AUSTRALIAN LIVE MUSIC BUSINESS COUNCIL

Response to Amendment VC305
31 October 2026

The Live Music Overlay and the case for Special Entertainment Precincts

ALMBC's response to Amendment VC305 to the Victoria Planning Provisions and all Victorian planning schemes

Australian Live Music Business Council | October 2026

Summary

On 26 October 2026 the Victorian Minister for Planning gazetted Amendment VC305, which changes the Victoria Planning Provisions and every planning scheme in the state to give live music a stronger footing in the planning system.[1] The centrepiece is a new Live Music Overlay at clause 45.13. It's a mapping tool councils can use to identify individual venues and whole precincts, and to require new housing nearby to be built with proper acoustic protection.[2]

The ALMBC mostly welcomes VC305. In form, the overlay is close to what we asked for in our April 2026 submission to the EPA's live music precinct noise review, when we called for councils to be able to designate protected areas of any scale, from a major precinct down to the space around a single venue.[3] Moving live music policy out of the amenity and hazards chapter of the planning scheme and into the chapter on cultural places is also a significant shift in how the state talks about venues.[4]

However, the overlay is still a planning control over new housing, and it stops short of the support that Special Entertainment Precincts (SEPs) give new and existing venues. It doesn't allow venues higher noise limits or change the way complaints are handled, and it leaves the conditions on old permits and liquor licences exactly where they were. Those are the protections SEPs offer in New South Wales and Queensland. Victoria led the country when it introduced agent of change in 2014, but it now sits behind both states on precinct protections.

[1] **Amendment VC305**, Planning Schemes Online, Department of Transport and Planning, 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

[2] **Clause 45.13 Live Music Overlay (approved gazetted version)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

[3] **Discussion Paper: Victorian EPA Live Music Precinct Noise Regulation Review**, Australian Live Music Business Council, April 2026, https://almbc.org.au/wp-content/uploads/2026/04/Victorian-EPA-Live-Music-Noise-Review.final_-1.pdf

[4] **Clause 11.04 Cultural Places (approved gazetted version)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

The overlay doesn't yet apply to any venue in the state. It will only apply once a council runs its own planning scheme amendment to put it in place.[5]

This paper sets out what VC305 does, where it lines up with ALMBC's advocacy, the risks we think remain for Victorian venues, and the steps we're asking the Victorian Government, the EPA and councils to take next.

Our key asks

In April 2026 we put eight requests to the Victorian Government and the EPA in our submission to the EPA's live music precinct noise review.[3] The table below sets out what VC305 delivers against each of them, what that means for Victorian venues and the communities around them, and where the gaps remain.

What we asked for in April 2026	What VC305 delivers	What's still missing
Special Entertainment Precincts statewide, with councils able to designate areas of any scale (ask 1)	A Live Music Overlay in every planning scheme, able to cover a single venue and its surrounds or a whole precinct, with no 50 metre limit. ***For venues and communities:*** *Councils now have a state tool to put venues and precincts on the map, so people moving into those areas get homes built for a live music neighbourhood.*	The overlay controls new housing only. It sets no precinct sound criteria or trading hours, and it applies to no venue yet, so each council must run its own amendment. ***For venues and communities:*** *Venues see no change on the ground until their council acts, and protection could differ from one municipality to the next depending on council resources and appetite.*
Agent of change kept as a supporting principle, with mandatory attenuation for new homes near live music (ask 2)	Attenuation applies across the whole overlay area, schedules can protect residents from future venues, VicSmart can't be used to bypass the rules, and developers must address mapped venues in their applications. ***For venues and communities:*** *Better built homes near venues, fewer complaints at the source, and room for precincts to welcome new venues, which means more gigs and more local work for artists and crew.*	Both clauses still allow attenuation to be reduced or waived, with no express duty to consult the affected venue. Outside an overlay, protection still stops at 50 metres. ***For venues and communities:*** *Developers can negotiate standards down, and venues outside mapped areas, particularly in regional towns, stay reliant on a narrow 50 metre trigger.*
Protection from developer-led enforcement and legacy permit conditions (raised throughout our April paper)	VC305 doesn't address legacy permit or liquor licence conditions. It governs future housing applications only. ***For venues and communities:*** *Long-running venues remain exposed to costly proceedings over decades-old conditions, sometimes before a single new resident has moved in.*	There's no mechanism to make conflicting legacy sound conditions ineffective inside a precinct, as NSW precinct plans do. ***For venues and communities:*** *Communities could again find themselves crowdfunding to save an established venue, as Fitzroy did for The Night Cat.*

