

## 7.1.5 STATE GOVERNMENT PLANNING REFORM UPDATE

|                              |  |
|------------------------------|--|
| <b>Responsible Manager:</b>  | Kaitlyn Zeeck, Manager City Planning       |
| <b>Responsible Director:</b> | Peter Panagakos, Director City Development |

### RECOMMENDATION

#### That Council

1. **Notes the recent planning reforms and changes to planning scheme:**
  - a) **Changes to the planning panel process resulting from the Housing Reform changes to the *Planning and Environment Act 1987 (The Act)*;**
  - b) **Revised car parking provision requirements;**
  - c) **The introduction of Infrastructure Contribution Plans (ICPs) for Activity Centres;**
  - d) **The introduction of a Significant Landscape Overlay (SLO) over parts of Gardiners Creek; and**
  - e) **Reforms to the signage provisions.**
2. **Writes to the Minister for Planning outlining concerns over the spatial application of the PTAL grid that is used as the basis for the assessment of car parking requirements under Clause 52.06 and the unintended consequences as outlined in this report.**
3. **Notes the commencement of the Infrastructure Contribution Plan (ICP) for pilot centres is January 2027.**

### INTRODUCTION

The purpose of this report is to provide an overview on the recent planning changes made by the Victorian State Government as they continue a significant program of planning reform.

### COUNCIL PLAN STRATEGIC OBJECTIVES

#### **A well-planned and future ready city**

An attractive and well-designed city with connected neighbourhoods, active transport, open spaces, facilities and infrastructure that meets the current and future needs of our community.

#### **A city that promotes environmental sustainability**

Where neighbourhoods are designed and developed along environmentally sustainable development and urban design principles, in sympathy with the natural environment.

### BACKGROUND

The State Government have embarked on a program of significant planning reform since they released Victoria's Housing Statement in 2023. The reforms are primarily aimed at facilitating housing development across Victoria and implementing the actions from *Plan for Victoria (2025)* (replacing *Plan Melbourne 2017-2050*).

In March 2025, Council endorsed a submission supporting improved planning controls for waterways. These controls have now been gazetted and are in effect in the relevant planning schemes.

Officers have presented several reports to Council over the last 12 months, providing updates on State Government planning reforms. The most recent report was presented to Council on 28 October 2026 where the following reforms were explained:

- Licensed premises permit requirements being removed;
- An expanded Development Facilitation Program;
- Deemed to comply assessment extended to single dwellings;
- A new State policy – Urban forests;
- A new particular provision – Canopy trees; and
- Fast track assessment for 2 dwelling development and subdivision being introduced.

This report provides an overview of the most recent State Government planning reforms (since 28 October 2025) and includes:

- Housing Reform Act changes to planning panels;
- Car Parking reforms;
- The introduction of a standard contribution rate (Infrastructure Contributions Plan) for the Activity Centre Program.
- Waterways reforms (introduction of a Significant Landscape Overlay to Gardiners Creek)
- Reforms to signage provisions.

## DISCUSSION

### **Housing Reform Act changes to planning panels (October 2025)**

In October 2025, changes to planning panels under the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025* introduced new provisions into the *Planning and Environment Act 1987* (Act) that affect planning panels and their processes.

Significant changes from this reform include:

- Submissions to planning scheme amendments that are considered by a planning authority to be frivolous, vexatious or wholly irrelevant to the amendment will no longer be able to be referred to a Panel.
- Panels will have the ability to join parties where proformas or almost identical submissions have been made.
- Panels will have the ability to consider matters based solely on written materials if it is satisfied that it will not need to consider a major issue of policy.
- Councils will be able to seek an exemption from the Minister for Planning from considering the Planning Panel's report when issuing of the report is significantly delayed.

While Councils must still consider all submissions, these changes place an onus on planning authorities to determine whether the submission is frivolous, vexatious or wholly irrelevant before referring submissions to a panel. This creates a risk for Council by excluding submitters from the public planning panel process.

It should also be noted that it has been very rare to receive submissions to amendment that would be considered frivolous or vexatious, so this change to the Act is unlikely to have any impact in a practical sense. Furthermore, the changes do not provide guidance for determining what constitutes a frivolous, vexatious or wholly irrelevant submission, placing the discretionary

decision making with council's and potentially excluding submitters from the planning panel process.

It is noted that the issues discussed above will be addressed through the *Planning Amendment (Better Decisions Made Faster) Bill 2025*, which is currently being discussed in Parliament.

### Car Parking Reforms

In December 2018, Amendment VC277 came into effect and introduced revised car parking provisions across Victoria.

Previously the planning scheme identified two (2) parking rates based on a site's access to public transport. This amendment introduced new mapping which identifies what 'category' applies to a site. Under the new provisions, the category determines how much parking is required based on the sites Public Transport Accessibility Level (PTAL).

