Liveable Moonee Vally Submission to the Inquiry into Victoria Planning Amendments VC257, VC267 & VC274

Contact: Anne Ferris & Mark Cassar

Email: liveablemooneevalley@proton.me

Website: www.liveablemooneevalley.org

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1. Executive Summary

Liveable Moonee Valley (LMV) is a community group representing over 700 residents who have strong reservations about Victorian Planning Amendments VC257, VC267, and VC274. These amendments propose accelerated housing approvals through prescriptive, code-based frameworks that greatly limit community input and reduce the role of discretionary oversight.

LMV supports the need to increase housing supply but argues that these amendments compromise Victoria's long-standing planning objectives by discarding fairness, liveability, neighbourhood character, heritage, and essential infrastructure – without guaranteeing the delivery of genuinely affordable housing.

Key Concerns:

- **Loss of Community Rights:** The removal of third-party notice and appeal rights for code-compliant developments effectively silences local voices and removes critical checks on planning decisions.
- **One-Size-Fits-All Approach:** Prescriptive design standards fail to account for the diverse character and needs of Victorian communities, risking inappropriate developments that clash with neighbourhood character and heritage.
- **Inadequate Infrastructure Planning:** The amendments facilitate widespread rezoning without ensuring corresponding upgrades to transport, utilities, schools, or green space, risking overburdened services and reduced liveability.
- **Risk of Poor Development Outcomes:** Without qualitative assessment, developments that technically meet numeric standards may still be contextually inappropriate, impacting amenity, privacy, and neighbourhood character.
- **Flawed Area Designations:** The selection of North Essendon and Niddrie as Activity Centres for intensified growth is inappropriate due to poor public transport access, limited redevelopment potential, and lack of employment centres.
- **Non-delivery of Affordable Housing:** The proposed planning scheme amendments aim to increase affordable housing in Victoria. However, developers, architects and other expert opinions have indicated that housing developed in the Activity Centres and Catchment Areas is unlikely to be affordable. Hence, the Government's justification relies on questionable economics.
- **Lack of Consultation and Transparency:** The fundamental lack of major stakeholder engagement and flawed by design 'consultation process' failed to appropriately engage and adopt feedback from the community.

Case Studies Cited:

- **Joseph Road Precinct (Footscray)** and **Fishermans Bend:** Both exemplify planning failures from rushed, poorly coordinated development without upfront infrastructure and community consultation.
- **NSW, UK, NZ examples:** Highlight unintended consequences of overly simplified or blanket planning reform.

We recommend:

1. **Reverting to a Truly Consultative Planning Framework** – Rebuild community trust and democratic legitimacy by restoring robust public engagement, including third-party notice and appeal rights, especially for developments with significant neighbourhood impact.
2. **Adopt Alternative Precinct Planning Process** – Shift from a market-led, fast-track model to one grounded in long-term public interest such as that outlined by Professor Michael Buxton and *Charter 29*. This includes transparent governance, strategic structure planning, heritage conservation, ecological integrity, and equitable access to housing and infrastructure.
3. **Refining the Code Standards** – Ensure design and amenity standards reflect diverse local contexts. Introduce provisions for cumulative impacts, deeper sustainability measures, and local policy overlays.
4. **Strengthening Heritage and Neighbourhood Protections** – Prevent as-of-right development from undermining the distinct architectural, historical, and environmental values that communities treasure.
5. **Linking Development to Infrastructure Delivery** – Mandate coordinated infrastructure planning and developer contributions to ensure housing growth aligns with service capacity and liveability standards.

Conclusion:

Our submission calls for a balanced approach that supports fast housing delivery without sacrificing transparency, community participation, or quality outcomes. Planning reform must be community-focused, context-sensitive, and infrastructure-aligned to deliver sustainable, liveable growth across Victoria.

2. Introduction and Overview

LMV is a community group with a growing membership of over 700 residents with a commitment to thoughtful, sustainable planning that enhances liveability, respects local character, and ensures infrastructure keeps pace with change. We are submitting this response to express our serious concerns about Amendments VC257, VC267, and VC274.

These planning scheme amendments propose sweeping changes to Victoria's planning framework in pursuit of fast housing delivery. As residents concerned about the liveability and character of our communities, we welcome efforts to address housing supply – but not at the expense of proper local input and long-term outcomes. This submission outlines our key concerns that these amendments, as currently designed, **do not give proper effect to the objectives of planning in Victoria** (as set out in Section 4 of the Planning and Environment Act 1987)) (planning.vic.gov.au). In particular, we focus on the loss of community voice (removal of third-party review rights), the "one-size-fits-all" nature of the proposed standards, the risks of code-based approvals without human oversight, and the potential impacts on amenity, heritage, infrastructure, environment and neighbourhood character.

To frame the discussion, the following table briefly summarizes the three amendments and their key features.

Amendment	Summary of Changes (Effective 2025)
VC257 (Housing Choice & Transport Zone; Built Form Overlay)	Introduces the **Housing Choice and Transport Zone (HCTZ)** for areas within ~800m of major activity centres (aimed at 3–6 storey housing near jobs and transit) and a **Built Form Overlay (BFO)** for activity centre cores. The HCTZ is a new residential zone allowing increased heights (3–6 storeys) in "inner" and "outer" catchments with mandatory height limits. The BFO sets specific built form standards (height, setbacks, floor area ratio, etc.) in the centre core and **allows proposals that meet these standards to bypass notice and third-party appeals**. (Local schedules could *opt-in* third-party rights, but none have been introduced yet (ratio.com.au).)
VC267 (Townhouse & Low-Rise Code)	Overhauls residential design standards by replacing "ResCode" with a new **Townhouse and Low-Rise Code** for developments up to 3 storeys (Clause 55) and new standards for 4-storey apartments (Clause 57) (bsplawyers.com.au). Under this code, if a multi-dwelling proposal **meets all "deemed-to-comply" standards, it is fast-tracked** – councils must deem the objectives met and are **precluded from considering other policies or exercising discretion** (planning.vic.gov.au). Importantly, compliant proposals have **no third-party appeal rights** for objectors at VCAT (planning.vic.gov.au) (although neighbours may still be notified). This is intended to cut typical approval times dramatically (e.g. from ~145 days to ~60 days in some cases).
VC274 (Precinct Zone)	Introduces a new **Precinct Zone (PZ)** as a Special Purpose Zone (Clause 37.10) intended for strategic growth precincts (such as Suburban Rail Loop station areas) (hansenpartnership.com.au). The PZ requires a precinct structure plan ("use and development framework") and allows integrated controls (like combining land use and built form requirements). Similar to the BFO, **applications under a Precinct Zone are exempt from notice and review** by default (hansenpartnership.com.au). This facilitates "substantial change" and redevelopment in targeted precincts but significantly limits community input once the zone is in place.

