

From: [\[Redacted\]](#)
To: [Housing Supply](#)
Subject: Additional information, Information Request 3.3, Victoria's Clause 55 - Housing Supply Regulation Interim Report (Feedback)
Date: Tuesday, 13 October 2026 8:53:58 AM
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Good morning Ms Kershaw,

I hope this email finds you well.

I have received some additional feedback from our Victorian members that may assist the Commission's consideration of **Information Request 3.3:**

How effectively are reforms to planning rules, such as South Australia's Planning and Design Code and Victoria's Clause 55, working to make approvals more certain?

Given its relevance to this issue, I thought it would be valuable to provide the feedback for your consideration.

Please see the comments below.

Clause 55 comments

"Generally, Clause 55 changes have been largely positive but have not translated directly to significantly improved consumer enquiry.

We expect this is more based on general market conditions but as confidence grows, these changes support more certainty, consistency & efficiency in the planning process.

We've had several applications now progress passed the RFI stage, so we're getting an understanding for how each council are assessing the new standards. There have been some teething issues, but generally things are going well and much better than they were.

The most significant improvement has been the removal of subjective elements, particularly around 'neighbourhood character'. This has reduced ambiguity and councils no longer have discretionary control over design-specific elements (e.g. Monash not supporting side by side developments), benefiting both clients and project teams.

The opportunity is in the rigidity of the **Deemed to Comply (DTC)** standards, as these present new challenges. Previously, councils could approve minor non-compliances; now, any deviation disqualifies applications from the DTC path. A review of certain maximum allowances is recommended to provide flexibility (e.g., increasing average wall heights).

Key standards causing issues:

- **B5-3 – Rooftop Solar Energy (dedicated roof surface area for future solar panels):**
 - Inconsistent council interpretations on whether installed systems count toward required solar area. Suggest allowing included systems and adjusting the "top 2/3 of roof" rule and allow systems provided as part of the

build/development to be included in the generation area.

- **B2-4 – Walls on Boundaries (not a new issue):**

- Standard home designs often exceed average wall height limits, resulting in early non-compliance. Many homes often non-compliant before topography considerations.
- **The Risk:** Being non-compliant with this standard gives council the ability to reintroduce 'neighbour character' and the potential for redesigns/custom changes, or worst case, application refusal.
- **Recommend** removing the average height requirement and relying solely on the 3.6m max. (already within the standard)

Improvements / clarifications listed above go could go a long way to further supporting councils and industry to maximise these new schemes. The changes to date are a positive to enable a more streamline process for builders and customers to consistently meet planning requirements. Though client awareness is still growing, the long-term outlook is promising.

Additional Callouts:

- **Impacts of the canopy tree provisions**

1. The upfront definitions are clear but if a tree exists, we then have to deal with the process which slows everything down
2. There are too many remaining Vegetation Protection Overlays and significant landscape overlays
3. The cost to work near trees with the increased requirements for arborists is having a significant cost impact on builds
4. We need to be able to take more risk working with trees, anything classified medium retention value and less, we need to have no fines applicable (which are 1,000 to 100,000) and we should be able to replace a tree if it's destroyed on these less valuable trees.
 - i. Water authorities and the like are exempt from tree protection, so why is it just new builds being penalised?
5. Requiring planning permit for tree removal in all times will make jobs lag.
6. If already applying for planning, can the tree provisions and standard planning application go hand in hand?
7. Are we able to come to a work around? If client comes with new survey of tree below 5m, proceed without planning to remove?

- **Feedback on the Vic smart pathway for two dwellings on a lot or backyard subdivisions**

1. Making sure we are compliant to qualify for Vic smart can be tricky at times, but once its compliant we can push through very quick. Generally positive outcome for Dual-Occupancy builds.
2. Recently had application return from planning application to permit of 27 days.

- **Infrastructure as an Opportunity**

1. We have had several Dual Occ builds whereby council impose significant infrastructure requirements on them through the planning scheme. These can run from 50-150k and make or break new home builds."

I trust this information will be useful, apologies for the timing.

Kind Regards

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National Technical Policy Manager



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