Under the new provisions, there are four (4) categories based on Public Transport Accessibility Level, the different categories are described as follows:

- Category 1 (lowest access) – this includes areas that are typically suburban with a significant distance from well connected public transport.  
**Category 1 has the highest minimum parking requirement.**
- Category 2 (low-moderate access) – this includes areas with some public transport access.  
**Category 2 has a slightly reduced rate to Category 1.**
- Category 3 (high access) – this includes areas with good access to frequent public transport, such as in or near activity centres.  
**Category 3 has lower minimum rates but also includes maximum rates.**
- Category 4 (high access) – this includes inner city and major hubs (such as Melbourne CBD or Box Hill).  
**Category 4 has the lowest (or zero) minimum rates, with maximum rates that require a planning permit if they are exceeded.**

A summary is set out in the table below:

|  | Category 1                                   | Category 2                                      | Category 3                                     | Category 4                                  |
|--|--|---|--|---|
| <b>Requirement</b>                         | Minimum only                                 | Minimum Only                                    | Minimum and Maximum                            | Minimum* and maximum.                       |
| <b>Where applied</b>                       | Suburban areas with limited public transport | Suburban areas with public transport            | Some major centres and key transport corridors | Melbourne CBD & Major regional centres      |
| <b>Proportion of middle ring Melbourne</b> | 88.7%  | 10.7%   | 0.5%   | 0.1%  |
| <b>Comparison to previous requirements</b> | Generally similar to previous requirements   | Generally a reduction of around 50% of previous | Minimum is generally around 25% of previous    | Maximum is generally around 25% of previous |

|  | Category 1     | Category 2     | Category 3                     | Category 4                    |
|--|----------------|----------------|--------------------------------|-------------------------------|
| <b>Example: 4,000m<sup>2</sup> Supermarket</b> | Min 200 spaces | Min 100 spaces | Min 0 spaces<br>Max 100 spaces | Min 0 spaces<br>Max 50 spaces |
| <b>Example: Dwelling</b>                       | Min 1.2 spaces | Min 1 space    | Min 0 spaces<br>Max 2 spaces   | Max 2 spaces                  |

*\*Generally minimum quantity in category 4 applies only to industrial type uses and minimal other land uses.*

It should be noted that provision of more than the maximum spaces is not prohibited, however, it now requires a planning permit. Specific guidelines for the consideration of a planning application to provide more than the maximum car parking spaces is provided in the planning scheme.

**Attachment 1** shows the PTAL Category Map for Monash.

#### Application in Monash

There are a number of areas within Monash that are located within Category 1 on the PTAL map. These areas are predominately residential and there will not be significant changes to minimum car parking requirements within these areas.

The majority of areas within Monash are mapped as Category 2. This Category generally applies to:

- areas around Hughesdale, Holmesglen, Jordanville, Mount Waverley and Syndal stations;
- areas along arterial roads (noting that it extends further beyond them on better serviced routes, or around Major Activity Centres); and
- broader areas of Oakleigh, Hughesdale, Chadstone and Ashwood south of High Street Road.

Category 3 is applied far more cautiously around:

- Glen Waverley around Glen Waverley Railway Station.
- Oakleigh and Hughesdale around Oakleigh Railway Station (Not Hughesdale Activity Centre).
- Huntingdale Railway Station area.
- Clayton Railway Station area.

In addition to the above areas, there are a further eight individual areas within Monash identified as Category 3, these areas are generally located on an arterial road intersection where two (or more) bus routes intersect.

There are no Category 4 areas in Monash. The nearest Category 4 areas are located around Caulfield Station, Camberwell Junction and Box Hill.

The application of the PTAL categories are based on individual 160m<sup>2</sup> grid squares and the walking time from the nearest public transport services. This has resulted in some unusual outcomes and unintended consequences. These maps now form part of the Victoria Planning Provisions and each municipal planning scheme.

An example of this is in Glen Waverley Activity Centre. As **Attachment 2** demonstrates, Category 3 has been applied to the majority of the centre, but parts of Kingsway and Springvale Road that are in the retail core and zoned commercial are in Category 2. The application of the categories cuts across zone boundaries and it does not make sense that car parking requirements would differ in

the one centre in similarly zoned areas. Officers believe that there should have been a further layer of assessment around the Activity Centres and where the zone is consistent the same category should apply. There is no reason that all the commercial areas within the Glen Waverley Activity Centre should not fall within a Category 3 designation. The broad and generic way that the categories have been applied on a grid basis needs to be reconsidered and adjustments made.

It is recommended that Council write to the Minister for Planning highlighting the issues with the PTAL mapping of the new car parking categories and request that these anomalies and inconsistencies be addressed.

