



Welcome to APAA Webinar

We will start from 1:00 pm



AUSTRALASIA
PROPERTY ADVISORY
ASSOCIATION

Tract



Acknowledgement

APAA would like to acknowledge the Wurundjeri people who are the Traditional Custodians of this Land. APAA would also like to pay our respects to Elders past, present and emerging.



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APAA Webinar

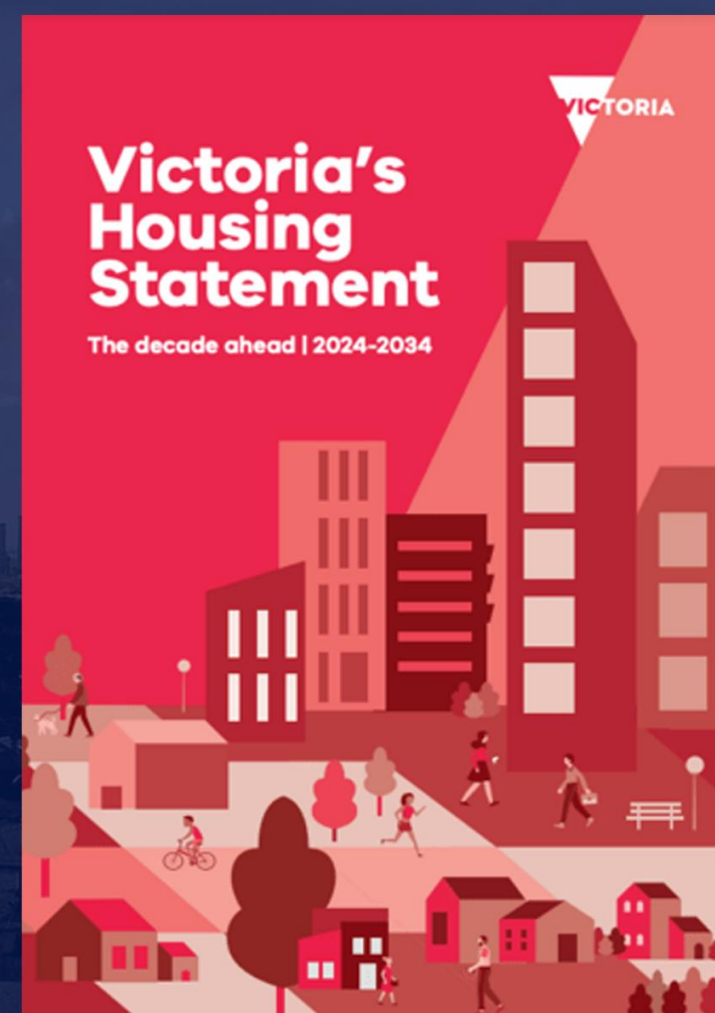
Victorian Housing Statement:

*Unravelling the Future of
Property Development and
Placemaking*

Friday 8 December 2023, (1:00pm - 2:00pm)

Event Partner

Tract



Webinar Access from 12:45pm

Guest of Honour



Luke Chamberlain

Executive Director



Adriano Zarosinski

Associate

Our Partners
2021-2023



We are a not-for-profit organisation creating a community for property developers and multidisciplinary leaders that operate across the entire development lifecycle.

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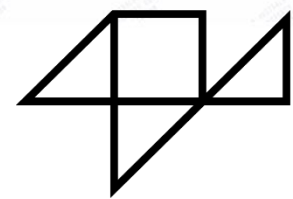
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— Lawyers —

Our Team



AUSTRALASIA
PROPERTY ADVISORY
ASSOCIATION

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TREVOR DU
Vice President



KEVIN LI
Vice President



RAY WANG
Stakeholder Advisor



HUI LI
Executive Committee



CHERYL CHEN
Executive Committee



SHARON LI
Executive Committee



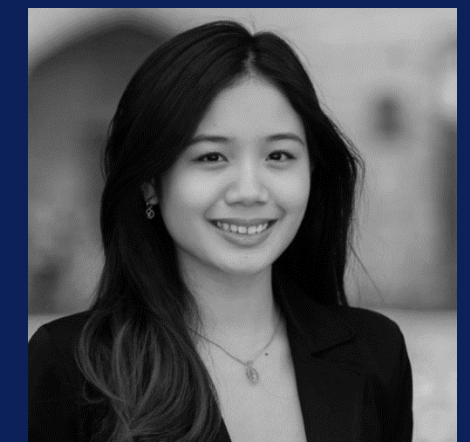
TZE CHIANG GOH
Executive Committee



FANNY LU
Executive Committee



YING LEE
Marketing Coordinator



ENYA LOO
Operation Coordinator

Victoria's Housing Statement and Planning Reforms

Australasia Property Advisory Association (APAA)

8 December 2023

Tract

Wurundjeri Country
Level 6, 6 Riverside Quay, Southbank, VIC 3006

(03) 9429 6133
www.tract.com.au

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We pay our respects to the Traditional Custodians of Country throughout Australia, their Elders and ancestors, recognising their rich heritage and enduring connection to Country and acknowledging the ongoing sovereignty of all Aboriginal and Torres Strait Islander Nations.

We recognise the profound connection to land, waters, sky and community of the First Nations peoples, with continuing cultures that are among the oldest in human history. We recognise that they are skilled land shapers and place makers, with a deep and rich knowledge of this land which they have cared for, protected and balanced for millennia.

