



The Hon. **KELVIN THOMSON** - Convenor Email: [pleasant123@me.com](mailto:pleasant123@me.com)

## CONVENOR'S REPORT No. 50 - APRIL 15, 2025

### PARLIAMENTARY INQUIRY INTO PLANNING CHANGES SEEKS SUBMISSIONS

**A Legislative Council Select Committee has been established to inquire into three amendments to planning laws – VC 257, VC 267, and VC 274 - which give effect to the Victorian Government's planning changes.**

Amendment VC 257 introduces the Housing Choice and Transport Zone and the Built Form Overlay into the Victoria Planning Provisions. The Built Form Overlay for the core activity centre exempts applications from the usual provisions concerning notice, rights of objection, and appeal, thereby excluding residents and third parties. Amendment VC267 gives effect to Government changes to ResCode. If a development meets the new deemed-to-comply standards, then local Councils must issue a permit. Amendment VC274 introduces a new Precinct Zone to the Victoria Planning Provisions and all planning schemes in Victoria. The new zone is particularly related to Suburban Rail Loop precincts.

The Committee will consider and report on whether the amendments give proper effect to the objectives of planning in Victoria, and the objectives of the planning framework, as set out in section 4 of the Planning and Environment Act 1987.

To read the terms of reference or to make a submission go to the Committee's website.

**The closing date for submissions is 24 April, so you'll need to get in quick! The Committee will report by 13 May 2025.**

### OPPOSITION TO VC 257, 267 AND 274

Residents and community groups have said to me that they believe these planning changes should be disallowed by the Legislative Council. They say the amendments enable dramatic building height increases that are fundamentally incompatible with the existing character of Melbourne's established suburbs. The proposed 5-6 storey buildings in quiet residential streets will overwhelm the existing low-rise suburban neighbourhoods, permanently altering their character and liveability. The 'deemed-to-comply' provisions create a blunt instrument that fails to recognize local conditions and context.

They also say the amendments are a fundamental breach of orderly planning principles, as infrastructure should precede, rather than follow, population growth. For example, the Moorabbin Activity Centre Plan projects 5,000 to 6,800 new dwellings by 2051, without any clear commitments regarding road capacity improvements and traffic management, public transport increases, schools, medical facilities, or community services.

Groups say the amendments incentivize the demolition of perfectly liveable houses and established gardens. Furthermore, the amendments contain no substantive provision to ensure affordable housing outcomes – at the moment 2 bedroom apartments are being sold for over \$1 million, and luxury apartments are being advertised at \$3.4 million!

The amendments disregard the extensive work done by Councils to accommodate population growth while retaining neighbourhood character. They will result in the loss of mature trees, reduce tree canopy cover, and exacerbate the urban heat island effect. They bypass community consultation, and deprive residents of a right to a say in the character of their street and neighbourhood.

**facebook**

**Become a Planning Democracy friend on Facebook.**  
**Email: [pleasant123@me.com](mailto:pleasant123@me.com)**

## PEOPLE SUSPECT CONSULTATION ON MAJOR PROJECTS IS A CYNICAL EXERCISE

Age journalist Adam Carey reported in The Age on March 20 on the experience of Camberwell resident Julie Mulhauser, who was picked to be part of a reference group of 20 people for the Government's housing activity centre consultations for Camberwell Junction. She says the reference group was told what was 'open for discussion', and what was "off the table".

The article reports research by University of Melbourne associate professor of urban planning Crystal Legacy. She says major projects are all subject to tightly controlled consultation processes that leave little room for the public to meaningfully influence major decisions.

She says "engagement opportunities such as public drop-in sessions and community liaison groups have become heavily controlled techniques for gaining approval for costly and contentious projects, while sidelining community opposition". "The community engagement processes we see today often act as a smokescreen. They promote a façade of participation".

Her study was published in an academic journal Antipode.

## PARLIAMENTARY INQUIRY INTO COMMUNITY CONSULTATION

Community consultation practices across Victoria are the subject of a new Parliamentary Inquiry. The Victorian Legislative Council Environment and Planning Committee is encouraging public submissions to be made by Friday 6 June.

The Committee is looking at how state and local government, statutory authorities and essential service providers consult with communities, as well as the use of non-government providers to conduct consultations on behalf of government agencies.

Committee Chair Ryan Batchelor said "Decision making is always made better through community engagement and consultation, and how that consultation balances different needs and interests is vital".

*"If people can identify different areas for improvement, this is a chance for them to have their say".*

It is an opportunity for residents and groups to outline their experiences concerning consultation around the "Activity Centres", Suburban Rail Loop, etc, as well as pointing out the democratic importance of ongoing community consultation concerning planning issues and development applications.

**The Inquiry's full terms of reference are on the Committee's website.**

## SUBURBAN RAIL LOOP BLAMES RESIDENT GROUPS FOR LOSS OF SUPPORT

The Herald-Sun reports that the Suburban Rail Loop Authority has blamed a dramatic slump in support for high-rise precincts around two of its stations on resident action groups.

