is designed to help navigate this planning maze. It summarises the key provisions, with cross-references to the detail of each planning instrument introduced in the last twelve months.

Charter 29 | May 2025

Contact: Michael Buxton 0417 153 872 | [michael.buxton@rmit.edu.au](mailto:michael.buxton@rmit.edu.au)

Charter 29's April 2025 report *Providing Future Housing for Victorians* (on our website: [charter29.com](http://charter29.com)) presents an alternative to the government's radical model of change. Here are some excerpts:

*The government claims the traditional planning system has failed to meet housing supply, and has created a crisis particularly through the lack of affordable housing. This narrative is false. The current (planning) system can provide the new housing needed without fatally undermining the character of the existing city or excluding citizens from planning decisions. Multi-unit housing approvals consistently have more than met demand. Many thousands of housing approvals have not been acted upon. Thousands more completed apartments remain unsold. There has been no failure to build in middle ring and established suburbs – no 'missing middle'. Multi-unit construction there has vastly exceeded even the number of high rise inner city apartments.*

*Building industry experience is that only high priced 3-4 storey apartment blocks are viable in middle ring suburbs. This is because building and land costs, rather than a lack of housing approvals or planning system failures, have largely ended affordable housing construction in these suburbs. The government's rezonings to allow for higher rise development will raise not lower land and building prices.*

*The government's new model will not increase housing affordability or diverse housing types. Providing affordable housing requires more than just trying to cram large population increases into suburbs. More housing must be accompanied by new services and infrastructure. The government's measures aim at very substantial population increases with little hope of the required new schools, hospitals, parkland and much else being provided.*

*None of this needs to happen. In short, we propose a review of the traditional model of land use planning, not its overthrow, through an alternative vision of how to meet future population and housing needs.*

*A more effective and inclusive process would be, firstly, to adopt a place-based analysis of the capacity for growth and of dwelling yields.*

*Secondly, the planning system could be redesigned to provide greater certainty, efficiency and lower costs by providing mandatory and quantified criteria for assessing planning applications; increasing the number of prohibitions for inappropriate uses and developments; allowing approvals without the need for permits for minor matters; maintaining third party rights of notification, objection and appeal for permits; and providing clear and unambiguous language in planning measures.*

## CHARTER 29 SUMMARY OF VICTORIA'S PLANNING REFORMS AS AT 1 MAY 2025

The content of each planning scheme amendment can be viewed online at <https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments>. Current planning schemes and maps can be interrogated online at <https://www.planning.vic.gov.au/planning-schemes>