#### Impact of changes

The table below outlines the changes to the car parking rate and measures for some common land uses. Some of the measures used to calculate the parking provision have changed as well as the rate.

| Land use                     | Former rates in Clause 52.06                        |          |          | New rates in Clause 52.06     |       |       |       |      |
|------------------------------|---|----------|----------|-------------------------------|-------|-------|-------|------|
|                              | Measure   | Column A | Column B | Measure                       | Cat 1 | Cat 2 | Cat 3 |      |
|                              |   |          |          |                               | Min   | Min   | Min   | Max  |
| Dwelling                     | One or two bedroom dwelling                         | 1        | 1        | To each dwelling              | 1.2   | 1     | 0     | 2    |
|                              | Three or more bedroom dwelling                      | 2        | 2        |                               |       |       |       |      |
|                              | For visitors to every 5 dwellings                   | 1        | 0        |                               |       |       |       |      |
| Childcare Centre             | To each child                                       | 0.22     | 0.22     | To each employee              | 1     | 0.5   | 0.25  | -    |
| Shop & Food & drink premises | To each 100m <sup>2</sup> LFA                       | 4        | 3.5      | To each 100m <sup>2</sup> NFA | 4     | 2     | 0     | 2    |
| Industry                     | To each 100m <sup>2</sup> NFA                       | 2.9      | 1        | To each 100m <sup>2</sup> LFA | 2.9   | 0.4   | 0     | 0.8  |
| Medical Centre               | To the first person providing health services, plus | 5        |          | To each 100m <sup>2</sup> LFA | 5     | 3.5   | 0     | 5    |
|                              | To every other person providing health services     | 3        |          |                               |       |       |       |      |
|                              | To each 100m <sup>2</sup> LFA if in PPTN area       |          | 3.5      |                               |       |       |       |      |
| Office                       | To each 100m <sup>2</sup> NFA                       | 3.5      | 3        | To each 100m <sup>2</sup> NFA | 3.5   | 0.45  | 0     | 0.9  |
| Place of assembly            | To each patron permitted                            | 0.3      | 0.3      | To each patron                | 0.3   | 0.15  | 0     | 0.15 |
| Supermarket                  | To each 100m <sup>2</sup> LFA                       | 5        | 5        | To each 100m <sup>2</sup> LFA | 5     | 2.5   | 0     | 2.5  |

Some key observations about the change to the measures and rates are:

- There are now flat rates for dwellings regardless of the size or number of bedrooms
- Rates for childcare centres are now based on employees rather than number of children attending
- Rates for food and drink premises have changed from leasable floor area to nett floor area

- Medical centres now have flat rates based on leasable floor area only rather than being tied to number of practitioners
- Rate for food & drink premises (includes restaurants) is reduced from 3.5 to 2
- Rate for industry is reduced from 1 to 0.4
- Rate for office is reduced from 3 to 0.45
- Rate for place of assembly is reduced from 0.3 to 0.15
- Rate for shop (excluding supermarket) is reduced from 3.5 to 2
- Rate for supermarket is reduced from 5 to 2.5

Overall the revised parking rates are likely to reduce the number of applications seeking a car parking reduction, particularly if they are located closer to public transport. However a consequence of this may be greater demand for on-street parking or use of public car parking.

One of the challenges for predominantly suburban areas like Monash is that the majority of our retail land uses are located in Major Activity Centres. Glen Waverley, Clayton and Oakleigh are all Category 3 for car parking in their central core areas where supermarkets are located but they draw customers from a much broader catchment, most of whom drive. Over time this may become an issue as the impact of a large number of individual, smaller changes in these centres compound to create a significantly increased floorspace and parking demand, without any increase in parking.

Whilst a straight application of the car parking provision requirements may allow some larger developments to occur with very little parking, as has occurred previously, developments will undertake their own car parking demand assessments and provide car parking at a rate that they consider to be economically viable and sustainable for their business. This may lead to permit applications to provide more car parking than the PTAL requirements. The actual outcomes and impacts will be seen as development and change of uses occurs.

#### Suburban Rail Loop (SRL) Implications.

The PTAL categories have been applied based on current transport services. The planning scheme amendments for SRL propose to apply a Parking Overlay (PO) to reduce car parking provisions. The rates in the Parking Overlay would override rates described above.

#### **Infrastructure Contributions Plan (Activity Centre Program)**

The State Governments Activity Centres Program commenced as part of Victorias Housing Statement in 2023. This program is often referred to as the Train and Tram Zone Activity Centres (TTZAC).

As part of this program, Chadstone Activity Centre was one of the 10 pilot locations. Hughesdale and Oakleigh Stations were included in October 2024 and Holmesglen Station in February 2025.

This announcement advised of the creation of a standardised Infrastructure Contribution Plan (ICP) to be applied to development in those activity centres.

The ICP will commence in two stages:

- January 2027 for Pilot Activity Centres (Chadstone); and
- July 2027 for the remaining Activity Centres (Hughesdale, Holmesglen, and Oakleigh).