Disclaimer

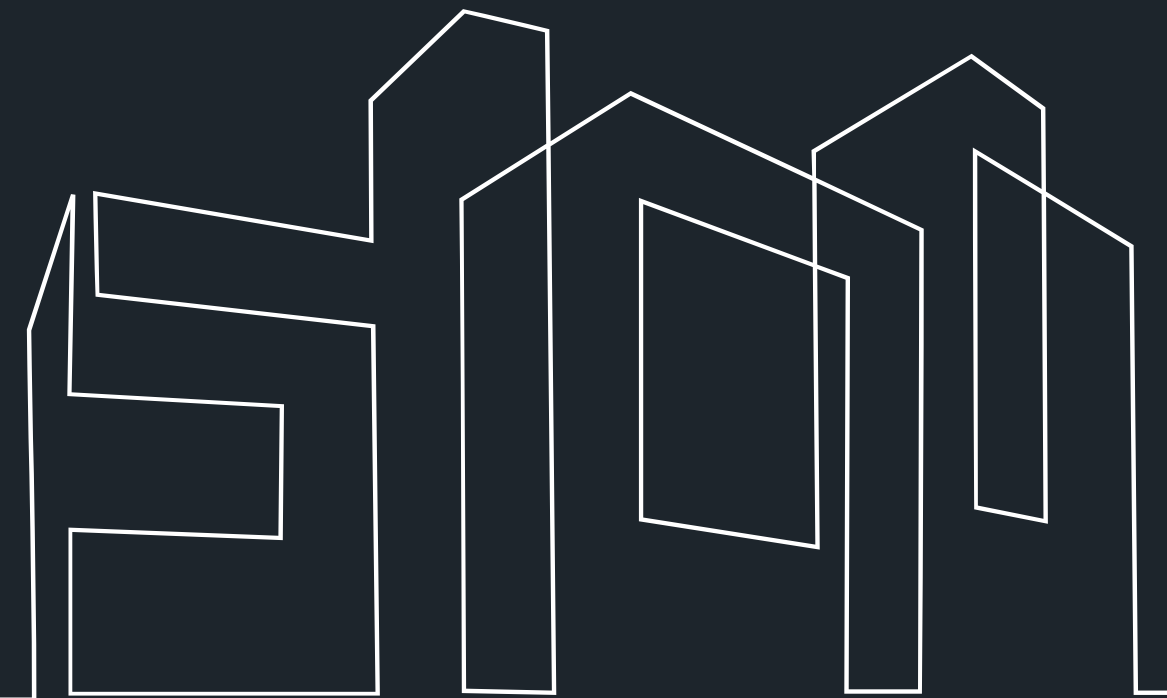
These provisions are very recent and the information provided is based on information available at this date. Should further detail become available we will update you.

In outlining these new provisions, we have focussed on their application to private development. There are other eligibility classes for public private partnerships, projects which benefit from state or public authority funding and projects on Crown Land.

We are happy to answer any queries you have in relation to specific project circumstances.