[5] **Amendment VC305 Explanatory Report**, Minister for Planning, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

What we asked for in April 2026	What VC305 delivers	What's still missing
Simpler EPA guidance and everyday measurement methods venues can run themselves (ask 3)	Updated references to the EPA's current noise protocol, Publication 1826.5. ***For venues and communities:*** *No practical change to how venues check whether they comply.*	Reform now rests with the EPA's live music precinct noise review, whose preferred options were expected in October 2026 and aren't yet public. ***For venues and communities:*** *Venues still depend on expensive acoustic consultants, and many won't know they're out of step with the rules until enforcement starts.*
A single complaints pathway with a reasonable threshold, and precinct-wide sound monitoring (asks 6 and 7)	Not addressed in VC305. ***For venues and communities:*** *Complaints still run through the existing EPA, council and police channels.*	There's no threshold before enforcement, no single point of contact and no monitoring framework for precincts. ***For venues and communities:*** *A single persistent complainant can still put a venue under heavy pressure, and residents have no clear, consistent route for raising concerns.*
Funding for attenuation works and sound management training at grassroots venues, including in regional Victoria (asks 4 and 5)	Not addressed in VC305. ***For venues and communities:*** *Venues carry the full cost of acoustic works and training themselves.*	There's no funding for venues, and none for councils to do the mapping and amendment work the overlay depends on. ***For venues and communities:*** *Smaller and regional venues are the least able to pay for upgrades, and the councils that most need overlays may be the least able to prepare them.*
Fair standards for outdoor events and venues in busy night-time areas (ask 8)	Not addressed beyond the existing outdoor venue standard for new housing. ***For venues and communities:*** *Outdoor events and venues operate under the same assessment settings as before.*	Crowd noise, weather and ambient noise in busy entertainment streets remain matters for the EPA, outside VC305. ***For venues and communities:*** *Festivals, beer gardens and venues on lively strips still face the uncertainty we raised in April.*

VC305 makes solid progress on the planning side of our agenda. The operating protections that keep a venue open once a dispute escalates, covering sound criteria, complaints, legacy conditions and funding, are still to come, and most of them sit with the EPA, in legislation or in the state budget.

From here, our five priority asks, drawn from the full list of steps at the end of this paper, are:

1. Apply the overlay quickly to the precincts councils have already identified, starting with Yarra's Amendment C331yara and St Kilda, and fund councils to do the strategic work.
2. Legislate a statutory SEP framework that lets a precinct plan set sound criteria and trading hours and override conflicting legacy permit and licence conditions.
3. Release the EPA's preferred options from its live music precinct noise review and build precinct sound criteria into them.
4. Tighten the waiver provisions in clauses 45.13 and 53.06.
5. Fund acoustic upgrades and sound management training for grassroots venues, including in regional Victoria.

What VC305 changes

VC305 was prepared by the Minister for Planning and approved without exhibition, submissions or a panel hearing. The Minister used her power under section 20(4) of the Planning and Environment Act 1987, on the basis that the amendment mostly tidies up existing provisions and that the new overlay won't apply to any site until a council runs its own amendment, with full public notice, to apply it.[6] The changes fall into four parts.