The ICP will be a standardised contribution of \$11,350 for each additional new home in those activity centres.

The charge will also apply to non-residential development at a rate of:

- \$114 per square metre for additional commercial space; and
- \$57 per square metre for additional industrial space where developments are above a certain size.

Councils will retain two-thirds of the funds for local infrastructure and one-third will be provided to the Victorian State Government for state infrastructure.

The Department of Transport and Planning (DTP) will prepare ICPs for each TTZAC in consultation with Councils to outline the types of new infrastructure these communities need into the future. The ICPs will identify the types of infrastructure projects that are to be funded, but not specific projects in those categories.

### **Waterways Reforms – Gardiners Creek**

Amendment VC278 was gazetted on 23 December 2025 and came into effect on 20 January 2026. This amendment introduced the Significant Landscape Overlay (SLO) to 17 waterways across Melbourne, including Gardiners Creek within the City of Monash.

This amendment applies the SLO to land on both sides of Gardiners Creek in Ashwood and Burwood. The amendment also removes sites from the Vegetation Protection Overlay (VPO) if there was an overlap with SLO.

These new provisions require a planning permit to construct a building, construct or carry out works, remove, destroy or lop vegetation on land covered by the SLO. A permit is also required to construct a fence under the schedule to the overlay.

Despite the above, the SLO schedule specifically exempts:

- Development in certain zones or overlays, if it is constructed with muted colours and materials, does not change the ground level by more than 0.6m and is further than 50m from the banks of the waterway. Based on the zones and overlays listed, this exemption provides a significant future exemption for land within the Burwood SRL Precinct, and future application of the HCTZ as part of the TTZAC Program.
- Development in other zones if:
  - The building is less than 6m in height;
  - The building or extension adds less than 50m<sup>2</sup> of additional floor area;
  - The building is constructed of muted colours and materials;
  - The ground level does not change by more than 0.6m;
  - The development is sited more than 50m from the bank of the waterway; or
  - It is maintenance of the waterway by the public land manager
- Removal, destruction or lopping of vegetation if:
  - The vegetation is less than 6m in height, has a trunk diameter of <0.4m measured at 1.4m and a canopy diameter of less than 4m;
  - The vegetation was planted as part of a windbreak, plantation, orchard or horticulture;

- Identified as a weed species on the Advisory List of Environmental Weeds in Victoria; or
- It is part of the maintenance of the land by the public land manager or
- Is necessary to construct or maintain the transport system by or on behalf of Transport for Victoria (TfV).
- The construction of a fence which is to be:
  - Constructed by or on behalf of the Head, Transport for Victoria; or
  - Sited more than 50m from the top of the bank of the waterway and
    - Is less than 1.4m high and rural style fencing, or
    - less than 1.8m and is 50%+ transparent materials.

There are no transitional provisions, and the amendment has immediate effect.

The State Government has introduced a Planning Practice Note (PPN98) to assist with the assessment of planning applications along waterways. This has been included as **Attachment 3**.

This is a welcome reform that recognises the importance of our waterways and strengthens the planning controls along Gardiners Creek, recognising its important contribution to the urban landscape and ecological processes, and raises the importance of vegetation and public land along Gardiners Creek.

### **Signage Reforms**

Amendment VC294 was gazetted on 27 October 2025. This amended the signage provisions at Clause 52.05 of all planning schemes to exempt specified signs from planning requirements and removed mandatory permit expiration dates for most signs.

Prior to Amendment VC294, planning permits for all signs except major promotion signs had a default planning permit expiration date of 15 years in circumstances where a planning permit did not specify an expiry date.

The signage provisions have now been amended to specify that only two types of signs have a default planning permit expiration date of 15 years, in circumstances where the planning permit does not specify an expiry date, these being:

- major promotion signs; and
- promotion signs that promote matters not occurring on the land on which the sign is sited.

The types of signs now specifically exempt from requiring a planning permit include:

- signs that provide information, warning or direction about weather conditions, public safety, a natural event or an emergency and are displayed by or with the agreement of a government department, public authority or municipal council;
- building permit and workplace health and safety signs that do not exceed two square metres in size;
- specified construction signs, as long as specific requirements are met, including that the sign must not be animated, electronic, internally illuminated or floodlit; and
- real estate signs not exceeding 10 square metres, which now includes animated signs.

These changes will have a negligible effect on the number of planning applications for signage issued within the City of Monash.

### **FINANCIAL IMPLICATIONS**

The recent reforms will have some resourcing implications.

However, the financial implications of the proposed ICPs will not be known until they take effect in January 2027.

### **POLICY IMPLICATIONS**

There are no policy implications to this report.

### **CONSULTATION**

Community consultation was not required.

### **SOCIAL IMPLICATIONS**

There are no social implications to this report.

### **HUMAN RIGHTS CONSIDERATIONS**

There are no human rights implications to this report.