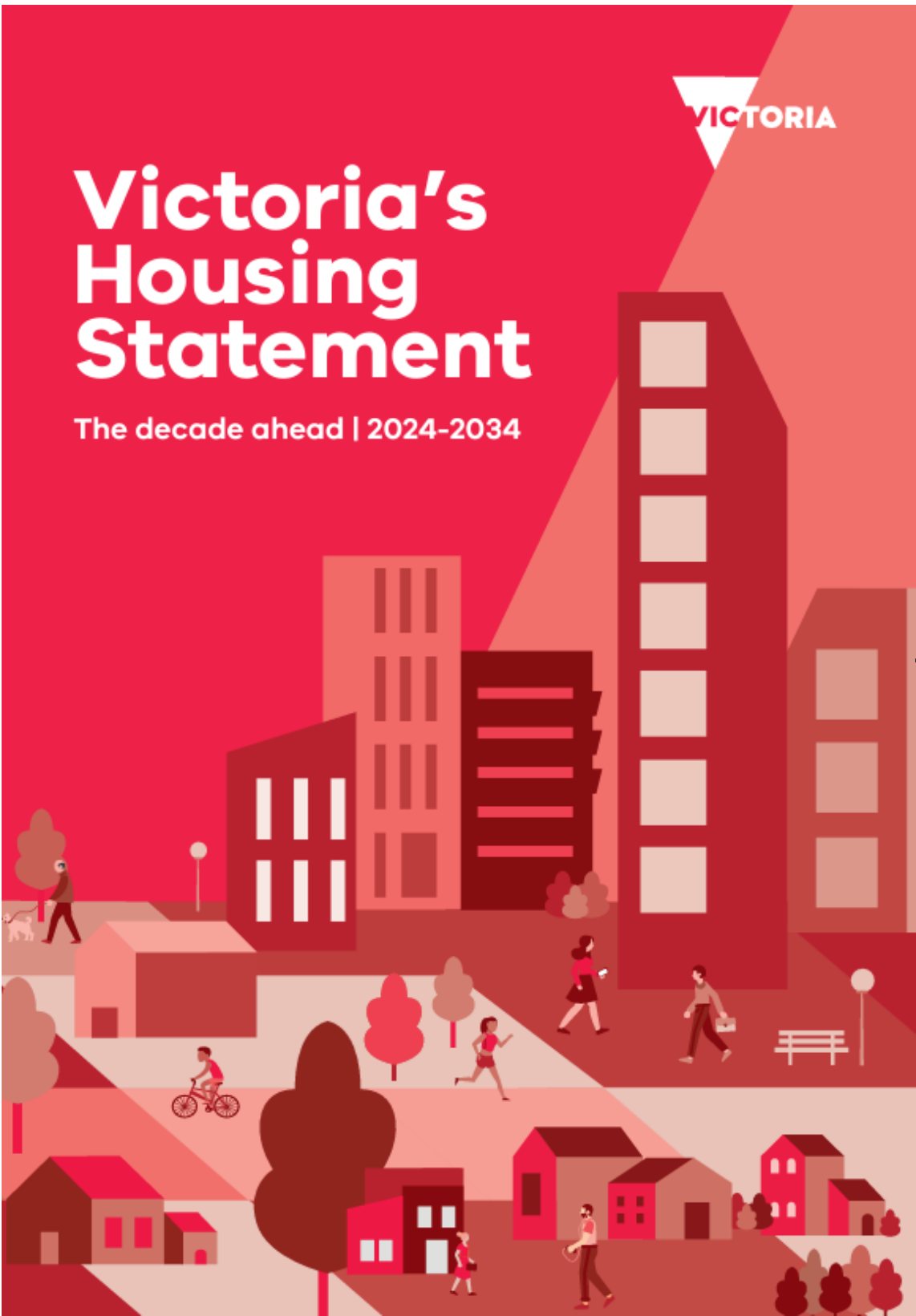
Overview

- Victoria's Housing Statement
- Development Facilitation Program expansion
- Planning Scheme Amendments – VC242 and VC243
- Clauses 52.22 and 53.23
- BADS update – expectations
- Priority Precincts
- On the horizon...



Victoria’s Housing Statement

Released on 20 September 2023, **Victoria’s Housing Statement** is the state government’s landmark package to boost housing supply and affordability in rural and regional Victoria.



- Good decisions, made faster
- Cheaper housing, closer to where you live
- Protecting renters’ rights
- More social housing
- A long-term housing plan
- 425,600 new homes for regional Victoria

Planning Scheme Amendments

Amendment VC242

- Clause 53.22: Significant Economic Development
- Clause 53.23: Significant Residential Development with Affordable Housing

Amendment VC243

- 'Deemed to comply' ResCode Provisions
- Future Homes Program
- Revised permit requirements under zone for single dwellings



Overview

Clause 53.22 Significant Economic Development

- Applies to various land uses
- Thresholds - development cost or GFA
 - Mechanism for special consideration
- Focus on economic stimulus and job creation

Clause 53.23 Significant Residential Development with Affordable Housing (AH)

- ≥\$50M development cost: Metro Melb
 - ≥\$15M development cost: Other areas
 - 10% affordable housing
- May waive or vary:
- Garden Area (NRZ and GRZ)
 - Section 2 Use conditions

Building Height and Setback Requirements may be waived/varied

No third-party review rights (VCAT exempt) – Public notice still required

Minister for Planning (DTP) is Responsible Authority

- OVGA comment may be required

Application Requirements include:

- QS Report confirming cost of development
- Invest Victoria verification of project’s financial viability

Aiming for decision within 4 months, from lodgement

Exclusions: Applications lodged before the approval date of Amendment VC242, Amendments to permits issued prior to Amendment VC242, Subdivision applications.

NRZ – Neighbourhood Residential Zone
GRZ – General Residential Zone
DTP – Department of Transport and Planning
OVGA – Office of the Victorian Government Architect

Clause 53.22 – Significant Economic Development

- To prioritise and facilitate projects that will make a **significant contribution to Victoria's economy** and provide substantial public benefit, including jobs for Victorians.
- To provide for the efficient and effective use of land and facilitate use and development with **high quality urban design, architecture and landscape architecture**.



Hayball Architecture – 71-93 Gipps Street, Collingwood

Eligibility Criteria – Category 1

Land Use	Threshold (Metro Melb / Other)
Food and drink premises Leisure and recreation (e.g. golf course, racecourse, grandstand) Residential hotel Winery	\$10M / \$5M
Industry	\$20M / \$10M
Hospital (private) Medical centre	\$30M / \$10M
Tertiary institution	\$30M / \$20M
Retail premises (other than food and drink premises)	\$100M / \$20M
Office	10,000m2 GFA / 5,000m2 GFA

Note: See Table 2 Clause 53.22 for full list of uses/thresholds



Amendment VC242

Clause 53.23 – Significant Residential Development with Affordable Housing

- Facilitate **affordable housing**.
- Facilitate **the redevelopment of public housing stock**.
- Encourage the **public private partnerships**.
- Facilitate **high quality urban design, architecture and landscape architecture**.
- Facilitate **mixed use** development.

Bates Smart / 6 Degrees – Queen Victoria Market (QVM) Munro

Eligibility Criteria – Category 1

\$50M development cost in Metro Melb, otherwise \$15M

- $\geq 10\%$ of dwellings to be affordable housing
 - Expect 20-35% discount to sale price or rent (at min 15 years for rent).
- Can be provided in alternate form (i.e., cash, lower % at higher discount)
 - Homes Victoria as the collecting agency (Social & Affordable Housing Growth Fund)
- Minister has discretion to:
 - Reduce AH requirement.
 - Waive Section 173 Agreement requirement



Affordable Housing: Things to be Mindful of...

- Section 173 Agreement to be entered into before permit issues.
- RHA Engagement for on-site provision
- Allocation and management:
 - Expect requirement for RHA to oversee allocation.
 - Expect option for self-managed BTR.

RHA – Registered Housing Association

BTR – Build-to-Rent



Amendment VC242 – Clause 53.22 / Clause 53.23

Built Form Assessment

- Planning Scheme still applies in its entirety.
 - Minister can waive or vary height and setback requirement.
 - Expectation that established provisions are the starting point.
- Policies, Zones, Overlays – objectives, guidelines, built form outcomes and decision guidelines will inform appropriate scale and massing.
- Council / OVGA / DTP Urban Design comments.

DDO Example

Can be varied

Assessment
Required

Design objectives

To support development that encourages a mixed residential and commercial character of Wellington Street.

To enhance the human scale and ‘village feel’ of Wellington Street, through consistency of the street wall height and overall building scale.

To ensure the built form responds to the lower scale of heritage sites and residential interfaces, while transitioning to a higher scale of development in the commercial area close to the St Kilda Junction.