Live music policy moves to cultural places

The old state policy on live music sat at clause 13.07-3S, in the chapter on amenity, human health and safety, alongside major hazard facilities.[7] VC305 deletes it and replaces it with a new clause 11.04-1S under "Cultural places".[4] The objective stays the same. The new strategies ask councils to identify, assess and document venues and precincts of social, economic and cultural significance, along with areas where venues are encouraged, as the basis for including them in the planning scheme. The policy guidelines refer to the community value of supporting new venues and precincts as well as retaining and clustering existing ones.[4]

The Live Music Overlay at clause 45.13

Subject to strategic justification, a council can apply the overlay to an individual venue and its surrounds, or to a precinct or cluster of venues and its surrounds.[5] Inside the overlay, any new noise sensitive residential use, which covers dwellings, small second dwellings, rooming houses, retirement villages, aged care and similar uses, must be designed and built to keep noise from an indoor venue below the EPA limits and noise from an outdoor venue below 45dB(A) Leq over 15 minutes. Compliance is measured inside the home with windows and doors closed.[2]

Those base requirements match clause 53.06, so the overlay carries the agent of change principle with it. The difference lies in what a local schedule to the overlay can do. A schedule can:

- add requirements, including attenuation to protect new residents from noise from venues that haven't opened yet
- introduce a permit requirement for residential uses that wouldn't otherwise need one
- add application requirements and decision guidelines
- set transitional provisions.[2]

Developers inside the overlay have to show the mapped venues and their days and hours of operation in their site analysis, detail their acoustic attenuation and assess the impact of their proposal on how those venues function. The responsible authority must then consider the impact on existing and future venues before it decides.[2] Where the overlay applies, clause 53.06 no longer applies to the residential application, so developers deal with one set of rules.[5]

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[6] **Amendment VC305 Reasons for Decision to Exercise Power of Intervention**, Hon Sonya Kilkenny MP, Minister for Planning, dated 11 October 2026, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

[7] **Clause 13.07 Amenity, Human Health and Safety (track changes version)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

Clause 53.06 is tidied up

Victoria's agent of change provision was introduced by Amendment VC120 in 2014 and now sits at clause 53.06.[8] VC305 keeps its 50 metre trigger and its structure.[9] The changes worth noting are:

- The obligation on venues has been reworded. A venue used to be required to be designed, built and managed to minimise noise emissions and provide attenuation to protect residents within 50 metres. It must now be designed, built and managed to comply with the applicable EPA noise limits to protect those residents.
- Works to an existing small second dwelling are now excluded, alongside works to an existing dwelling.
- The decision guideline now considers the impact on the "operation" of venues, where it previously said "functioning".
- References now point to the EPA's current noise protocol, Publication 1826.5 (September 2025).[9]

The council schedules to clause 53.06 have been redrafted but keep their existing content. Melbourne's schedule still reads "None specified" in every section, and Yarra's still lists one additional venue, the Collingwood Arts Precinct.[10]

VicSmart and EPA references

Clause 71.06 now makes it clear that the requirements of clauses 45.13 and 53.06, and their schedules, apply to VicSmart applications exactly as they would to a standard application.[11] That closes off the fast-track process as a way around the live music provisions. The reference to the EPA noise protocol in the state noise policy at clause 13.05-1S has also been updated.[5]

What we welcome

ALMBC's April 2026 discussion paper to the EPA's live music precinct noise review made eight requests of the Victorian Government and the EPA.[3] VC305 makes real progress on the first two of them, and on a gap we flagged in the paper.

Our first request was for councils to be empowered to designate protected areas of any scale, from major precincts to the space around a single venue. The overlay can be applied at both of those scales, it's available in every planning scheme in the state, and it isn't held to the 50 metre radius in clause 53.06.[2]

Our second request was to keep agent of change as a supporting principle, backed by mandatory sound attenuation standards for new residential development near live music. Within an overlay, the attenuation standard applies across the whole mapped area, and a schedule can go further than clause 53.06,

[8] **Better protection of live music venues in Victoria: submission**, Merri-bek City Council, January 2026, https://www.merri-bek.vic.gov.au/globalassets/website-merri-bek/areas/my-council/council-advocacy/submissions/202601_better-protection-of-live-music-venues-in-victoria.pdf