Each of these amendments represents a **shift toward code-based, fast-tracked development approvals** in different contexts (activity centres, general residential areas, and major precincts). While the goal of providing affordable housing is clear – to enable more housing construction in appropriate locations – we urge the Committee to consider whether this comes **at the cost of the "fair, orderly, sustainable" planning outcomes and "pleasant, safe living environments" that Victoria's planning objectives demand** (planning.vic.gov.au).

Our concerns are detailed below.

3. Selection of Niddrie (Keilor Road) and North Essendon as PZ and HCTZ

In Victoria, designating an area as an Activity Centre for planning purposes involves a comprehensive assessment based on several criteria outlined in the Planning Policy Framework and the Activity Centre Zone (ACZ) guidelines. These criteria are designed to ensure that activity centres are well-positioned to accommodate growth and provide a mix of uses and services.

Key criteria for designating an Activity Centre include:

- **Proximity to Public Transport**: Activity centres should be accessible by public transport, particularly fixed rail (train or tram), to promote sustainable travel options and reduce reliance on private vehicles. Planning
- **Existing Commercial and Residential Areas**: The presence of existing commercial areas and residential zones that can support a mix of uses and contribute to the vibrancy of the centre.
- **Availability of Strategic Redevelopment Sites**: Identifying areas with potential for redevelopment to accommodate future growth and intensification.
- **Walkability**: Ensuring the centre is walkable, with opportunities to improve pedestrian connectivity within 400–800 metres from the core of the centre. Planning
- **Environmental and Heritage Considerations**: Assessing environmental constraints, such as flooding, and heritage overlays that may impact development potential.
- **Consistency with State and Local Policies**: Aligning the centre's development with state planning policies and local planning frameworks, including the Municipal Strategic Statement.

Designating Niddrie and North Essendon as activity centres with the expectation of substantial growth **fails to align with the intent of the criteria** used to guide such decisions. These areas **lack the transport infrastructure, economic base, and development potential** to support increased density without negative impacts, particularly in terms of **traffic, liveability, and suburban amenity**.

A. Proximity to Public Transport

- **Fails to meet standard expectations:**
  Unlike many other activity centres which are serviced by train lines (providing high-capacity and frequent service), neither Niddrie nor North Essendon has a train station within walking distance.
- **Tram access is limited:**
  The Activity Centres are serviced by the Route 59 tram; however, this mode of transport is **slower, has lower capacity, is not well-suited for prams or those with mobility needs, and is more susceptible to traffic delays** compared to rail services. Both areas are heavily dependent on car travel.

B. Existing Commercial and Residential Areas

- **Limited commercial base:**
  These centres are predominantly low-scale retail strips with cafes, takeaway shops, small offices, and boutique services. There are **no major employers, industry hubs, or anchor institutions** that would typically support a robust, self-sustaining local economy.
- **Primarily residential:**
  Surrounding areas are established residential suburbs with narrow streets and limited suitability for significant development.

C. Availability of Strategic Redevelopment Sites

- **Constrained development potential:**
  Both centres are surrounded by low-density residential housing, and there is **limited undeveloped or underutilised land** available for significant, cohesive redevelopment.
- **Fragmented land ownership** which reduces the feasibility of coordinated strategic redevelopment.

D. Walkability and Connectivity

- **Suboptimal pedestrian experience:**
  While some areas may be walkable, the **Keilor Road corridor suffers from severe road congestion** and is not pedestrian-friendly. The **road-dominated environment discourages non-motorised transport** and limits safe walkability.
- The area is **not well integrated with broader cycling, mobility needs or pedestrian networks**, further reducing its potential as a sustainable, walkable activity centre.

E. Environmental and Heritage Considerations

- Both centres are in **well-established suburbs with significant community interest in preserving local character**, which often includes **heritage buildings and tree-lined streets**. This limits the scale and nature of future development.

F. Alignment with Policy Goals

- **Fails to align with key policy aims:**
  The Victorian Planning Policy Framework emphasises concentrating growth in well-connected, employment-rich centres. Given the **lack of job density, rail access, and sustainable transport options**, Niddrie and North Essendon are **poor candidates for large-scale housing growth** under this framework.
- Any significant growth in these areas would **likely increase car dependency**, contradicting Victoria's objectives to promote sustainable, transit-oriented development.

We urge the Committee to remove both the North Essendon and Niddrie (Keilor Road) Activity Centres from consideration under the proposed planning changes. These areas fundamentally fail to meet the criteria that justify their designation as major activity centres capable of accommodating significant population growth.

4. Loss of Community Input: Removal of Third-Party Review Rights

One of the most troubling aspects of these reforms is the **erosion of third-party review rights**, which traditionally allow residents to have a say and appeal decisions regarding significant developments in their neighbourhood. Under both the new Built Form Overlay and the Townhouse Code, if a proposal meets the preset standards, it can effectively proceed **without the usual community oversight**:

- **Built Form Overlay (Activity Centres)** – Developments in an activity centre core that comply with the BFO standards will be **exempt from the notice and appeal provisions** of the Planning Act (ratio.com.au maddocks.com.au). In practice, this means no mandatory public notification and no ability for objectors to appeal the permit to VCAT, unless a schedule deliberately reinstates those rights (which, so far, none do). Community members would thus be sidelined in decisions about potentially very large projects (e.g. multi-storey mixed-use buildings) in the hearts of their suburbs.
- **Townhouse and Low-Rise Code (General Residential)** – Similarly, for 2–3 storey unit developments in residential zones, if all the Clause 55 standards are met, **objectors no longer have a right to appeal** a council's decision) (planning.vic.gov.au). The new provisions explicitly state that where a proposal is fully compliant with the "deemed-to-comply" standards, no third-party review (VCAT appeal) is available to those who lodged objections (planning.vic.gov.au). This removes a critical check-and-balance for neighbourhood development.