To support development of emerging activity hubs, at the western end of the street and immediately east of Upton Road, by providing spaces for active ground level uses that contribute to a vibrant street-life such as cafes and shops.

To maintain solar access to the southern footpath of Wellington Street as the primary pedestrian link connecting Chapel Street, St Kilda Road and Albert Park.

Map 2 to Schedule 35 to Clause 43.02: Maximum building heights

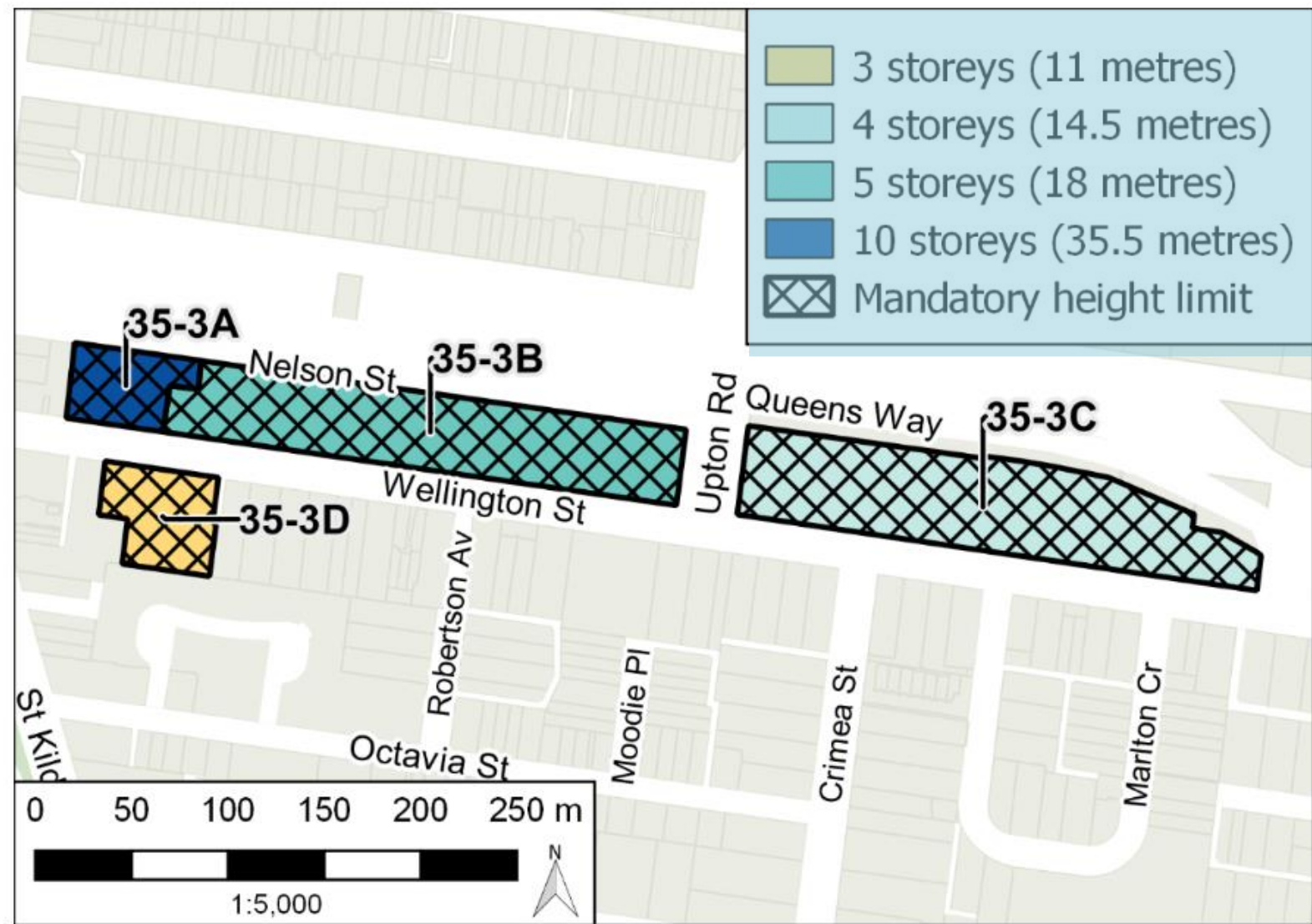
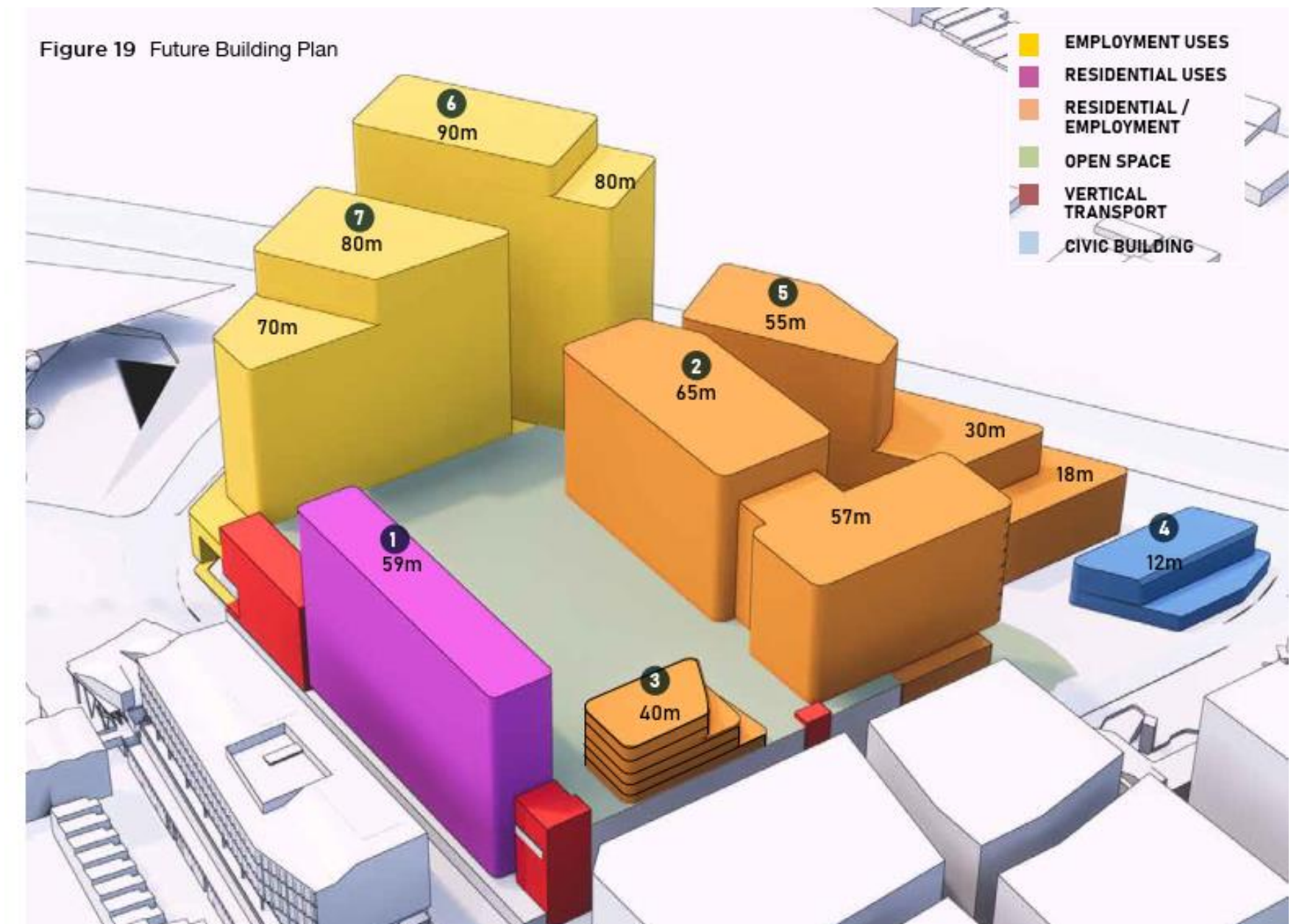