[9] **Clause 53.06 Live Music Entertainment Venues (track changes version)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

[10] **Schedules to clause 53.06 in the Melbourne and Yarra planning schemes (track changes versions)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

[11] **Clause 71.06 Operation of VicSmart Applications and Process (track changes version)**, Amendment VC305 documents, Planning Schemes Online, Department of Transport and Planning, October 2026, https://planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments/VC305?schemeCode=alpi

including by protecting residents from venues that are yet to open. That lets councils plan for growth in a precinct as well as defending what's already there.

In April we also pointed out that developers sometimes leave existing venues out of their applications altogether.[3] Once a venue is mapped in an overlay, it sits in the planning scheme itself. A developer can't credibly claim not to know it's there, and has to deal with its trading hours and its operation in the application.[2]

The move into the cultural places chapter recognises what the ALMBC, Music Victoria and many councils have argued for years, that venues are cultural infrastructure and should be planned for that way. Music Victoria asked the Department of Transport and Planning earlier this year for stronger precinct protections and more consistent planning overlays, and VC305 answers part of that request.[12] It also gives Yarra City Council a purpose-built state tool. Yarra adopted Amendment C331yara in December 2025 to create five live music precincts covering Brunswick Street, Smith Street South, Johnston Street, Collingwood Yards and Richmond Station.[13] The council counts more than 130 live music spaces in the municipality, including 77 small to medium venues.[14]

We also recognise the pace. The Department of Transport and Planning began consulting on these changes in October 2025. On 23 September 2026 Victorian Labor announced election commitments that included establishing Live Music Precincts and stronger protections for venues facing noise complaints, and the overlay was in every planning scheme in the state about a month later.[15] The ALMBC will report on live music commitments from all parties ahead of the November state election.

Why an overlay falls short of a Special Entertainment Precinct

In our April paper we argued that agent of change manages friction well, through routine complaints, informal disputes and early negotiations, but that it doesn't create a legal shield once a dispute escalates to enforcement or a tribunal.[3] SEPs work on a different logic. They make entertainment an expected part of the area and settle the sound rules before conflicts start.

In New South Wales, a council establishes a SEP by amending its Local Environmental Plan and publishing a precinct management plan, which must set trading hours, regulate entertainment sound and include the complaints process under the Liquor Act 2007.[16] Within a precinct, conflicting sound criteria in a development consent or liquor licence have no effect, and neither do consent conditions that prohibit live entertainment. Councils must notify residents and people moving into the area, including through a notation on planning certificates.[16] Liquor & Gaming NSW has been the lead regulator for noise complaints about licensed venues across the whole state since July 2024. Inside a precinct a higher threshold applies, so a complaint has to show that the venue didn't follow the precinct's sound rules and

[12] **Advocacy Update February 2026: Protecting Live Music, Strengthening Our Sector**, Music Victoria, February 2026, https://www.musicvictoria.com.au/advocacy-update-february-2026/

[13] **Amendment C331yara: Live Music Entertainment Precincts**, Yarra City Council, 2026, https://www.yarracity.vic.gov.au/planning-and-building/future-yarra/planning-scheme-and-amendments/current-amendments/amendment-c331yara-live-music-entertainment-precincts

[14] **Yarra locks in its live music heartlands as venues feel the squeeze**, Yarra City Council, December 2025, https://www.yarracity.vic.gov.au/about-us/news-and-media/yarra-locks-its-live-music-heartlands-venues-feel-squeeze

[15] **Music Victoria Welcomes Labor's Commitment to Protect and Grow Victoria's Live Music Scene**, Music Victoria, September 2026, https://www.musicvictoria.com.au/music-victoria-welcomes-labors-commitment-to-protect-and-grow-victorias-live-music-scene/