Third-party notice and appeal rights have long been a cornerstone of "fair and orderly" planning – allowing local knowledge to be brought to bear and providing an avenue to correct errors or oversight in council decisions. By removing these rights, the amendments risk **undermining fairness and transparency** in the planning process. Residents may only find out about a development when construction is starting, with no recourse if the proposal technically met all standards. This **diminishes public confidence** that planning outcomes will reflect community values or that legitimate concerns (traffic, overlooking, etc.) can be heard. It may also lead to more conflict and frustration at the local level, as people discover changes happening "over the fence" that they had no say in.

We acknowledge the intent is to speed up approvals and avoid vexatious objections. However, **completely excluding community input even for sizable projects is a blunt instrument**. It treats all local objections as obstacles, rather than recognizing that many residents raise genuine planning issues that merit consideration. In a complex environment, **quantitative code standards cannot foresee every on-the-ground issue** – making the loss of any opportunity for review especially problematic.

5. One-Size-Fits-All Standards vs. Local Context

The fast-track system relies on a **set of prescriptive standards** (in Clause 55 and related controls) to judge if a development is acceptable. While clear, consistent rules are desirable, we are concerned that these **uniform standards are inadequate to capture the context of different neighbourhoods**. Victoria's suburbs and towns are diverse – in topography, street patterns, architectural character, and community needs – yet the code treats them with a largely homogeneous approach.

Key design aspects covered by the new standards include neighbourhood character elements (street setbacks, building height, site coverage, walls on boundaries), amenity protections (daylight to existing windows, overshadowing of open space and solar panels, privacy from overlooking), and some internal amenity requirements (planning.vic.gov.au). These are certainly important, and we support having *minimum benchmarks*. However, **several gaps and limitations** in the "deemed-to-comply" approach stand out:

- **Rigid Metrics That Ignore Surroundings** – Many standards use fixed numeric thresholds (e.g. a 6m front setback, 3m plus 0.6× height side setback formula). Applying these uniformly can ignore established patterns in a street. For example, a street where most homes sit back 9–10m from the front may get a new duplex only 6m from the street, because the **new rule dropped the contextual setback test (matching adjoining setbacks) in favour of a blanket 6m minimum** (ppcurban.com.au). Such a building would technically comply but would stick out dramatically, eroding the cohesive character. A planner with discretion might have sought a design more in keeping with the street; the code as written wouldn't allow that nuance.
- **"One-Size" Neighbourhood Character** – The code identifies 8 standards for neighbourhood character (frontage, height, setbacks, site coverage, etc.) (planning.vic.gov.au), but these cannot reflect unique local character statements or heritage values of every locale. For instance, areas with heritage overlays or a distinct architecture might require more tailored design responses (materials, form, etc), beyond what numeric standards mandate. Yet if an application meets the basic standards, councils **cannot consider their own local character policies or guidelines** in decision-making (planning.vic.gov.au)– the proposal is deemed to satisfy character objectives by default. This risks a **loss of distinct neighbourhood character**.

- **Partial Coverage of Amenity Issues** – The standards focus on certain measurable impacts (like overshadowing directly to adjoining backyards at equinox, or direct line-of-sight overlooking within 9m). But they **may not cover all amenity concerns**. For example, **cumulative impacts** are not addressed: one development might meet an overshadowing limit on June 22, but what if multiple new developments each cast a shadow on the same property from different angles? Individually they pass; collectively the neighbour's amenity could be severely reduced – yet the code doesn't account for that. Other issues like **traffic generation, on-street parking stress, noise, or local stormwater drainage** capacity are also not part of the 30 standards. Normally, a council could weigh these via local policies or require studies for larger projects, but under the code these considerations are largely sidelined when each project is viewed in isolation.
- **Environmental and Green Canopy Gaps** – We note the code introduces a **tree canopy requirement** (e.g. 10% of site for small lots, 20% for larger) (ppcurban.com.au). However, this single percentage metric may not guarantee meaningful landscape outcomes – especially if not enforced with species selection and protection of existing mature trees. A small backyard may meet a 20% canopy target by planting saplings, yet a mature tree that currently provides neighbourhood shade and habitat could still be removed as long as new plantings are proposed. The standards don't appear to cover broader environmental context either, such as whether an area prone to flooding or bushfire risk might need special siting considerations (those are left to overlays, which might conflict with the "deemed" approvals). In short, the green cover and sustainability measures, while present, are **minimal and still somewhat unclear in application** (ppcurban.com.au) – potentially too weak to truly safeguard environmental outcomes in every case.
- **Quality of Design and Construction** – By reducing assessment to a checklist, there is a risk that aspects of design quality which are hard to codify (architectural creativity, how a building feels in context, durability of materials, etc.) will not get adequate attention. For example, a building could meet all numeric setback and height rules but still present a blank, visually obtrusive wall to the street or neighbours – something a human planner might normally flag and negotiate changes to. The new system leaves little room to negotiate improvements once the "tick-the-box" requirements are met. This could lead to outcomes that are technically compliant but **qualitatively poor or out of context**.

In summary, a **singular statewide code cannot foresee the diverse scenarios across Victoria's suburbs and towns**. The risk is that important subtleties – whether a unique site constraint, a valued streetscape element, or an unintended cumulative effect – will be missed. Indeed, the assumption that a set of predetermined standards can "address all of the things that should be considered" in an application is flawed. As noted in internal discussions, many issues with a development only **"emerge with consideration of the specific area" and can't be determined up-front for all of Victoria in one stroke.** We urge that the Committee scrutinize whether these standards truly provide for the *"fair, orderly… and sustainable" development of land* in all cases (planning.vic.gov.au), or whether they trade away careful planning for the sake of speed.

