

## LEGISLATIVE COUNCIL

## PLANNING AMENDMENT (BETTER DECISIONS MADE FASTER) BILL 2025

(Amendments and New Clauses to be proposed in Committee by DAVID ETTERSHANK)

1. Clause 2, lines 2 and 3, omit all words and expressions on these lines and insert—
  - "(1) This Part and sections 7(1), 10, 11(2) and 231A come into operation on the day after the day on which this Act receives the Royal Assent.
  - (1A) The remaining provisions of this Act come into operation on a day or days to be proclaimed."
2. Clause 2, line 4, omit "of this Act" and insert "referred to in subsection (1A)".
3. Clause 5, line 11, after "the" insert "fair,".
4. Clause 5, line 26, after "ecological" insert "processes".
5. Clause 5, page 4, lines 5 and 6, omit "facilitate well-designed and high amenity places that are" and insert "protect human life and to facilitate well-designed and high amenity places that are efficient,".
6. Clause 6, page 6, after line 7 insert—
  - "(3) The Minister must undertake a program of consultation on a State planning strategy with the First People's Assembly, municipal councils and Victorians before recommending the approval of the strategy."
7. Clause 6, page 8, after line 11 insert—
  - "(3) The Minister must undertake a program of consultation on a regional planning strategy with registered Aboriginal parties, municipal councils and Victorians in the prescribed region before recommending the approval of the strategy."
8. Clause 9, omit this clause.
9. Clause 11, line 20, before "After" insert "(1)".
10. Clause 11, after line 22, insert—
  - '(2) After section 6(2) of the Principal Act **insert**—
    - "(2AA) For the purposes of subsection (2)(k), a use or development of land may be conditional on an agreement to provide an affordable housing contribution.
    - (2AAB) An agreement to provide an affordable housing contribution is subject to—

- (a) the relevant planning scheme having identified that there is a need for affordable housing in the area; and
- (b) the application having exceeded a prescribed threshold expressed in terms of number of dwellings or value of development; and
- (c) the affordable housing contribution being in a prescribed form; and
- (d) the affordable housing contribution, if it is in the form of money, being paid to Homes Victoria (within the meaning of the **Housing Act 1983**).

(2AAC) Any money collected under subsection (2AAB)(d) must be spent on a project to construct new affordable housing in Victoria.".'.

11. Clause 39, omit this clause.

#### NEW CLAUSE

12. Insert the following New Clause before clause 40—

**"39A Parliament may revoke an amendment**

Section 38(6) of the Principal Act is **repealed**."

13. Clause 41, page 62, after line 5 insert—

"(5) The scheme must also require the reporting of the operation of the planning scheme amendment process in relation to amendments for which the Minister is the planning authority, to the same standard as that required for other planning authorities."

14. Clause 48, omit this clause.

15. Clause 49, omit this clause.

16. Clause 74, after line 3 insert—

'(aa) in the definition of *business day*—

(i) in paragraph (b), after "half-holiday;" **insert** "or";

(ii) after paragraph (b) **insert**—

"(c) in Part 4, a day between 23 December in a calendar year and 2 January in the following calendar year, including those days;".'.

17. Clause 74, lines 25 and 26, omit "of a class specified under section 50B;" and insert "      "

(a) of a class specified under section 50B; or

(b) for the development of a dwelling;".

18. Clause 75, line 10, before "In" insert "(1)".

19. Clause 75, after line 15 insert—

'(2) After section 6(2A) of the Principal Act **insert**—

"(2B) Despite subsection (2)(kcb), any type 2 or 3 application that is a class of application requiring a permit to construct a dwelling must not be exempted wholly or in part from—

(a) the requirements of section 60(1)(e) and (1A)(f) and (fa); or

(b) the requirements of section 60(1A)(g) and (h) insofar as they relate to evidence of risk of fire, flood, land-slip, erosion or other natural hazard.".

20. Clause 78, line 2, before "In" insert "(1)".

21. Clause 78, after line 24 insert—

'(2) After section 47(2) of the Principal Act **insert**—

"(3) If more than a prescribed number of applications are received by a responsible authority on a single day, the responsible authority may determine that any one or more of those applications are taken to have been received on the next business day or the business day following the next business day.".

22. Clause 83, line 13, after "until" insert "10 business days have passed after".

23. Clause 83, page 85, after line 21 insert—

"(4) Despite subsection (3), a notice under subsection (2) may be given before the time prescribed under section 66A(1)".

24. Clause 115, lines 30 and 31, omit "grant and issue the permit with or without conditions." and insert "—

(a) grant and issue the permit with or without conditions; or

(b) amend the application to specify a different application type if the responsible authority considers the application to have been incorrectly specified as a type 1 application."

25. Clause 115, page 120, after line 6 insert—

"(3A) The responsible authority must give the applicant notice of an amendment under subsection (2)(b) that includes—

(a) the reasons for the amendment in application type; and

(b) the new application type to apply to the application."