### **GENDER IMPACT ASSESSMENT**

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

### **CONCLUSION**

The Housing Reform Act changes to planning panel processes should streamline processes but may also introduce an increased risk to Council.

The introduction of categories and associated car parking rates better align to areas that are well serviced by public transport and as a result there may be fewer applications for reduction in car parking provision.

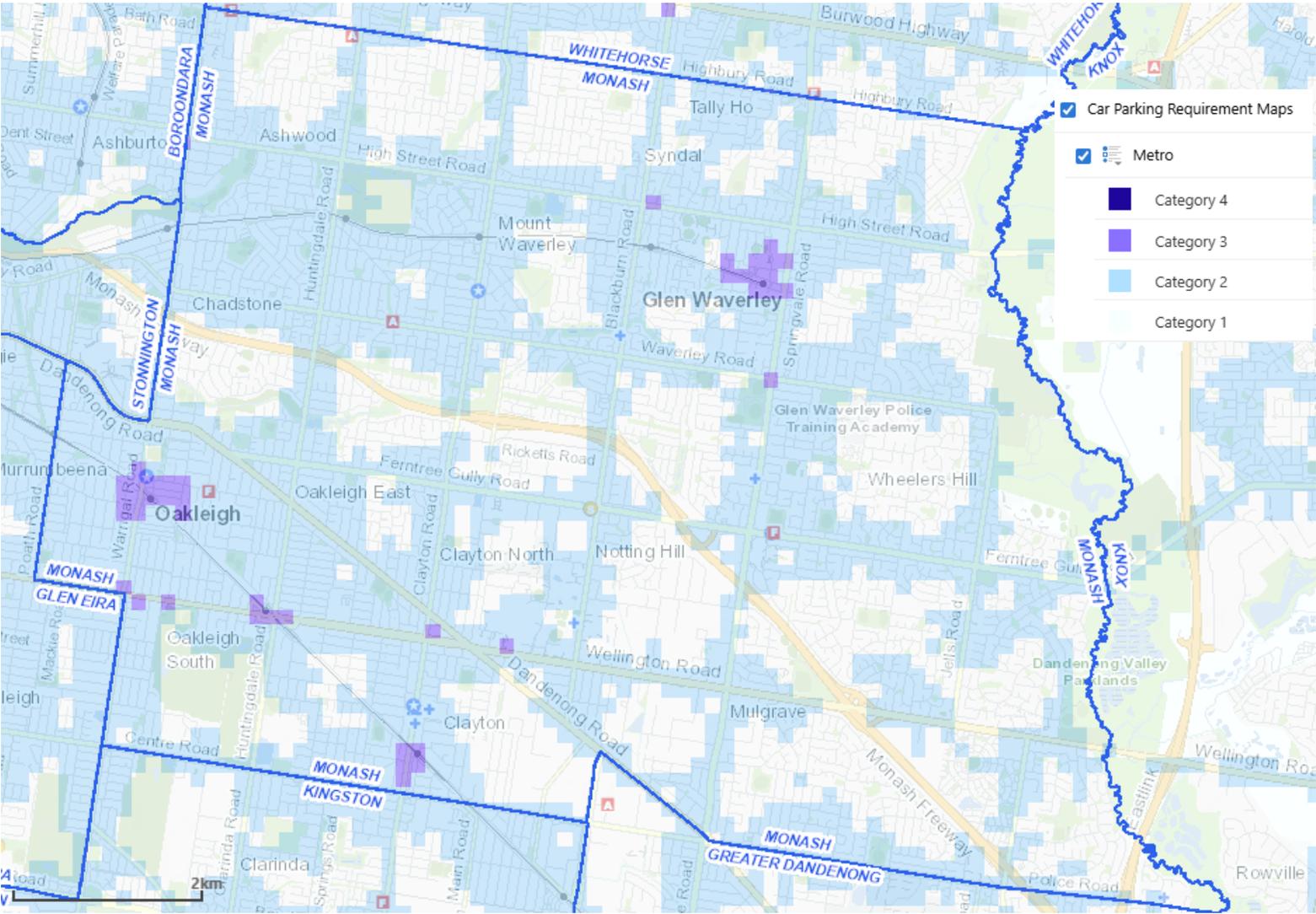
The waterways reforms are welcomed and recognise the importance of Gardiners Creek, its adjoining areas of open space and vegetation.

Officers will monitor the effect of these changes over the coming months and into 2027 to understand the broader impacts on Council operations and infrastructure delivery.