6. Risks of Inappropriate Development Without Proper Oversight

The removal of discretionary oversight in many cases means that developments which **technically comply with numeric standards could still be green lit despite being otherwise inappropriate or poorly conceived**. In traditional permitting, a council (and if challenged, VCAT) can exercise qualitative judgment – for example, refusing a proposal that meets basic standards but would, say, unreasonably dominate a cherished streetscape or strain local infrastructure beyond capacity. Under the amendments' approach, if the boxes are checked, **there is an assumption the**

development is automatically "good enough". This is a dangerous assumption; it effectively places **full trust in the code and none in human judgment**.

Some scenarios illustrating this risk:

- **Contextual Misfits**: A development on a tricky site (irregular shape, steep slope, abutting a sensitive use) might meet the generalized standards but still cause a problem. For instance, a 3-storey apartment on a hill could meet height in meters yet tower over downhill neighbours; or a new block of units might satisfy minimum parking numbers on paper yet be located in a cul-de-sac where on-street parking and traffic are already a nightmare – something residents know but a checklist doesn't capture. Normally, a responsible authority could say "this is an overdevelopment for this particular site." The code as written provides **no such circuit-breaker** as long as the proposal is within the rules.
- **No Holistic Infrastructure Check**: As mentioned, each code-assessed project is viewed in isolation. A single 4-townhouse project won't trigger a need for a new park or upgraded sewer, but fifty such projects in the same suburb might – unfortunately there's no mechanism in these amendments to consider the cumulative effect. We risk ending up with **piecemeal, uncoordinated development**. The *objectives of planning* include the orderly provision and coordination of public utilities and facilities (planning.vic.gov.au), yet a pure code pathway has no point at which someone asks "Can the local road network handle all these extra cars? Do we have enough school places or clinic appointments for these new residents?" A human planner might flag this and advocate staging or contributions; a code can't. The Joseph Road Precinct case (detailed later) is a stark example of what happens when **heavily concentrated development proceeds without adequate infrastructure planning or oversight** – thousands of residents were left with unsealed roads, no footpaths, and minimal services for years (maribyrnonghobsonsbay.starweekly.com.au).
- **Gaming and Unintended Consequences**: When complex development is reduced to simplified rules, developers (quite rationally) may design to *just* meet the rules in ways that maximize yield but undermine spirit. We've seen this in other systems – for example, in some code-based schemes elsewhere, designs ended up with overly tall ground floors or awkward mezzanines to technically stay under a height limit while squeezing in extra levels. Or large single dwellings skirting multi-unit rules but later converted. Without vigilant assessment, such **loophole-seeking behaviour** could result in outcomes that neither the code's authors nor the community envisioned. A rigid code will invite a "minimum compliance" mentality, whereas a discretionary system encourages meeting broader objectives (better design, contributions to area, etc.) because there's negotiation.
- **Loss of Accountability**: If something does go wrong – say a development causes an unforeseen problem – there is less recourse. Under the current system, objectors can appeal, or decision-makers can be pressed to adjust conditions. Under an as-of-right system, **responsibility is diffused**. The council might say "We had to approve it, it met the code," and the developer simply followed the rules. The result can be a sense of powerlessness and blame shifting in the community when undesirable outcomes occur.
- In essence, **proper human oversight provides a safety net** in planning, catching issues that numeric rules don't, and balancing competing objectives on a case-by-case basis. The proposed amendments deliberately lower that safety net in favour of perceived expediency. We ask: *is the gain in speed worth the potential cost of getting things wrong?* Once a bad development is built, it's essentially permanent – a mistake that neighbours and future residents will live with for decades. The **risk of "inappropriate development" being approved with no remedy** (thefifthestate.com.au) is not just theoretical; it has happened before

(Fishermans Bend being a prominent example, discussed next). Planning history teaches us that **front-end shortcuts often result in back-end failures** that are much harder to fix.

7. Impacts on Amenity, Privacy and Liveability

One of the core objectives of the planning system is to **"secure a pleasant… and safe… living environment" for Victorians** (planning.vic.gov.au), which translates to protecting residential amenity and privacy. We are concerned that the amendments, in practice, could undermine local amenity in several ways:

- **Heat and Liveability** – These changes are expected to have a significant environmental impact, particularly in relation to suburban heat and overall liveability. Despite repeated requests, the government has not provided the necessary infrastructure and environmental reports to assess these impacts. The growing number of apartment towers across Melbourne also raises concerns about the Urban Heat Island (UHI) effect. Recent studies from the past 2–3 years, particularly in Hong Kong—a city characterized by its dense high-rise landscape—have shown that tall buildings contribute to elevated temperatures, affecting both internal building environments and surrounding outdoor spaces.
- **Overshadowing and Sunlight** – The code sets standards for overshadowing of neighbouring open space (generally ensuring a certain amount of sun at specified times of year). However, these standards may not be as protective as current practice in some areas. For example, if a locale had guidelines to preserve winter sunlight to gardens or solar panels, those might be stronger than the new minimum. A fast-tracked development could leave neighbours' backyards in shadow for large parts of the day, so long as it meets the code on paper. Without the right to contest, residents lose any chance to seek tweaks (like a setback of an upper storey) that could preserve more light. We risk creating streets where both sides gradually build up and sunlight is lost in between – technically each new build "complies" by only shading half the open space, but eventually little sunlight reaches ground level. Natural light is fundamental to amenity and even health; planning shouldn't allow its incremental erosion.
- **Privacy and Overlooking** – The standards do include minimum privacy measures (e.g. screening windows that face neighbours within a 9m distance – excepting bedroom windows) (planning.vic.gov.au). These need to be enforced diligently. Even so, privacy impacts can extend beyond those basics – for instance, a row of two-storey terraces might not directly overlook a backyard (if designed carefully), but their presence could still make a single-storey neighbour feel hemmed in and observed, changing the sense of privacy. Under a merit-based assessment, such concerns can be weighed and designs adjusted (perhaps staggering terraces or adding landscape buffers). A code assessment simply checks if the window angles meet the standard and, if yes, that's the end of discussion. Moreover, if a privacy breach is caught only after construction (e.g. a mismeasured sill height), the affected neighbour can no longer appeal to VCAT – leaving limited options for redress. The result may be a cumulative loss of that **suburban "privacy gradient"** that residents value (the ability to enjoy one's home and garden without undue overlooking).
- **General Amenity (Noise, Traffic)** – Intensification can bring more noise (more cars, more people in close proximity, construction impacts) and other nuisances. The code does introduce some new noise control (for mechanical plant like air conditioners) (ppcurban.com.au), which is a positive. But it doesn't, for example, mitigate the increased traffic noise from potentially double or triple the number of vehicles in a street. It doesn't address garbage collection issues (multiple bins from multiple new units crowding kerbs). Nor does it ensure new developments respect the quiet enjoyment of existing residents beyond immediate built-form impacts. We

could see a proliferation of small impacts – each development adding a bit more congestion or removing one more street tree (affecting shade and noise buffering) – that collectively degrade the **peace and amenity of residential areas**.