PLANS & POLICIES	
<b>VICTORIA'S HOUSING STATEMENT (2023)</b>	Introductory statements of intent on <i>Good decisions, made faster</i> and <i>Cheaper housing, closer to where you work</i>
<b>THE ACTIVITY CENTRES PROGRAM</b>	
<p><i>Ten Pilot Program centres:</i> Broadmeadows, Camberwell Junction, Chadstone, Epping, Frankston, Moorabbin, Niddrie, Essendon North, Preston, Ringwood</p> <p>Further 50+ station-based centres have been announced, now in the following consultation stages:</p> <p><i>Phase 1 (commencing Apr-May 2025):</i> Carnegie, Murrumbeena, Hughesdale, Oakleigh, Middle Footscray, West Footscray, Tottenham, Hawthorn, Glenferrie, Auburn, Kew Jct (tram), High St Thornbury, Heidelberg, Brunswick, Coburg, St Georges Rd Thornbury (tram), North Brighton, Middle Brighton, Hampton, Sandringham, Tooronga, Gardiner &amp; Glen Iris, Darling, East Malvern, Holmesglen</p> <p><i>Phase 2 (commencing late 2025):</i> Springvale, Noble Park, Yarraman, Dandenong, South Yarra, Prahran, Windsor, Elsternwick, Toorak Village (tram), Toorak, Hawksburn, Armadale, Malvern, Mentone, Caulfield, Glen Huntly, Ormond, Bentleigh, Ashburton, Riversdale &amp; Willison, Blackburn, Nunawading, Mitcham, and various stations yet to be identified in the cities of Melbourne and Yarra</p>	
<b>ACTIVITY CENTRE STRUCTURE PLANS (ACSPs)</b> Completed so far for the ten Pilot Program centres (see list above) Maximum heights in the Pilot Program Activity Centre Cores: up to 4-20 storeys	Prepared by the VPA; based in part on previous council ACSPs Online: <a href="https://www.planning.vic.gov.au/guides-and-resources/strategies-and-initiatives/activity-centres-program">https://www.planning.vic.gov.au/guides-and-resources/strategies-and-initiatives/activity-centres-program</a> Will be implemented by the BFO, PRZ and HCTZ – see below. Status at 01/05/25: VPA ACSPs have been completed for the ten Pilot Project centres
<b>THE 6 SRL EAST ACTIVITY CENTRES</b> Maximum heights in the Activity Centre Cores: up to 10 storeys (Monash), 18 storeys (Cheltenham), 20 storeys (Clayton, Burwood), 25 storeys (Glen Waverley), 40 storeys (Box Hill)	The Suburban Rail Loop Authority (SRLA) is planning authority for all land within a 1.6km radius of the proposed stations Will be implemented by the BFO, PRZ and HCTZ – see below. Status at 01/05/25: ACSPs have been completed by Urbis for the six SRL East centres
<b>PLAN FOR VICTORIA (2025)</b>	An after-the-fact summary of the housing targets, planning scheme reforms and activity centres program

## PLANNING SCHEME CHANGES

RELEVANT PLANNING SCHEME AMENDMENTS	↓	None of these planning scheme amendments (thirteen in total) were subject to the normal procedure of public exhibition > submissions > review by an independent planning panel > advisory report to the Minister
Able to be referred for review by VCAT?	↓	
Notification of neighbours required?	↓	↓

## ACTIVITY CENTRE CORES

Generally the commercial core of a centre, as delineated by planning scheme zones or an ACSP

<b>BUILT FORM OVERLAY (BFO)</b> Heights and height control precincts are designated in Activity Centre Structure Plans (see above), then applied by means of BFO Schedules in council planning schemes Maximum heights may be mandatory, discretionary or deemed-to-comply <u>NO UNLESS REQUIRED IN A SCHEDULE</u>	<b>NO</b>	<b>NO</b>	VC257	Based on typologies from the VPA City of Centres report, Urbis/Sheppard Cull, May 2024 Prototype BFO Schedules circulated for limited industry comment in VPA Urban Design Background Summary Report, Sep 2024 Standing Advisory Committee report Nov 2024, publicly released Apr 2025 Status at 01/05/25: GC252 applied the BFO to the central cores of the ten Pilot Project centres
<b>PRECINCT ZONE (PRZ)</b> A vehicle for applying fast-track approval procedures to all development within the activity centre core Allows for most development to be deemed-to-comply	<b>NO</b>	<b>NO</b>	VC274	Will be used as a holding zone for the SRL East and other ACSPs Can require a master plan or specify which zones will apply Can specify a Public Benefit Uplift Framework Status at 01/05/25: not yet applied

Planning scheme amendments VC257, VC267 and VC274 have been the subject of a parliamentary Select Committee hearing (Apr-May 2025).

The reforms are complex and continuing; a summary table of this kind inevitably simplifies and may contain errors of fact or interpretation. The original documentation should be referred to for definitive information.