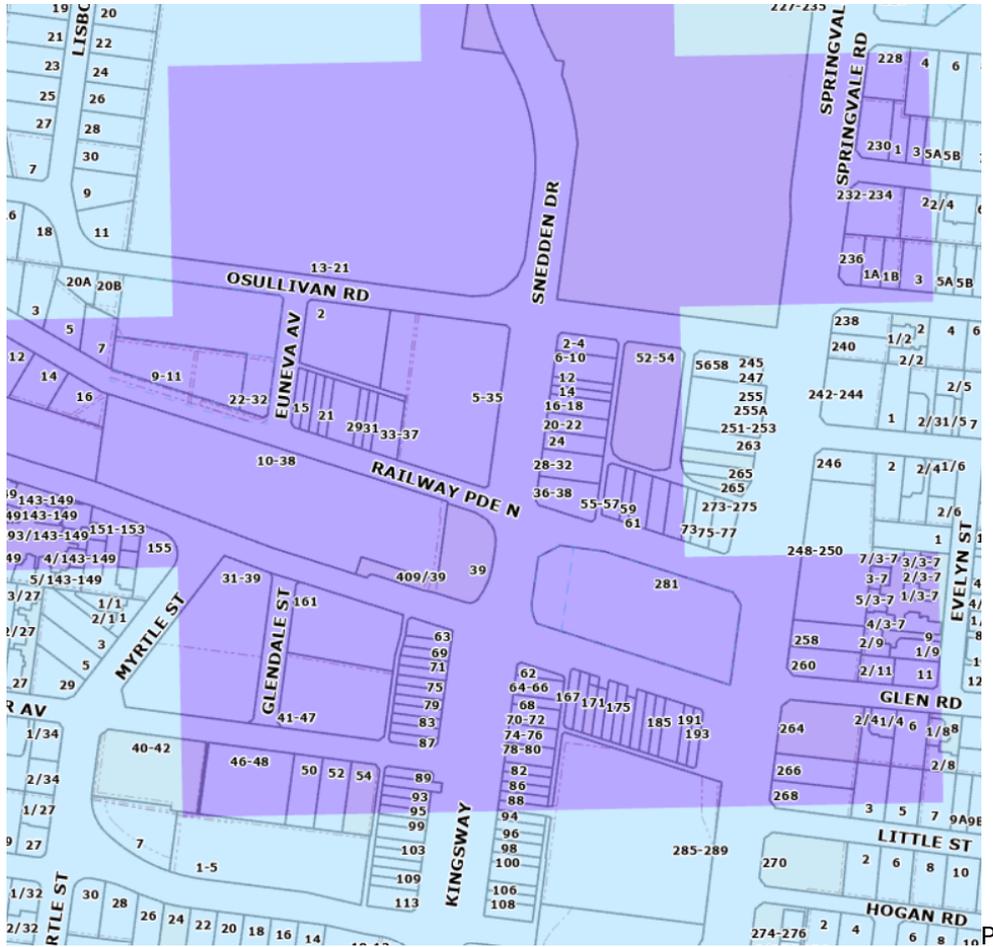
### **ATTACHMENT LIST**

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1. PTAL Categories - City of Monash [**7.1.5.1** - 1 page]
  2. PTAL Map for Glen Waverley [**7.1.5.2** - 2 pages]
  3. PPN98 Permit Applications in Waterway Corridors [**7.1.5.3** - 6 pages]

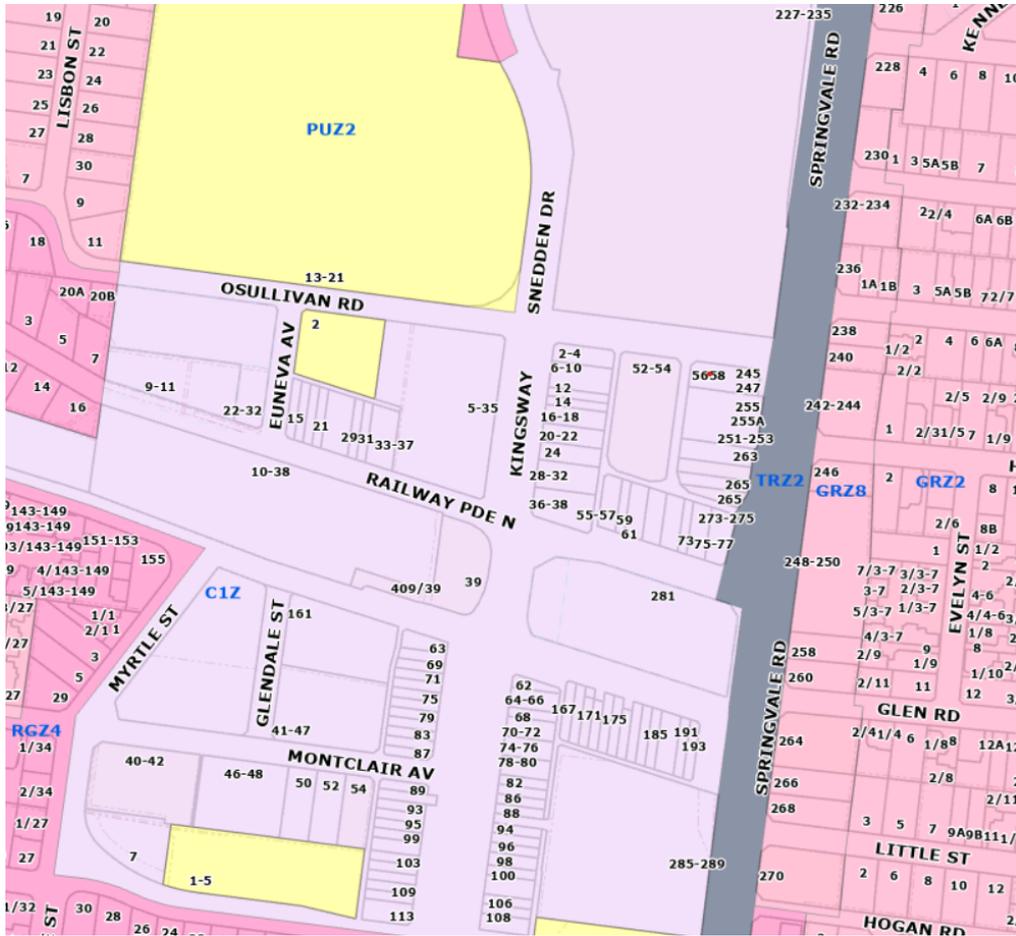
Public Transport Accessibility Level (PTAL) scores – City of Monash