- **Quality of Life for Future Residents** – Liveability concerns extend to the people who will occupy the new housing as well. We note that VC267 includes "12 minimum internal design standards" presumably to ensure things like adequate room sizes, storage, light, ventilation, etc. This is commendable in principle; no one wants to fast-track poor-quality dwellings. The question is whether those internal standards are sufficient. For instance, if only a minimal balcony or living room size is required, developments might still offer sub-par living conditions compared to what a more rigorous design review (or application of Better Apartments standards) might achieve. We should strive for housing that is not just faster and cheaper, but genuinely pleasant to live in. Without careful calibration, a rush to meet housing targets could unintentionally sanction a new generation of low-quality housing – the very outcome that got England's "Permitted Development" conversions harshly criticized for "extremely poor-quality housing" being produced (ww3.rics.org).

In summary, **amenity and privacy are at the heart of residents' concerns** because they directly affect day-to-day life. The Committee should consider whether these amendments truly uphold the objective of a "pleasant and safe living environment" (planning.vic.gov.au). If they result in more overshadowed, overlooked, noisy, or congested neighbourhoods, then they are failing that test. We believe more safeguards or refinements are needed to prevent an inadvertent decline in liveability.

8. Threats to Heritage and Neighbourhood Character

Victoria's planning objectives call for conserving and enhancing places of **architectural, historical or cultural significance** (planning.vic.gov.au). Residents take pride in the unique character of their communities – whether it's a street of Edwardian homes, a mid-century suburban layout with gardens, or any distinctive local identity. A key worry is that fast-tracked development, with its standardized approach, will **diminish neighbourhood character and heritage values**:

- **Heritage Areas:** How will the code interact with heritage overlays and controls? The government has indicated that local planning still applies where relevant – so a heritage overlay would still require a permit and assessment of heritage impacts. However, consider a scenario: A heritage streetscape has a schedule encouraging any new buildings or extensions to be "sympathetic" in form and scale. Now suppose a developer wants to demolish a non-protected house and build townhouses. If the heritage overlay doesn't strictly prohibit demolition (many don't for non-listed contributory buildings) and the new build meets Clause 55 standards, could the developer argue they are entitled to approval via the code? Ideally, heritage guidelines would prevail, but it's ambiguous. The risk is that the push for expedited housing might pressure decision-makers to overlook "softer" heritage considerations in favour of compliance with the numeric code. We could see outcomes that, piece by piece, **erode the fabric of historic neighbourhoods**. Even outside formal heritage overlays, many areas have an identifiable character that residents value – say, a particular roofscape or a rhythm of house fronts – which a purely metric code won't protect.
- **Neighbourhood Character and Identity:** The new provisions treat neighbourhood character in a very **generic fashion** (height, setback, fence height, etc.). They do not account for things like architectural style, materials, or intangible character elements. For example, a coastal town might have a prevalent beach house character (lightweight materials, pitched roofs) that a square rendered three-storey unit block would undermine – yet as long as that block meets

height and setback standards, it could be code-approved. Long-term, this could lead to the "anywhere-ization" of our suburbs: unique local charm replaced by cookie-cutter compliance.

- **Public Realm and Community Character**: Character isn't just about private buildings – it's also the public spaces, tree canopies, and how developments interface with them. An important character element in many suburbs is greenery: front gardens, nature strips with large street trees, etc. If new developments maximize site coverage and have only minimal front setbacks, the lush green character can turn into a harder concrete one. The code does set site coverage limits and encourages some tree planting (ppcurban.com.au), but will that truly replicate the established green character? Many residents fear losing the "leafy feel" of their area. Likewise, if every lot starts getting a double-crossover (driveway) for new units, we lose on-street trees and parking, altering the streetscape. These impacts collectively change the **identity of a place**, which can be disheartening for communities who chose to live there because of that identity.

In essence, **local character and heritage merit a more nuanced approach than a standard code provides**. We ask that the Committee ensure that the pursuit of new housing does not come at the cost of our shared heritage and the unique sense of place in Victorian communities. Quality urban growth should enhance neighbourhoods, not override them.

9. Strain on Infrastructure and Services

Another major concern is that rapid development under these amendments will **outpace the provision of infrastructure and services**, adversely affecting both new and existing residents. The planning system is supposed to coordinate land development with infrastructure (objective (e) in the Act) (planning.vic.gov.au) yet the fast-track approach inherently looks at projects in isolation. Without careful planning oversight, we foresee problems such as:

- **Traffic and Transport:** Many of the areas targeted for growth (e.g. around activity centres and transport hubs under VC257) are logical places to add housing – if transport capacity exists. But simply being near a train station doesn't automatically absorb all the cars from hundreds of new dwellings. Local roads and intersections will not cope with significantly higher volumes. Public transport, too, will become overcrowded if usage spikes without upgrades (think of a train station that suddenly serves double the population around it – parking overflow, jam-packed carriages, etc.). Fishermans Bend is a cautionary tale: it was **rezoned for development without any firm public transport plan, an "unmatched… failure to plan for transport and other key services"** thefifthestate.com.au, and now the area's growth is limited by the belated scramble to provide a tram line and other infrastructure. We should not repeat that mistake.