[16] **Special Entertainment Precincts**, NSW Government, 2026, https://www.planning.nsw.gov.au/policy-and-legislation/night-time-economy/special-entertainment-precincts

that the disturbance was unreasonable.[17] Most NSW precincts are still trials, and of the eleven operating at the time of writing, Enmore Road in Sydney's Inner West is the only permanent one.[18] In Brisbane, the Fortitude Valley precinct pairs planning controls with the Amplified Music Venues Local Law 2006, so special noise and planning rules apply to venues in the area.[19] Brisbane City Council's material refers to the Valley as both a special entertainment precinct and a special entertainment area.[20]

Queensland's Local Government Act 2009[21] and City of Brisbane Act 2010[22] both include provisions for special entertainment precincts. Brisbane's Fortitude Valley precinct is mapped in City Plan 2014. New amplified music venues there must meet the precinct's music noise levels, and new residential development, including hotels and backpacker accommodation, has to include high levels of noise insulation to cut the low-frequency bass reaching bedrooms.[23] Inside the Fortitude Valley, Nambour and Southport precincts, the local council handles entertainment noise complaints about licensed venues in place of the state liquor regulator.[24]

The table below sets the Live Music Overlay beside the NSW and Queensland SEP models, with a plain English summary of what each difference means.

	Live Music Overlay (VC305)	NSW Special Entertainment Precinct	Queensland Special Entertainment Precinct	What this means
Legal basis	A planning overlay at clause 45.13 of the Victoria Planning Provisions	Local Government Act 1993, Chapter 8, Part 3, with a Local Environmental Plan amendment and a precinct management plan	Provisions in the Local Government Act 2009 and City of Brisbane Act 2010, given effect through council planning schemes and local laws	*Victoria's tool is a planning rule only. NSW and Queensland back their precincts with laws that also cover how venues run.*
Scale	A single venue and its surrounds, or a precinct or cluster of venues	A single venue, a streetscape or another defined area	A defined area set by council, currently Fortitude Valley, Nambour and Southport	*Victoria and NSW can both protect a single venue, which suits a town with one main gig venue.*
Who it controls	New noise sensitive residential uses only	Venues, trading hours and the complaints process, as well as the planning context	Venues and new development. Venues meet precinct music noise levels and new homes need strong insulation against bass	*In Victoria the obligations fall on new housing alone. Interstate, the rules shape how venues and new homes work together.*

[17] **Reforms to venue sound management regulation**, Liquor & Gaming NSW, NSW Government, 2026, https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/reforms-to-venue-sound-management-regulation

[18] **Special Entertainment Precincts**, Office of the 24-Hour Economy Commissioner, NSW Government, 2026, https://www.nsw.gov.au/business-and-economy/office-of-24-hour-economy-commissioner/vibrancy-reforms/seps

[19] **About the Valley Special Entertainment Precinct**, Brisbane City Council, 2026, https://brisbane.qld.gov.au/planning-building/planning-guidelines-tools/other-plans-projects/valley-special-entertainment-precinct/about-valley-special-entertainment-precinct

[20] **Amplified music venues in the Valley**, Brisbane City Council, 2026, https://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/other-plans-projects/valley-special-entertainment-precinct/amplified-music-venues-valley

[21] **Local Government Act 2009 (Qld), section 264: Special entertainment precincts**, AustLII, https://classic.austlii.edu.au/au/legis/qld/consol_act/lga2009182/s264.html

[22] **City of Brisbane Act 2010 (Qld), section 246: Special entertainment precincts**, AustLII, https://classic.austlii.edu.au/au/legis/qld/consol_act/coba2010155/s246.html

[23] **Valley Special entertainment precinct background**, Brisbane City Council, 2026, https://www.brisbane.qld.gov.au/planning-building/planning-guidelines-tools/other-plans-projects/valley-special-entertainment-precinct/valley-special-entertainment-precinct-background

[24] **Complaints about liquor and gaming venues**, Business Queensland, Queensland Government, 2026, https://www.business.qld.gov.au/industries/hospitality-tourism-sport/liquor-gaming/complaints-venues