## RESIDENTIAL AREA WALKABLE CATCHMENT / 800m

Generally the area within 800m of the *edge* of an Activity Centre Core (previously defined as 800m from the *middle* of an activity centre), but may be significantly larger; covers >50% of the residential zoned land in some municipalities

<p><b>HOUSING CHOICE &amp; TRANSPORT ZONE (HCTZ)</b></p> <p>Replaces the existing residential zones, and allows more uses</p> <p><b>HCTZ1:</b> max height 4 storeys, or 6 storeys on sites &gt;1000m<sup>2</sup></p> <p><b>HCTZ2:</b> max height 3 storeys, or 4 storeys on sites &gt;1000m<sup>2</sup></p>	YES	YES	<p>Replaces all existing residential zones (eg RGZ, GRZ, NRZ), but existing Overlays (HO, NCO) may be retained</p> <p>No references to Heritage or Character in the zone objectives; allows commercial uses such as retail and office</p> <p>Boundaries are derived from the ACSPs (see above)</p> <p>Replaces the draft Walkable Catchment Zone (WCZ), which was circulated for limited industry comment in Sep 2024</p> <p>Standing Advisory Committee report Nov 2024, publicly released Apr 2025</p> <p>Status at 01/05/25: GC252 applied the HCTZs to the walkable catchments of the ten Pilot Project centres</p>
<p><b>FUTURE HOMES APARTMENT DESIGNS</b></p> <p>Four 3 storey “exemplar” designs licensed by the govt, exempt from the normal planning approval process if in a GRZ, within 800m of an activity centre and/or station, and not in an HO or NCO</p>	YES	<u>NO</u>	<p>Future Homes Potential Lots Map, showing every eligible lot, published online in 2023</p> <p>Only applies within the General Residential Zone (GRZ); excludes all lots in a Heritage Overlay (HO) or Neighbourhood Character (NCO) area</p> <p>Proposals are vetted by Dept of Transport &amp; Planning, and certified by a council CEO</p> <p>Status at 01/05/25: in place</p>

## OTHER RESIDENTIAL AREAS

Applies to residential areas beyond the designated 800m activity centre catchment, but is also available as an alternative pathway for applications within the HCTZ

<p><b>STREAMLINED RESCODE</b></p> <p>ResCode, in particular clause 55, has been changed into a deemed-to-comply set of provisions, with reduced standards and restricted scope for Local Variations</p> <p>Deemed-to-comply heights: RGZ 4 storeys; GRZ 3 storeys; NRZ 2 storeys; higher allowed with a permit</p>	YES	<u>NO</u>	<p>Standards such as setback dimensions reduced</p> <p>Local Variations no longer possible for key provisions</p> <p>Neighbourhood Character Schedules still possible, but restricted to statements of objectives</p> <p>Status at 01/05/25: in place</p>
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## EVERYWHERE / ANYWHERE

Provisions that apply in any location, irrespective of zone

<p><b>MINISTER AS RESPONSIBLE AUTHORITY</b></p> <p>Various amendments have greatly expanded the ability of the Minister for Planning to ‘call in’ development or act as responsible authority</p>	?	<u>NO</u>	<p>Level crossing removals (VC170), development of schools (VC180, VC194); Big Build housing projects (VC187, VC190); state &amp; local government projects (VC194); major road &amp; rail projects (VC198)</p> <p>Advisory committees (similar to planning panels) may be appointed to advise the Minister on particular cases</p> <p>Status at 01/05/25: all are in place</p>
<p>Optional pathway for Ministerial approval of developments, including in any residential zone</p>	YES	<u>NO</u>	<p>Projects significant for economic development, and projects containing 10% affordable housing (reducible at Ministerial discretion)</p>
<p><b>GREAT DESIGN FAST TRACK</b></p> <p>Allows developments in residential zones of 8 or more dwellings, 2-8 storeys in height if they are judged to meet the Great Design Fast Track Principles</p>	YES	<u>NO</u>	<p>The Design Principles document already exists; a State Design Book of good examples, open to community nominations, is to be produced</p> <p>Proposals are vetted by the Office of the Victorian Government Architect, then approved by the Minister</p> <p>Many planning scheme standards can be waived</p> <p>Status at 01/05/25: in place</p>

*Notification of neighbours required:* Where the table indicates YES, if the development is deemed-to-comply, the certifying authority (Minister or council) can only consider submissions arguing that the proposal does not meet one or more deemed-to-comply standards. The council must certify approval of the proposal if the standards are met, irrespective of any concerns about the development. Unless otherwise indicated in the table, appeals for review by VCAT are not possible.