Table 1: Mandatory maximum building heights		
Area	Built Form Requirements	Built Form Outcomes
3A	35.5m (10 storeys)	<ul style="list-style-type: none">Provide a transition between a higher scale of development in the commercial area close to the St Kilda Junction and the adjoining lower scale areas to the east.Maintain solar access to the southern kerb-line of Wellington Street.
3B	18m (5 storeys)	<ul style="list-style-type: none">Reinforce the established built form of up to 5 storeys.Ensure the southern footpath is not overshadowed – protecting the Wellington Street Primary Pedestrian Link.
3C	14.5m (4 storeys)	<ul style="list-style-type: none">Ensure that the height of new development respects and responds to the lower scale and heritage values of residential buildings on the southern side of the street.Ensure the southern footpath is not overshadowed – protecting the Wellington Street Primary Pedestrian Link.
3D	11m (3 storeys)	<ul style="list-style-type: none">Reinforce the established 2-3 storey scale to achieve consistency within the wider context of the streetscape along the southern side of Wellington Street.Ensure new development respects the heritage values and lower two storey scale of the ‘Tecoma Court’ heritage shops/dwellings.

Development Plans

- Variation cannot override need for a Development Plan (DP) where there is a Development Plan Overlay.
- Any permit must still be consistent with an approved DP.
- Council remains the responsible authority to amend the DP.



43.04-2

31/07/2018
VC148

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Timeframes

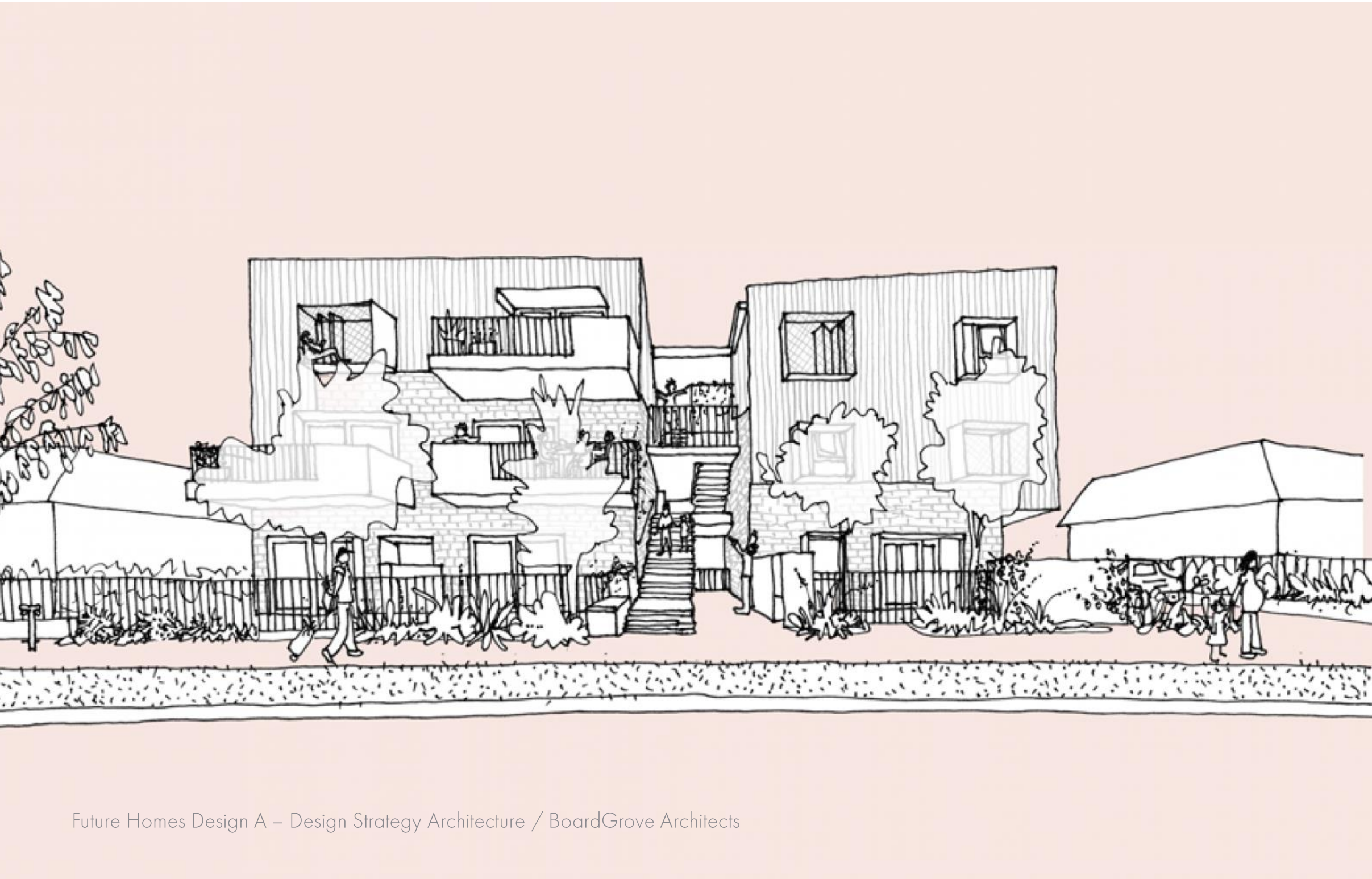
Expect 8-10 months from engagement with DTP/DFP