PTAL Map of Glen Waverley Activity Centre



ZONING MAP – Glen Waverley Activity Centre



Planning Practice Note 98

# Permit Applications in Waterway Corridors

December 2025

The purpose of this Planning Practice Note (PPN) is to provide guidance on how to consider planning permit applications close to waterways. It supports planners and applicants to consider how development may impact waterway health and corridor function.

It applies where an overlay control exists to protect a waterway, or when considering the Planning Policy Framework (PPF) for any other planning permit application close to a waterway.

## Waterways and planning permit decisions

Waterways are significant environmental, cultural and landscape features that help shape the character and identity of places across Victoria. They are valued for their ecological health, biodiversity, amenity, recreational opportunities and the cultural connections they support, particularly for Traditional Owners.

Land use and development near waterways can have a direct and cumulative impact on the condition and function of these systems. Changes to vegetation, landform, built form and drainage patterns can affect water quality, stream stability, flood risk, biodiversity, cultural values and public access. As such, waterways are not just environmental assets, they are also critical infrastructure that support healthy, liveable and resilient communities.

Planning plays a key role in protecting the long-term integrity of waterway corridors by ensuring that planning permit applications for use or development near waterways are carefully considered and appropriately managed. Whether the proposal is for a dwelling, large subdivision or a change in land use, it is essential that potential impacts on waterways and their surrounding corridor are understood, and mitigated through good siting, design and management.

## Assessing planning permit applications

Planning permit applications on land within or adjacent to a waterway corridor must be assessed against the relevant planning scheme provisions, including:

- the state planning policy in the PPF, particularly clause 12.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs), unless exempted through a particular provision of the planning scheme
- zones and overlays that apply to the site
- relevant local planning policy in the PPF or strategic documents referenced in the planning scheme.



The overlays that typically apply to waterways include the following:

- **Significant Landscape Overlay (SLO):** Usually applied across a broad area to protect a waterway or waterway reach. May include permit requirements for buildings, earthworks, fencing or vegetation removal.
- **Environmental Significance Overlay (ESO):** Applied at a broad scale or to a localised place to protect biodiversity values. May include permit requirements for buildings, earthworks, fencing, vegetation removal, bicycle paths or subdivision.
- **Design and Development Overlay (DDO):** Applied to a local area or site to manage built form or protect views. May include permit requirements for buildings, earthworks, fencing, vegetation removal, subdivision or signage.

### What does it mean to be close to a waterway?

The influence of waterways extends beyond their banks. For planning purposes, several spatial areas of a waterway and its surrounds should be considered/may be relevant:

- **Within 50m of the top of the bank:** This area is generally kept free from development and earthworks. It plays a critical role in maintaining natural drainage patterns, supporting habitat and preserving the natural landscape character.
- **Within 200m of the waterway centreline:** Development in this broader area can still impact environmental, landscape and floodplain functions, as well as cultural heritage and visual values. Proposals here should consider how they interact with the waterway and its setting.
- **Within 1km of the Birrarung corridor:** Land within 1 km of the Birrarung's banks (except land exempted under the *Yarra River Protection (Wilip-gin Birrarung murrn)* Act 2017 is part of a formally recognised corridor. Planning decisions in this corridor must respond to its exceptional environmental, cultural and landscape values.