  The **Niddrie and North Essendon Activity Centres** lack the infrastructure and employment opportunities that typically justify significant residential intensification. Unlike other designated activity centres, these areas are **not serviced by a train station** and do not host any notable industry or major office precincts that would support substantial local employment. Their commercial offerings are limited to small-scale retail, which does not constitute a major economic driver. While Keilor Road is serviced by a tram line, the road itself is already heavily congested and functions as one of only two key east-west corridors in the area. Increasing population density here would only worsen traffic conditions, forcing more vehicles to divert north through quiet suburban streets towards Buckley Street, exacerbating congestion and impacting residential amenity in those neighbourhoods.

- **Parking**: The new provisions didn't explicitly change parking requirements as far as we know, but allowing more units per lot will naturally increase parking demand. Many infill developments rely on some on-street parking for visitors or second cars. A wave of medium-density can turn quiet suburban streets into congested 'carparks'. This affects accessibility (service and emergency vehicles navigating cluttered streets) and neighbour relations. Under normal processes, councils sometimes impose stricter parking conditions or require traffic studies. With the proposed changes, those levers might not be used, and the issue only becomes apparent after residents move in.
- **Schools, Healthcare, Community Facilities**: These vital services are at capacity in our area. When you double the housing over a short period, where do the additional children go to school or kindergarten? Is there a plan (and funding) to expand hospitals or clinics for more patients? Typically, significant up-zoning would be accompanied by structure planning, developer contributions, or state infrastructure programs to boost capacity. Here, because the changes apply broadly and incrementally, there's a risk nobody is clearly responsible for delivering the necessary community infrastructure. Residents end up feeling the pinch: longer waitlists, crowded classrooms, and less open space per person. **Community amenity suffers** greatly if infrastructure lags development. The Joseph Road Precinct again provides a stark example – 5,000 new residents were added with **no local school, limited open space, and even basic things like footpaths missing initiall**y (maribyrnonghobsonsbay.starweekly.com.au). It has taken years for the council and state to catch up, and some amenities are still lacking, leading to resident frustration (maribyrnonghobsonsbay.starweekly.com.au).
- **Utilities and Environmental Services**: More intense development can strain water supply, sewage, drainage, and power networks if not planned for. We have seen instances in fast-growing areas where old stormwater systems couldn't handle the increased runoff from new hard surfaces, resulting in local flooding. Or where the cumulative load on sewers caused overflows. Such issues are often only caught when an area is studied holistically (e.g. a precinct infrastructure plan) – something a piecemeal code approach won't necessarily trigger. In New Zealand, when a similar medium-density enabling policy was passed, critics warned it could lead to "sewage in the streets" in areas where councils hadn't upgraded pipes for the sudden density (act.org.nz). That graphic warning underscores the importance of marrying development with infrastructure.

  Given the proposed changes will increase the number of houses in Moonee Valley by at least 47,500, it would seem reasonable for an environmental and utility impact report to be conducted and shared with the community.

If the State is mandating this fast, higher-density development, the responsibility falls on the State to also ensure infrastructure keeps pace. **So far, we have not seen commensurate commitments that infrastructure delivery will align with the housing push**. Plan Melbourne and the new "Plan for Victoria" vision acknowledge the need for infrastructure, but implementation is key. We urge the Committee to examine whether amendments VC257, VC267, VC274 as implemented include robust mechanisms to secure infrastructure outcomes. Without such measures, we fear the **liveability for both new and existing residents will decline**, contrary to the long-term interests of Victorians (planning.vic.gov.au).

10. Delivery of Affordable Housing

The primary objective of the proposed planning scheme amendments is to deliver affordable housing for Victorians. However, there is limited evidence or detail explaining how these changes will actually achieve that goal. From conversations with other stakeholders, it seems the main outcome is the facilitation of development on premium residential land in established suburbs—areas that already command high prices.

The Planning Minister has cited the urgent need for affordable housing to justify a flawed process, but there is little to no confidence that the amendments will lead to genuinely affordable or high-quality medium- to high-density living options for Victorians.

These changes rely heavily on developers purchasing land and initiating construction—an outcome contingent on two key factors: a) developers having the capital to invest, and b) the potential for a profitable return. Victoria currently has the highest stamp duty in the country, and construction costs range from $2,000 to $4,000 per square metre. For a developer to make a profit, apartments built in activity centres would need to sell for $900,000 to $1 million. Such prices are far from "affordable housing," especially considering that the average full-time weekly earnings in Australia range between $1,739 and $2,253, according to the Australian Bureau of Statistics.

11. Lack of Community Engagement and Transparency

To ensure a strong and effective planning process, we believe meaningful community engagement is essential. Involving major stakeholders leads to better outcomes, yet our community has had very limited involvement in the proposed planning amendments.

The only community forum established by the State Government was the Community Reference Group (CRG), which was poorly advertised and operated on an invitation-only basis. Once the broader community became aware of the CRG, attendance at the second and final meeting increased significantly (i.e. from 12 to 30 attendees which equates to 0.02% of the community). Both meetings were tightly scripted, and questions from the community were taken on notice but never answered, despite multiple follow-up requests.

In response, LMV organised a public information session and invited our two local MPs to speak directly with the community about the proposed changes. Unfortunately, they did not attend. LMV has since made numerous efforts to engage with representatives across the political spectrum in an attempt to gain clarity and keep the community informed.

Accessing information about the planning amendments has proven extremely difficult. Despite repeated requests, important public-facing documents such as Referral Letters and Infrastructure Reports were not made available. This is unacceptable.

There is no evidence that the planning process has been well-coordinated across state, regional, and municipal levels. Councils were notified of the proposed changes in the third quarter of 2024, just before entering caretaker mode, leaving little time to respond adequately.

LMV was fortunate to secure a face-to-face meeting with the State Planning Office in December 2024. Eight actions were taken and despite numerous follow-ups, no responses have been provided.

Despite LMV's considerable effort to engage with State parliamentarians and advisors, answers to questions and provision of information to the community has been extremely poor. As such, we can only see this as a failure and unsatisfactory behaviour from the State Government.

12. Case Studies: Lessons from Rapid Development and Code-based Approach

To illustrate the above concerns, we highlight some case studies where rapid or code-based approach development has led to community dissatisfaction, planning issues, or poor outcomes. These examples serve as cautionary tales for what might happen if Amendments VC257, VC267, and VC274 are not changed.

