

53.23
20/09/2023
VC242

SIGNIFICANT RESIDENTIAL DEVELOPMENT WITH AFFORDABLE HOUSING

Purpose

To facilitate residential development that includes affordable housing to meet existing and future needs.

To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.

To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.

To facilitate residential development with high quality urban design, architecture and landscape architecture.

To provide opportunities for non-residential use and development in association with residential development.

53.23-1
20/09/2023
VC242

Application

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

This clause applies to an application under any provision of this planning scheme if all of the following are met:

- The application includes the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel); and
- The condition corresponding to a category in Table 1 is met.

This clause does not apply to an application to subdivide land.

Table 1

Category	Condition
Category 1	<p>The estimated cost of the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) as specified in the quantity surveyor report required under clause 53.23-3 must be at least:</p> <ul style="list-style-type: none"> ▪ \$50 million if any part of the land is in metropolitan Melbourne; or ▪ \$15 million if the land is not in metropolitan Melbourne. <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p> <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.</p>
Category 2	<p>The use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) will be:</p>

Category	Condition
	<ul style="list-style-type: none"> ▪ carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or ▪ funded, or partly funded, by the State of Victoria or a public authority; or ▪ carried out on Crown land. <p>At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.</p>
<p>Category 3</p>	<p>The responsible authority has advised in writing that the use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) is of significance having regard to:</p> <ul style="list-style-type: none"> ▪ The purpose of clause 53.23. ▪ The percentage of the total number of dwellings in the development that are proposed to be affordable housing and whether an alternative mechanism will be used for the delivery of affordable housing. ▪ The estimated cost of development. ▪ The location of the development and whether it has convenient access to jobs, services, infrastructure and community facilities. ▪ Whether the design, liveability and sustainability of the development is exemplary. ▪ Whether the development will be owned and operated by a community housing provider. <p>Must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.</p>

The responsible authority may decide to reduce the percentage of the total number of dwellings in the development that must be affordable housing, or not require an agreement to be entered into under Section 173 of the Act.

53.23-2

20/09/2023
VC242

Planning scheme requirements

The responsible authority may waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.

53.23-3

20/09/2023
VC242

Application requirements

In addition to the application requirements elsewhere in the planning scheme, an application must be accompanied by the following information, as appropriate:

- A quantity surveyor report prepared by a suitably qualified person specifying the estimated cost of the development. For a development that includes more than one use, the report should specify the estimated cost of development for each use.
- A report that demonstrates how the proposal will contribute to the provision of affordable housing to meet existing and future needs.
- For a non-residential use or development, the purpose of the use and the types of activities which will be carried out.
- Written advice of the Chief Executive Officer, Invest Victoria.

53.23-4

20/09/2023
VC242

Requirement before the grant of a permit

Unless specified in clause 53.23-1, a permit must not be granted unless the owner of the land has entered into an agreement with the responsible authority under section 173 of the Act for the provision of affordable housing.

The agreement will not come into operation unless a permit is issued for the proposed use or development.

The agreement must be recorded on the Register.

53.23-5

20/09/2023
VC242

Exemption from review

An application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

53.23-6

20/09/2023
VC242

Decision guidelines

Before deciding on an application, in addition to the decision guidelines elsewhere in this planning scheme including in clause 65, the responsible authority must consider, as appropriate:

- The purpose of the clause.
- The views of the Office of the Victorian Government Architect.

53.23-7

20/09/2023
VC242

Transitional provision

Clause 53.23 does not apply to:

- An application for a permit lodged before the approval date of Amendment VC242.
- An application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before the approval date of Amendment VC242.