Figure 1: Top of bank

### Assessing impacts to waterways

Planning permit assessment should consider not only the immediate, site-specific impacts of development, but also its contribution to cumulative pressures on waterways, such as:

- stormwater runoff
- vegetation removal
- corridor fragmentation
- encroachment into natural systems
- amenity loss or degradation.



Even small-scale developments can contribute to long-term cumulative degradation if not managed appropriately. Key issues that may need to be assessed include flooding, drainage, biodiversity, landscape values, amenity, cultural heritage, recreation and community access.

### How development can impact waterways

Poorly designed development can alter hydrology, increase erosion, sodic soils and runoff, or impact riparian vegetation and public access. To minimise negative impacts, planning should encourage development that:

- minimises stormwater, pollution, nutrients and sediments through integrated water management
- avoids soil erosion and stabilises exposed surfaces
- limits overshadowing of significant vegetation and public areas
- maintains views to and from the waterway
- supports planting and protection of indigenous vegetation
- retains natural floodplain and flow paths.

New development should also be designed to avoid visual intrusion or dominance. Overshadowing, lighting, noise and glare should be managed through thoughtful site layout and use of appropriate materials and finishes.

Climate change projections should be factored into site planning, especially when considering flooding and vegetation resilience.



Figures 2: Green corridors



Figure 3: Access to waterways priorities

## Specific impact considerations

### Earthworks

Major earthworks near waterways can destabilise banks, contribute to erosion, and pollute downstream areas.

- Applications involving more than 600mm of cut or fill should assess potential adverse and cumulative impacts.



### Floor area

New buildings that increase impermeable surface can affect drainage and amenity.

- Consider the cumulative effect of developments that increase floor area by more than 50square metres.

### Building height

Excessive building height may result in overshadowing or dominate the natural landscape.

- Building height should be measured from natural ground level, based on Australian Height Datum.
- Consider how the building sits within the waterway corridor and landscape setting so it does not dominate the landscape.

### Colours and materials

Colours and materials used in development should complement the natural waterway setting.

- Use natural tones and matte finishes to minimise visibility, especially below the skyline.

### Reflectivity

Glare from building surfaces can create visual and safety issues near waterways.

- Use PPN96 – *Planning Considerations for Reflected Sunlight Glare* when assessing buildings with reflective materials.

### Fencing

Fencing should not compromise the openness, amenity or ecological function of the waterway corridor. Permeable fences, with the use of landscape screening retain a sense of openness and natural corridors.

#### Rural and peri-urban areas

- Fences should be no taller than 1.4 metres
- Prefer timber post-and-rail or post-and-wire construction
- Temporary stock fencing may be exempt from permit requirements.



Figure 4: Open urban fence response with landscape screening

#### Suburban, urban and industrial areas

- Fences should be no taller than 1.8 metres
- Provide at least 50% visual permeability
- Chain-link fencing may be suitable in some contexts
- Screen planting is encouraged for privacy where needed.

Fencing should be assessed on a case-by-case basis and relate sensitively to the waterway and adjoining land uses.



## Setbacks from a waterway

Setbacks for building or works help to:

- protect water quality
- maintain floodplain function
- support movement corridors for wildlife
- retain landscape character and biodiversity
- allow for recreational access and vegetation management.



Figure 5: Application of setbacks

What to consider when determining setbacks:

- condition and values of the waterway
- opportunity for ecological enhancement
- extent and width of the corridor
- cultural heritage and Traditional Owner values
- natural hazards (e.g. erosion or treefall)
- private land's interface treatment, including fence design
- relevant policies (e.g. PPF).

Setbacks should be site-responsive and designed to enhance the corridor's long-term function and public benefit.

## Notice and referral

Some overlays may trigger a statutory referral (e.g. to the water authority or CFA) under clause 66.04. Otherwise, responsible authorities can choose to notify relevant agencies under Section 52 of the *Planning and Environment Act 1987*.

This may include:

- Catchment Management Authorities (CMAs), including Melbourne Water
- Registered Aboriginal Parties
- Waterway Committees of Management.



In the absence of formal referrals, planning authorities should consider giving notice or seeking advice from relevant agencies when proposals:

- are within 200 metres of a waterway
- are large or have significant frontage to the corridor
- could affect waterway topography, biodiversity or amenity.

## Cultural heritage and Traditional Owner values

Victorian legislation recognises the cultural significance of waterways to Traditional Owners.

### Areas of Cultural Heritage Sensitivity

Under the *Aboriginal Heritage Regulations 2018*, land within 200 metres of a named waterway is considered sensitive.

### Cultural Heritage Management Plans (CHMPs)

Some developments in waterway corridors will require a CHMP. Contact First Peoples – State Relations or the relevant Registered Aboriginal Party for guidance.

Cultural heritage should be considered early in the planning process to ensure Traditional Owners have the opportunity to determine their involvement and express their priorities.

See also: ***Planning Practice Note 97: Strategic Planning for Waterways***

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