- Pre-Application Phase – 3-5 months
 - 1-2 months: Pre-app engagement with DFP (and OVGA and/or DTP UD)
 - 2-3 months: 'Soft-lodgment' DFP Review/Referrals (incl. Invest Vic comment)
- Lodgment once General Agreement on Scheme
 - 4 months: Notice to Public and Council / Preparation of Delegate Report / Finalisation of s173 (Cl. 53.23)
 - 1 month: Ministerial Sign Off

Challenges

- Authority cooperation (Melbourne Water, VicRoads etc).
- Timing for Council comments / DTP appetite to override (or proceed without) council referral advice.
- Potential for referral to Standing Advisory Committee (SAC) if substantial number of objections.
- Timing for Ministerial sign off.

Other Planning Scheme Updates



Future Homes Design A – Design Strategy Architecture / BoardGrove Architects



Single Dwelling Exemptions

ResCode Reform



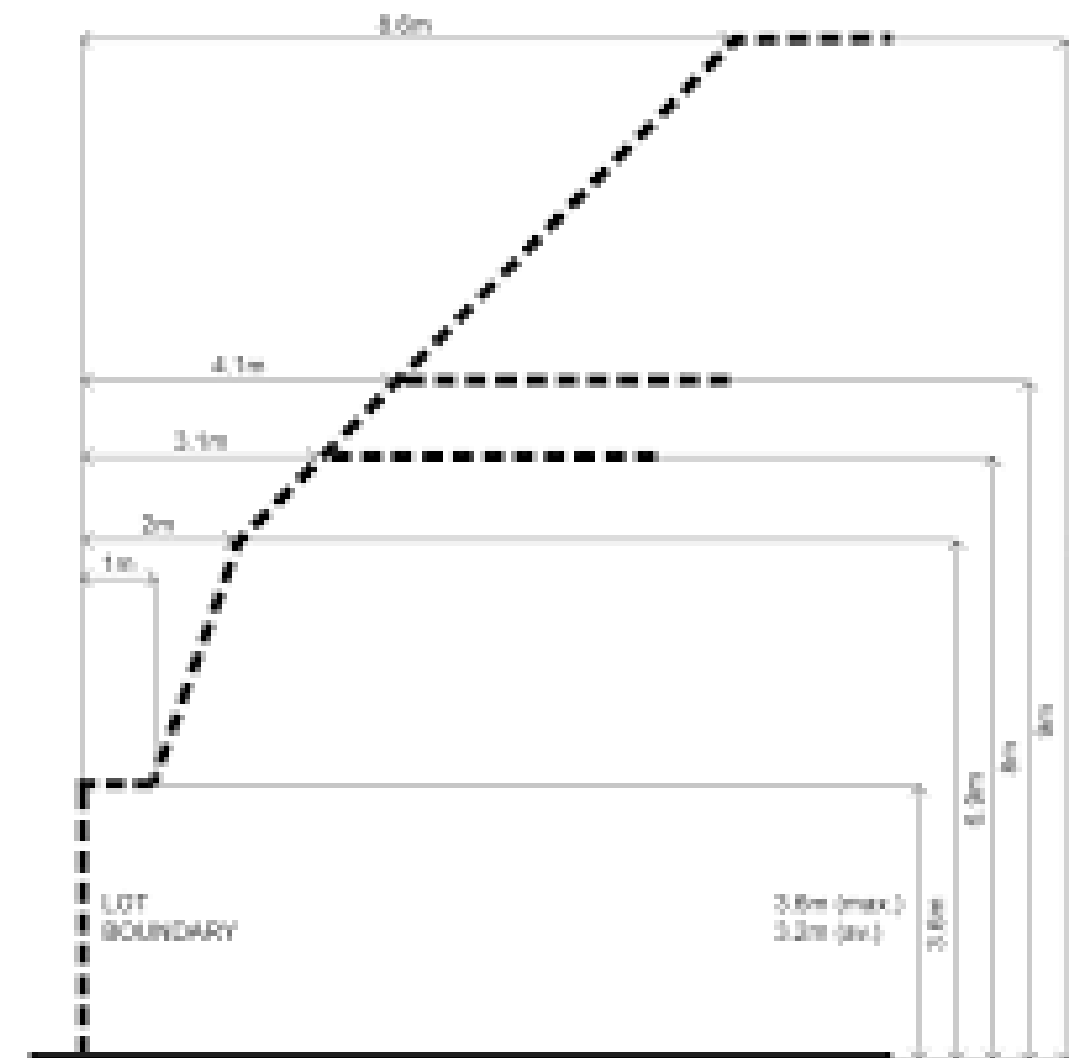
58 Kingloch Parade, Wantirna South
DKO Architecture & SLAB Architecture