Joseph Road Precinct, Footscray (Victoria) – An Example of Poor Planning

Joseph Road Precinct residents in Footscray stand in an area flanked by new high-rise apartment buildings but lacking basic infrastructure like finished roads and footpaths. The precinct has been highlighted as an example of poor planning outcomes due to rapid development without commensurate local infrastructure and amenities (maribyrnonghobsonsbay.starweekly.com.au).

Perhaps **Melbourne's starkest recent example of "how not to do" development**, the Joseph Road Precinct in Footscray demonstrates the consequences of large-scale housing growth without adequate planning controls or infrastructure in place. This 15-hectare former industrial area was redeveloped over the past decade into a high-density cluster: **around 10 residential towers housing 5,000+ residents sprung up** (maribyrnonghobsonsbay.starweekly.com.au). The rapid build-out was enabled by a combination of state planning interventions and approvals that overrode local council concerns (maribyrnonghobsonsbay.starweekly.com.au).

The outcome? By 2023-24, the precinct was notorious for its **lack of basic amenities and infrastructure**. Many roads were still unsealed construction accessways; pedestrian footpaths and crossings were missing, making the area unsafe and unwelcoming (maribyrnonghobsonsbay.starweekly.com.au). There was little street lighting or signage. Parks and green space were minimal. Importantly, **these issues persisted years after residents had moved in**, because the planning process had not tied development approvals to timely infrastructure delivery. Maribyrnong Council itself, in a submission to the state, **cited Joseph Road as "a case study in poor planning and an example of what not to do**." (maribyrnonghobsonsbay.starweekly.com.au) They warned that without careful planning, *"the failures at Joseph Road would be repeated."*

For locals, the experience has been frustrating and dangerous. As resident advocates pointed out, they had to **push for even "the most basic fundamental things" like footpaths and traffic lights** after the fact (maribyrnonghobsonsbay.starweekly.com.au). The Council, in turn, claimed it was left holding the bag – responsible for retrofitting infrastructure with no upfront contributions, after being overruled on the initial planning decisions. This finger-pointing reveals how a gap in the planning framework (allowing massive development sans infrastructure agreements) led to a suboptimal outcome for the community.

Lesson for VC257/VC274: The Joseph Road experience underscores the **importance of robust planning frameworks and infrastructure provision** when upzoning for higher density. It occurred under an ad-hoc fast-track (Ministerial intervention) – akin to what could happen more broadly with the Precinct Zone or activity centre streamlining if not done thoughtfully. We must ensure that increasing housing supply does not mean simply "build now, plan later." Otherwise, we risk creating more pockets of poor liveability that councils and residents then must fix at great expense.

Fishermans Bend, Melbourne (Victoria) – The Danger of Removing Controls and Oversight

Fishermans Bend is Australia's largest urban renewal project – and in its early phase became a national example of planning gone awry due to over-hasty deregulation. In 2012, the previous Victorian government **rezoned 250 hectares of industrial land to Capital City Zone overnight, with no height limits or detailed plan** (thefifthestate.com.au). This effectively removed normal controls and third-party rights (as CCZ and Ministerial call-ins applied) in one swoop, aiming to encourage rapid development. What followed was described by the current Minister as **"inappropriate development" proposals flooding in – dozens of towers up to 60 storeys high in a location with **no tram or train, limited road access, and no definite plans for schools or parks**. Land values skyrocketed on speculation. The lack of upfront infrastructure planning meant that by 2014-2015 the government had to put the brakes on – **a pause on new permits and a costly effort to buy back land for parks and schools** that hadn't been reserved initially (thefifthestate.com.au).

The quote *"unmatched worldwide for its failure to plan for transport and other key services"* (thefifthestate.com.au) came from commentary on this fiasco. It took until 2018 for a proper Framework Plan to be put in place and tighter controls (like height limits and floor-area ratios) to be introduced. Essentially, the laissez-faire approach had to be reversed to avoid an unliveable concrete jungle. Even today, Fishermans Bend's full development is slow because infrastructure (like a promised tram line) is still catching up, and early approved towers remain unbuilt or had to be redesigned.

Lesson: Fishermans Bend shows the **damage that can be done by removing normal checks in the planning system**. While the scale there was larger than what VC257/VC267 directly address, the principle is the same. If you **bypass strategic planning, local input, and qualitative assessment in favour of rapid development**, you may get a short-term burst of proposals, but you store up long-term problems – requiring intervention later to "protect the site from inappropriate development" (thefifthestate.com.au). The Committee should note that even pro-development voices ended up agreeing that the free-for-all approach *"stinks"* (to quote Minister Wynne) and had to be reined in. We do not want to find ourselves in a similar situation saying the same about our suburban neighbourhoods because we under-planned their transformation.

Fast-Track and Code Assessment Elsewhere – Community Dissatisfaction

Other jurisdictions provide additional examples of why careful balance is needed:

- **New South Wales (Low-Rise Housing Code)** – NSW introduced a Low-Rise Medium Density Housing Code to allow duplexes, villas and townhouses via a fast-tracked *complying development* route (very similar in concept to our Clause 55 deemed-to-comply). The rollout met heavy community and council pushback. In 2018–2019, **45 councils obtained deferrals for the code** because of **"concerns about the potential impact… on local character" and infrastructure** (bartier.com.au). An independent review found more time was needed for councils to do strategic planning in response, recognizing that a blanket code would otherwise have widespread effects. Essentially, communities felt the state was forcing "one size fits all" density that could **proliferate across suburbs without regard to whether streets, pipes, parks, etc. could cope**. The lesson from NSW is that even if the code eventually comes in, it should be coupled with local tailoring and infrastructure strategies – and the initial public resistance there shows how a top-down zoning change can **erode public trust** if it seems to ignore local context.