	Live Music Overlay (VC305)	NSW Special Entertainment Precinct	Queensland Special Entertainment Precinct	What this means
Sound rules for venues	Unchanged. Venues meet the same EPA limits as anywhere else	The council sets sound criteria in the precinct management plan	New amplified music venues must meet the precinct's music noise levels, and council can set maximum levels as permit conditions under the Amplified Music Venues Local Law 2006	*A venue inside a Victorian overlay plays by the same noise rules as a venue anywhere else in the state.*
Legacy permit and licence conditions	Untouched	Conflicting sound criteria in a consent or liquor licence have no effect, and conditions banning live entertainment have no effect	Council sets noise limits through amplified music venue permits under the Amplified Music Venues Local Law 2006. We haven't found an equivalent to the NSW override of older conditions	*Old permit conditions can still be used against Victorian venues, which is what put The Night Cat at risk.*
Trading hours	Not addressed	The precinct plan sets trading hours and can override hours in a development consent	Set under the Liquor Act 1992, as elsewhere in Queensland. We haven't found any precinct-specific trading hours	*Victorian venues inside an overlay get no extra flexibility on opening hours.*
Complaints	Existing EPA, council and police channels	Liquor & Gaming NSW handles complaints about licensed venues statewide. Inside a precinct, a complaint must show the venue broke the precinct's sound rules and caused unreasonable disturbance	The local council handles entertainment noise complaints about licensed venues, in place of the state liquor regulator	*A Victorian venue inside an overlay faces the same complaints process as anywhere else. In NSW and Queensland, precinct venues are judged against the precinct's own sound rules.*
Telling new residents	The overlay appears in the planning scheme	Council must notify residents and incoming residents, including a notation on planning certificates	Precinct boundaries are mapped in the council planning scheme	*Buyers can find the information in every case, and NSW goes furthest by putting it on planning certificates.*
Future venues	A schedule may require new housing to be protected from future venues	Entertainment is an expected use across the precinct	All new residential development in the precinct needs high levels of insulation, whether or not a venue is next door	*Interstate, a precinct is ready for new venues from day one. In Victoria that depends on what each council writes into its schedule.*

The overlay controls how new housing is built near venues. An SEP also sets the rules venues themselves operate under, and those rules are what protect a venue when a dispute turns serious. Victoria now has the first half of that package.

The dangers that remain

No venue is protected yet

VC305 doesn't apply the overlay to any site.[5] Each council that wants to use it has to prepare strategic justification and run its own planning scheme amendment, which normally means ministerial authorisation, public exhibition and possibly a panel. Yarra's Amendment C331yara has been waiting for authorisation since the council's resolution on 16 December 2025.[13] St Kilda, which the City of Port Phillip identified as a live music precinct through its 2023 planning study, still has the same EPA noise limits as

anywhere else.[25] Until overlays are applied, Victorian venues have the same planning protection they had before 26 October.

The explanatory report says the amendment won't affect council resources, because it applies the overlay to no sites and leaves those costs to each future amendment.[5] In practice, the cost of acoustic studies, venue mapping and amendment preparation will fall on councils, and many of them are already stretched. Without state funding and a model schedule, take-up is likely to be patchy, and venues in councils that don't act will be left relying on the 50 metre trigger in clause 53.06. That risk is highest in regional Victoria, where councils have fewer strategic planning staff to draw on.

The noise rules for venues haven't changed

A venue inside an overlay must still meet the same EPA limits, measured the same way and enforced through the same channels, as a venue outside it. The overlay does nothing to change how a complaint is assessed, who investigates it or what threshold has to be met before enforcement begins. ALMBC's April paper asked for plain-language EPA guidance, everyday measurement methods that venue staff can run themselves, a single complaints pathway with a reasonable threshold, and precinct-wide sound monitoring.[3] None of those are in VC305.