ResCode: Codified

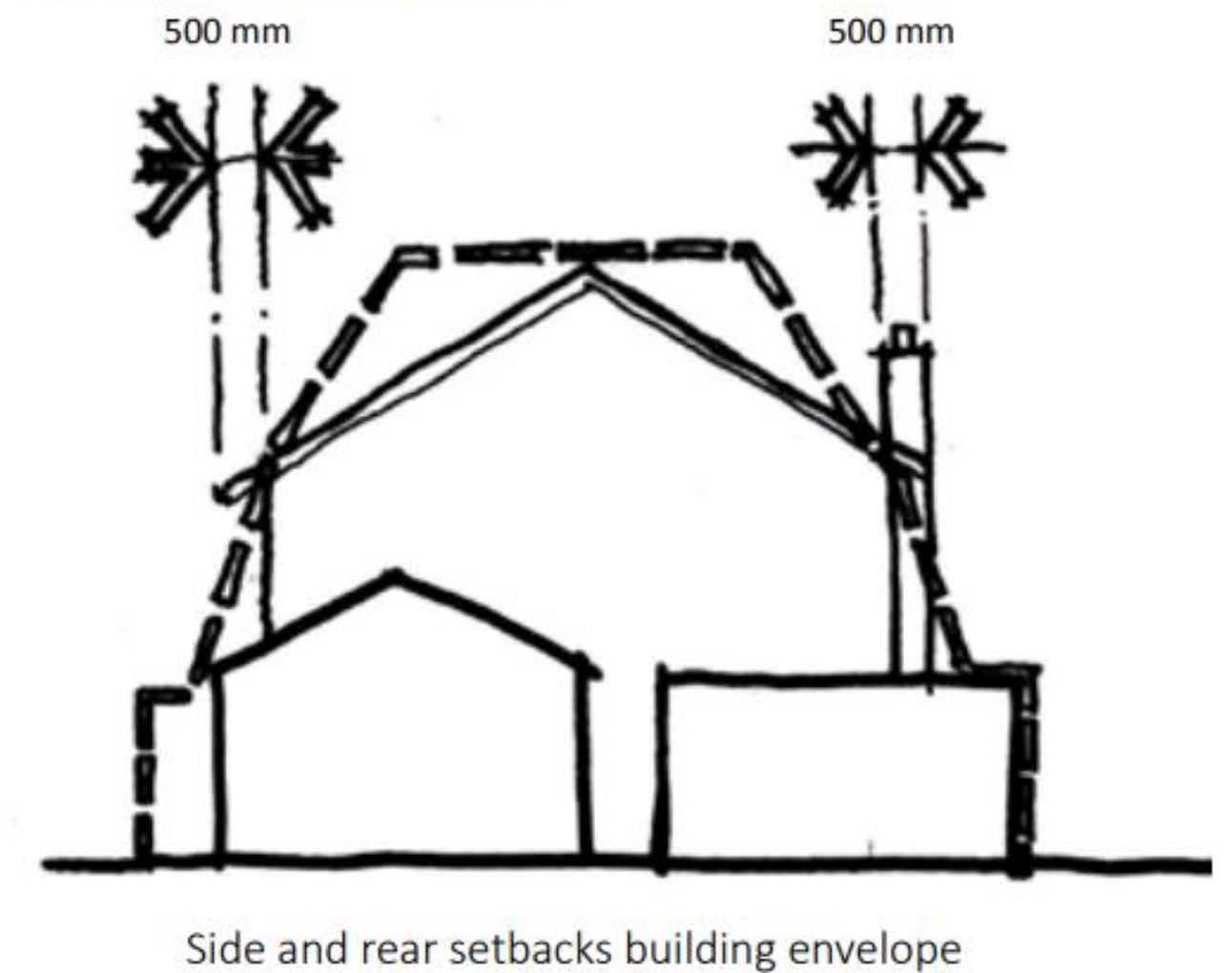
Deemed to comply standards:

- Setbacks (front, side, rear)
- Private Open Space
- Overlooking
- Overshadowing
- Setback from north facing window
- Front fences
- Building height
- Site cover
- Permeability

Diagram B1 Side and rear setbacks



Allowable encroachments



Neighbourhood Character

Two recent VCAT decisions on Neighbourhood Character considerations, in light of the 'deemed to comply' provisions:

- *D'Andrea v Boroondara CC* [2023] VCAT 1148 (D'Andrea)
- *Costa v Banyule CC* [2023] VCAT 1273 (Costa)

The Village,
Clayton South

Future Homes – Clause 53.24

Eligibility

- Apartments in General Residential Zone, not affected by Heritage or Neighbourhood Character Overlay
- Land within 800m of a:
 - Railway Station
 - Metro, major or neighbourhood activity centre (Metro Melb)
 - An activity centre (outside Metro Melb)

Future Homes Design C –
McGregor Westlake Architecture



Future Homes Design D – Spiral Architects Lab



Benefits

- Exempt from VCAT Review
 - Public notice still required.
- No Clause 55.07 (BADS)
 - Bespoke standards applied.
- Reduced carparking rate
 - 1 per dwelling, no visitor spaces.