26. Clause 115, page 120, line 8, after "the applicant" insert "or amend the application".

27. Clause 155, lines 10 to 12, omit "in section 216(1) of the **Electoral Act 2002** and indexed annually in accordance with the formula in section 217Q of that Act" and insert "under section 128(4) of the **Local Government Act 2020**".

28. Part heading preceding clause 232, omit "**Transitional**" and insert "**General and transitional**".

## NEW CLAUSE

29. Insert the following New Clause before clause 232—

**'231A New sections 152A to 152C inserted**

After section 152 of the Principal Act **insert**—

**"152A Planning Regulations Advisory Committee**

A committee named the Planning Regulations Advisory Committee is established.

**152B Purpose and functions of Planning Regulations Advisory Committee**

- (1) The purpose of the Planning Regulations Advisory Committee is to oversee the continuous review and improvement of the Victoria Planning Provisions and other subordinate instruments and to maintain a structured approach to planning system user feedback and engagement.
- (2) The Planning Regulations Advisory Committee has the following functions—
  - (a) to oversee the establishment and monitoring of a framework for measuring the performance of the Victorian planning system and decisions made under it;
  - (b) to oversee the establishment and monitoring of a program for obtaining planning system user feedback about the operation of the Victorian planning system, so that—
    - (i) opportunities for improvement can be identified and pursued; and
    - (ii) emerging issues requiring attention can be identified;
  - (c) to advise the Minister on the strategy for reviewing the Victoria Planning Provisions;
  - (d) to advise the Minister on the efficiency and effectiveness of proposals to amend the Victoria Planning Provisions;
  - (e) to advise the Minister on the administration of this Act and the regulations;
  - (f) to advise the Minister on any matter referred to the Committee by the Minister.
- (3) In addition to subsection (2), the Planning Regulations Advisory Committee has the following functions—
  - (a) to advise the Minister on any new subordinate instruments, or any amendments to subordinate instruments, that will be needed to implement the amendments made by the **Planning Amendment (Better Decisions Made Faster) Act 2025**;

- (b) to advise the Minister on a program of consultation in relation to subordinate instruments and amendments referred to in paragraph (a);
  - (c) to advise the Minister on options to develop a single system for permit applications in Victoria.
- (4) In performing its functions, the Planning Regulations Advisory Committee must comply with any reasonable procedures and protocols specified by the Secretary to the Department.
  - (5) The Secretary to the Department must ensure that the Planning Regulations Advisory Committee has the administrative support it needs to perform its functions.

#### **152C Membership and procedure of Planning Regulations Advisory Committee**

- (1) The Planning Regulations Advisory Committee consists of 10 members appointed by the Secretary to the Department, of whom—
  - (a) 4 are to be persons employed under Part 3 of the **Public Administration Act 2004** in the Department; and
  - (b) 4 are to be nominated by the Municipal Association of Victoria from among persons employed in municipal councils in Victoria; and
  - (c) 2 are to be nominated by the Planning Institute of Australia (Victoria) from among its members who are neither employed under Part 3 of the **Public Administration Act 2004** in the Department nor employed in a municipal council in Victoria.
- (2) The Secretary to the Department must appoint one of the members as chairperson.
- (3) If there is a vacancy in the members referred to in subsection (1)(b) or (c), the Secretary to the Department must request the Municipal Association of Victoria or the Planning Institute of Australia (Victoria) (as the case requires) to nominate a person to fill the vacancy.
- (4) If the Municipal Association of Victoria or the Planning Institute of Australia (Victoria) does not nominate a person on request under subsection (3) within a reasonable time, the Secretary may appoint a person who is eligible for nomination under subsection (1)(b) or (c) (as the case requires) to fill the vacancy.
- (5) A quorum for a meeting of the Planning Regulations Advisory Committee is half the members of the Committee for the time being.
- (6) Subject to subsection (5) and section 152B(4), the Planning Regulations Advisory Committee may regulate its own procedure.
- (7) Nothing in section 151 or 152 applies to or in relation to the Planning Regulations Advisory Committee."

30. Clause 232, page 216, lines 1 to 7, omit all words and expressions on these lines.
31. Part heading preceding clause 233, omit this heading.
32. Clause 233, omit this clause.
33. Clause 234, omit this clause.
34. Clause 235, omit this clause.
35. Division heading preceding clause 249, omit this heading.
36. Clause 249, omit this clause.
37. Division heading preceding clause 255, omit this heading.
38. Clause 255, omit this clause.
39. Clause 256, lines 8 to 10, omit all words and expressions on these lines.
40. Clause 257, lines 16 to 18, omit all words and expressions on these lines.
41. Clause 258, lines 23 to 25, omit all words and expressions on these lines.
42. Clause 259, lines 31 and 32, omit all words and expressions on these lines.
43. Clause 261, line 9, omit '1AA";' and insert '1AA".'.
44. Clause 261, lines 10 and 11, omit all words and expressions on these lines.
45. Clauses 262, lines 18 and 19, omit all words and expressions on these lines.