The EPA said in July that its preferred options from the live music precinct noise review were expected in October 2026, with implementation planning to follow.[26] Planning and noise reform have to work together for a precinct to function, and with VC305 the planning half has moved first. We urge the EPA to publish its options as soon as possible.

Legacy permits and developer-led enforcement

The Night Cat in Fitzroy shows where agent of change runs out. After around three decades anchoring Fitzroy's music scene, the venue faced an application for an enforcement order at VCAT in 2025 from a nearby developer, who claimed it was exceeding its permitted noise levels. The owner launched a crowdfunding campaign seeking $60,000 for soundproofing upgrades.[27] Beat reported that locals raised more than $78,000 through donations and benefit gigs, and VCAT cancelled the temporary orders against the venue on 27 August 2025 after it showed it was operating within its permit conditions.[28] As ALMBC noted in April, the action turned on historic permit conditions and began before construction had started, long before any new resident moved in.[3]

VC305 leaves that exposure in place. An overlay governs future housing applications. It doesn't override noise or operating conditions on a venue's existing planning permit or liquor licence, and it doesn't stop anyone from bringing enforcement proceedings on those conditions. In New South Wales, the precinct plan makes conflicting legacy sound conditions ineffective.[16] Victoria has no equivalent yet.

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[25] **St Kilda Live Music Precinct Planning Study Report**, City of Port Phillip, July 2023, https://www.portphillip.vic.gov.au/media/pztgiwdb/st-kilda-live-music-precinct-planning-study-report-july-2023.pdf

[26] **Community backs change to support live music precincts**, EPA Victoria, July 2026, https://www.epa.vic.gov.au/community-backs-change-support-live-music-precincts

[27] **Fitzroy's The Night Cat Has Won Its Noise Complaint Battle, Saving the Much-Loved Live Music Venue From Closure**, Concrete Playground, September 2025, https://concreteplayground.com/melbourne/arts-entertainment/the-night-cat-fitzroy-noise-complaints

[28] **Fitzroy live music venue The Night Cat beats developer in VCAT showdown**, Beat Magazine, August 2025, https://beat.com.au/fitzroy-live-music-venue-the-night-cat-beats-developer-in-vcat-showdown/

The waiver clause

Clauses 45.13 and 53.06 both allow a permit to reduce or waive the attenuation requirements if the responsible authority is satisfied that an alternative measure meets the purpose of the provision.[2] We asked for mandatory standards.[3] A waiver power is a reasonable safety valve, but it's also the first place a developer looking to save on construction costs will push. The clauses themselves don't require an affected venue to be consulted before a waiver is granted, so operators will be relying on the general notice rules for permit applications to hear about it in time.

The new venue obligation needs watching

Clause 53.06 has always set rules for venues as well as for new housing. The old wording said a venue had to be designed, built and run to keep its noise down. The new wording says a venue must meet the EPA's noise limits.[9] Venues already have to meet those limits under environment law, so in one sense nothing has changed. The difference is that meeting the EPA limits is now written into the planning rules as well. That matters when a venue applies to council for a planning permit, for example to renovate, extend or start hosting live music. Anyone objecting to the application can now argue that the venue doesn't meet the EPA limits, and that the permit should be refused or come with tougher conditions. We'll be watching how councils and VCAT, the tribunal that hears planning disputes, apply this change, and we encourage venue operators to get planning and acoustic advice before they lodge an application.

Councils can push the schedule either way

The overlay schedule gives councils wide discretion to add requirements, permit triggers, application requirements and decision guidelines.[2] That suits councils that want strong venue protections. It also means rules could differ sharply between neighbouring municipalities, which makes life harder for operators, developers and residents alike. Decisions will still be weighed against housing priorities, and the explanatory report frames the amendment as a balance between live music and more housing in and around activity centres, stating that it won't compromise housing targets.[5] Venues need confidence that this balance won't tip against them once overlays are tested at VCAT.