Note: Garden Area Requirements still applicable.

Further Changes

Upcoming Reforms

Peter Märkli – Cysur, Brunswick



BADS Update (Expectations)

Implementation of findings from Parliamentary Inquiry into BADS*:

- Minimum apartment sizes
- Apartment siting/setbacks.
- Defining 'adequate daylight'
- Guidance around aspect and orientation.
- Greater focus on 'family-friendly' apartment design.
- New guidance around communal and circulation spaces.

*Not explicitly referenced in Housing Statement.

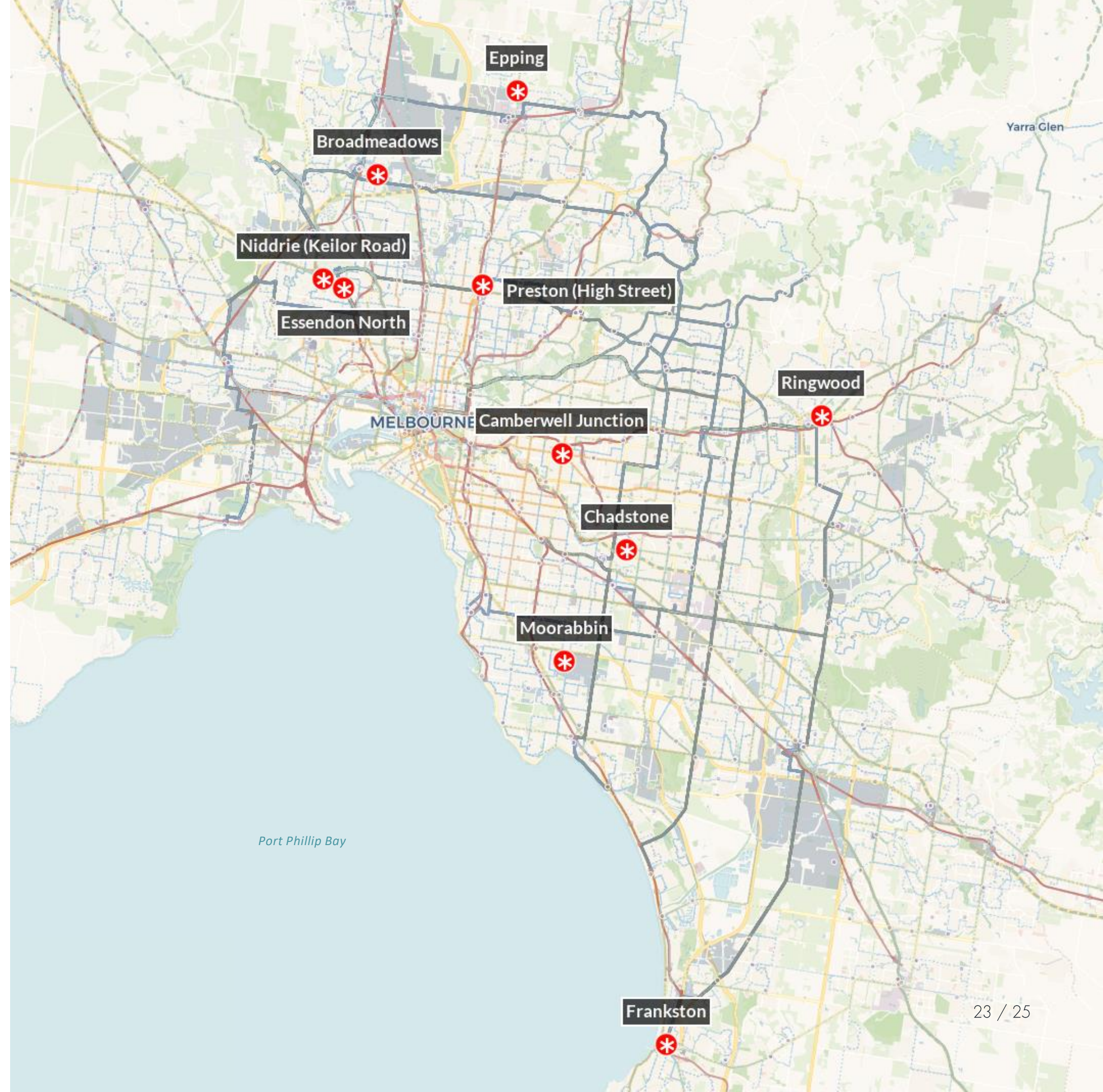
Bayley Ward –
95 St Kilda Rd



Upcoming Reforms

Priority Precincts

- New or revised planning policy and controls for 10 Activity Centres (targeting additional 60,000 homes):
 - Broadmeadows
 - Camberwell Junction
 - Chadstone
 - Epping
 - Frankston
 - Moorabbin
 - Niddrie (Keilor Rd)
 - North Essendon
 - Preston (High Street)
 - Ringwood
- Immediate goal of applying to initial 10 Activity Centres.
- Long-term vision of expanding to all 120 Activity Centres across Melbourne.
- Minister may be responsible.



Upcoming Reforms

On the Horizon...

WMK Architecture
Cunningham Place,
Geelong

- Expansion of Future Homes
- Codified Clause 55.07
- ~~Plan Melbourne~~ Plan for Victoria
- Full rewrite of the Planning & Environment Act
- Act on Red Tape Commissioner recommendations

Thank you!

Contact Us 



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Q & A Time



An aerial view of the Melbourne skyline at sunset, featuring the Spire and other skyscrapers, with the Yarra River in the foreground.

Appreciation

Event Partners

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