- **England (Permitted Development Rights for Conversions)** – The UK government expanded "permitted development" (PD) rights in 2013 to allow offices to be converted to apartments without full planning permission. This did boost housing unit numbers, but at a significant cost to quality and community outcomes. Studies by the Royal Institution of Chartered Surveyors found that **PD conversions had "allowed the development of extremely poor-quality housing, much worse than schemes that required planning permission,"** and that developers under PD contributed virtually nothing to local infrastructure (ww3.rics.org). There were notorious cases of windowless micro-apartments, and even families housed in former office parks far from amenities. The community impacts – kids "playing in car parks in converted industrial estates" as one report put it (tcpa.org.uk) – have been widely criticized. The UK has since tightened standards for these conversions. The clear takeaway: **fast-tracking must not mean jettisoning basic liveability and public benefit requirements**. Otherwise, you create future social and urban problems.
- **New Zealand (Medium Density Rezoning)** – In 2021 NZ implemented a bipartisan change allowing three homes up to three storeys on almost all residential lots in major cities *as of right* (no notification) to address the housing shortage. By 2023, issues emerged with one major party admitted the policy may have been "wrong" in going over councils' heads to allow density "willy-nilly" everywhere (act.org.nz). Critics noted that it wasn't delivering the promised **affordable housing** but was causing **planning headaches** – such as projects in areas with infrastructure constraints or outcomes not aligned with local plans. The lesson from NZ is not that medium density shouldn't happen – but that even a well-intentioned blanket approach can fail and require change (like giving councils more ability to direct where density goes and ensuring infrastructure funding). It's a reminder that **community engagement and acceptance is crucial**: people need to see that intensification is done *with* a plan, not just *to* their neighbourhood arbitrarily.

These case studies reinforce a common theme: **successful planning reform requires marrying speed with wisdom**. A purely numbers-driven approach will falter if they don't engage communities or maintain quality. Victoria is fortunate to have both precedent and global examples to learn from, so we should heed these lessons.

13. Balancing Faster Approvals with Liveability

We understand and respect that **Victoria needs more housing** – affordability and population growth pressures are real. In principle, having clear standards and fast pathways for development is a sound idea. However, as detailed above, the current amendments **swing the pendulum too far towards speed at the expense of other core planning objectives**.

A more balanced approach would ensure that we **"facilitate development in accordance with"** not just housing targets but *all* the objectives of planning (per Section 4(f) of the Act) (planning.vic.gov.au). To that end, we suggest the following guiding points for improvement:

1. **Maintain Community Voice** – Completely removing third-party review is unwise. We need to retain notification and appeal rights for developments that are inappropriate. Councils should retain the right to reject proposals even if the development meets appropriate standards. The proposed changes need to preserve accountability and transparency.
2. **Refine and Augment the Standards** – If the success of these reforms rests on the standards, those standards must be the *right* ones and exhaustive enough. We urge a thorough review (perhaps via this Committee's recommendations) of the 30-odd standards with input from councils, community groups, and experts. **Where gaps are identified, add or adjust standards.**

For example, introduce a standard for *cumulative impact in precincts* (e.g. if multiple developments are proposed in close proximity, a simple traffic or infrastructure impact check is required). Or strengthen neighbourhood character criteria by allowing local variations. Perhaps a mechanism where a Council's character policy can specify an additional standard (like predominant materials or a particular streetscape feature to respect). The standards for landscaping could be bolstered (e.g. require a minimum deep soil area, not just canopy cover %, to truly allow tree growth). Essentially, **engage with major stakeholders and come up with standards which are simplistic but the right ones**.

3. **Heritage and Special Areas Protections** – It should be clear that nothing in the new provisions overrides existing heritage overlay controls or other critical overlays (flood, wildfire, etc.). In fact, for areas with such overlays, it might be appropriate that the code-assessment pathway is *not available* – those applications should go through normal processes given their complexity. The legislation or regulations could enumerate that if a site is affected by X or Y overlay, third-party rights remain or the 'deemed-to-comply' doesn't apply. This would reassure communities that streetscapes, or environmentally sensitive areas would be protected.
4. **Link Growth with Infrastructure** – We strongly recommend mechanisms to ensure infrastructure keeps pace. This could include **developer contributions** for areas of intensification. Any significant increase in density should come with *binding infrastructure plans* – if the government is rezoning for "substantial change," it should concurrently commit the infrastructure funding in that precinct's plan. In short, do not assume infrastructure will magically adjust – plan it, fund it, and make development contingent on it when necessary.
5. **Monitor and Adjust** – Treat these reforms as a living program, not a one-and-done deal. We suggest the Committee implement a strong monitoring process: track the developments being approved, evaluate their quality and impacts after completion, and allow for quick corrective adjustments to the scheme if problems emerge. For example, if within 2–3 years we see many instances of poor design or infrastructure hot-spots, the standards or processes will be tightened. Build in a formal review (perhaps by VCAT or an independent panel) of a sample of code-approved projects to see if the outcomes align with policy intentions. This feedback loop will ensure that speed doesn't blind us to emerging issues. It will signal to the community that concerns are being taken seriously and managed, not just dismissed in the name of expediency.

14. Conclusion

In conclusion, we urge the Committee to recognize that **fast housing approvals and robust community-centred planning are not mutually exclusive goals**. As it stands, Amendments VC257, VC267, and VC274 tilt heavily toward speed and supply, with too little regard for local input and good planning practice. This threatens to undermine the very objectives the planning system is meant to uphold: fairness, amenity, environmental sustainability, heritage protection, and the coordination of development with infrastructure (planning.vic.gov.au).

The experience of residents – whether in **Footscray's poorly serviced towers** (maribyrnonghobsonsbay.starweekly.com.au), or chaotic proposals at **Fishermans Bend** (thefifthestate.com.au), or communities in NSW pushing back against blanket codes – all sends a clear message. We must **consult with the community, respect local character, and invest in liveability** as we do so.

We ask that the Committee's recommends a **balanced approach**: i.e. support the goal of increasing the number of houses, *while instituting the safeguards and refinements needed to protect what Victorians value about their neighbourhoods*. This includes ensuring key stakeholder participation; that standards are comprehensive and context-aware; and that development is paired with the infrastructure and services that future communities will require.

Ultimately, planning is about **people and place**. Planning changes must align with the long-term objectives of the Planning and Environment Act which achieves growth that is fast, smarter and more sustainable. We thank the Committee for considering these concerns and trust that resident voices will help shape a planning system that truly works for all Victorians – for today's communities and for generations to come.

Sources

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