Consultation

The Minister exempted the final amendment from exhibition, submissions and a panel hearing.[6] Before that, the Department of Transport and Planning ran a targeted consultation with councils, state agencies and the live music industry. It circulated draft provisions to stakeholders in October 2025, held an online information session for the music industry in November 2025 and released a second consultation draft in January 2026. Merri-bek City Council's submission on the second draft shows councils were part of the same process.[8] The ALMBC received both drafts and took part in the November session, but we didn't lodge a written submission with the Department on either draft. Our written input went to the EPA's parallel live music precinct noise review instead. We lodged a submission to that review in April 2026,[29] alongside a whole-of-government brief to Victorian MPs that called for Special Entertainment Precincts to be embedded in the Victoria Planning Provisions.[30] During the planning consultation the Department indicated that an online map of live music venues and guidance on identifying precincts would be released alongside the new provisions. Neither was among the VC305 documents. Every future overlay

[29] **ALMBC Submission – Victorian Live Music Noise EPA Review**, Australian Live Music Business Council, 1 April 2026, https://almbc.org.au/almbc-submission-victorian-live-music-noise-epa-review/

[30] **Final Whole of Government Brief**, Australian Live Music Business Council, 2026, https://almbc.org.au/wp-content/uploads/2026/04/ALMBC-Vic-MPs-Brief-April-2026.pdf

amendment will be exhibited, so venues, promoters, artists and music bodies will need to be ready to take part council by council, and the ALMBC will support members to do that.

What full protection would look like

The ALMBC asks the Victorian Government, the EPA and councils to build on VC305 by taking the following steps.

1. Apply the overlay quickly. Authorise Yarra's Amendment C331yara and support the council to use the overlay, help Port Phillip translate the St Kilda precinct into an overlay, and consider a state-led amendment for precincts that councils have already identified.
2. Fund councils. Set up a funded program for acoustic studies, venue mapping and amendment preparation, with priority for regional councils.
3. Publish a model schedule, practice note and venue map. The Department of Transport and Planning should give councils a model overlay schedule and guidance, and release the venue map and precinct guidance it foreshadowed during consultation, so protections are consistent across municipalities.
4. Legislate Special Entertainment Precincts. Create a statutory framework that lets a precinct plan set sound criteria and trading hours, override conflicting legacy permit and licence sound conditions and run a single complaints pathway, drawing on the NSW model.
5. Finish the EPA reform. Release the preferred options from the live music precinct noise review, build precinct sound criteria into them, and adopt simple measurement methods that venues can run themselves.
6. Tighten waivers. Require independent acoustic evidence and notice to affected venues before the attenuation requirements in clauses 45.13 and 53.06 are reduced or waived.
7. Tell buyers and renters. Make sure overlay areas are clearly flagged to purchasers and tenants, including in vendor statements and off-the-plan marketing, so new residents know the character of the area before they move in.
8. Fund venues. Provide targeted support for sound attenuation works and sound management training at grassroots venues, to avoid noise disputes, including in regional Victoria.[3]

Conclusion

VC305 is an important step, and the biggest change to Victoria's live music planning settings since agent of change was introduced through Amendment VC120 in 2014.[8] It gives councils a tool to map venues and precincts and to hold new housing to a proper acoustic standard, and it puts live music policy where it belongs, among the state's cultural places.

It doesn't yet protect a single venue, and it leaves the noise limits, complaints processes and legacy conditions that actually close venues untouched. The ALMBC will keep working with Music Victoria, councils, the EPA and the Victorian Government to get overlays applied quickly and to deliver the Special Entertainment Precinct protections Victorian venues need.

About the ALMBC

The Australian Live Music Business Council is the national peak body for Australia's grassroots live music industry. We represent Australian-owned small businesses and sole traders working in public performance settings, including venues, promoters, festival and event presenters, booking agents, artists, crew, ticketing, merchandise and production businesses. Our network of almost 3,000 members across Australia includes 350 financial members, ranging from sole traders and small businesses through to some of the largest Australian-owned ticketing companies, promoters, venue operators, production companies and booking agents.

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