When the SRL originally outlined its "vision" for the development of land around Cheltenham, Clayton, Monash, Glen Waverley, Burwood and Box Hill Stations, there was between 58 and 82% resident support. But when it released plans showing skyscrapers of up to 18 storeys in Cheltenham and 40 storeys in Box Hill, approval from 3700 residents in those suburbs plummeted to about 23%.

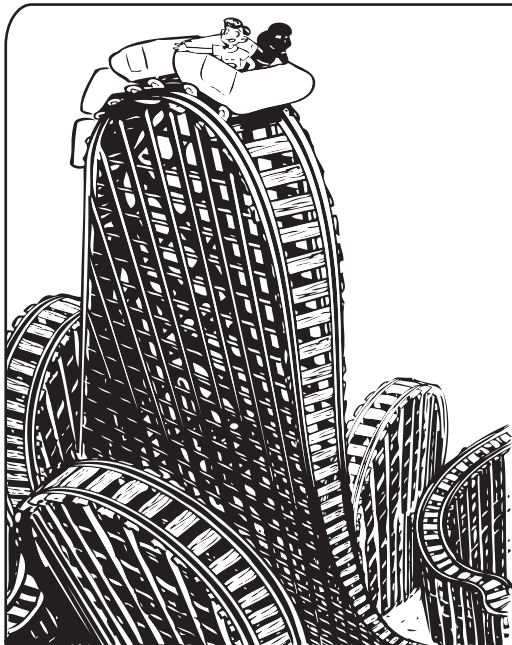
An SRL internal document said the slump in support was due in part to the activities of a local resident action group in Pennydale. President of the Pennydale Residents Action Group, Derek Screen said blaming resident groups for survey results was bizarre, because SRL supposedly wanted consultation. He said "the more people find out about the detail, the more they get upset".

## SUBURBAN RAIL LOOP SEMINAR WEDNESDAY 16 APRIL

The Combined Residents of Whitehorse Action Groups (CROWAG) are having a Seminar on the Suburban Rail Loop Draft Structure Plans for Box Hill and Burwood. It will be on Wednesday 16 April from 7.30 to 9pm, at the Blackburn Lake Visitor Centre.

Presenters from the Suburban Rail Loop Authority (SRLA) will be speaking. The SRLA is seeking submissions on their draft Structure Plans and draft Planning Scheme Amendments for the Box Hill and Burwood SRL east precincts. Seating is limited, so bookings are essential. CROWAG asks attendees to make a small donation to cover public liability insurance costs. Please email [crowag.inc@gmail.com](mailto:crowag.inc@gmail.com) to book a place.





## GREAT DESIGN FAST TRACK VC 280

VC 280 inserts a new Clause 53.35 to all planning schemes, as a separate track process to enable developers to bypass normal approvals processes. It will allow new height limits for buildings which meet certain requirements concerning design, aesthetics, and sustainability. The new height limits allow up to 3 storeys in Neighbourhood Residential Zones, up to 5 storeys in General Residential Zones, up to 6 storeys in Residential Growth Zones, and up to 8 storeys in Mixed Use Zones. No appeal rights to VCAT would be permitted.

Thanks to Professor Michael Buxton for this advice.



## MAROONDAH COUNCIL RESPONSE TO RESCODE CHANGES

The Maroondah City Council has expressed concern that the proposed ResCode Deemed-to-Comply provisions will entirely remove consideration of neighbourhood character, leaving its community with inferior dwellings. It says the proposed changes to ResCode should not proceed in their current form. It has also expressed concern about the impact of the changes on Council's tree canopy cover targets.

Thanks to Philip Daw from the Heatherdale Community Action Group for this advice.



## ROYAL HISTORICAL SOCIETY LETTER TO PLANNING MINISTER

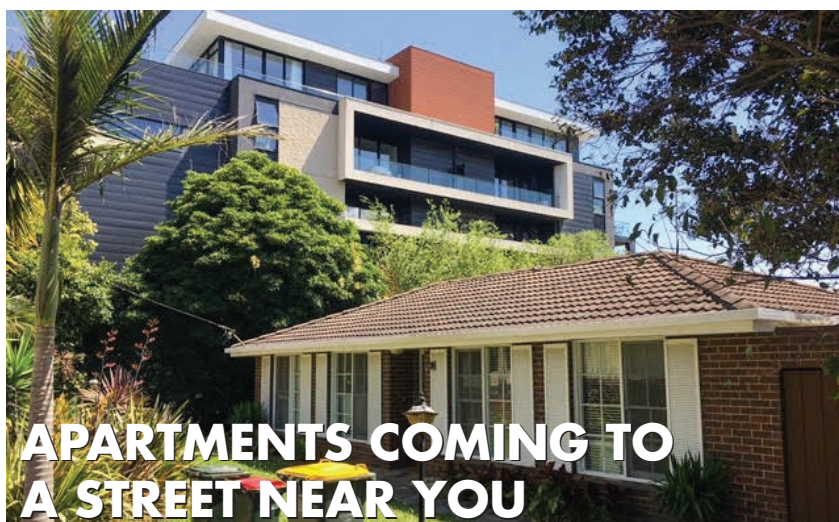
The Royal Historical Society of Victoria has written to Planning Minister Kilkeny to outline its concerns about the Government's planning changes. It says that –

- The lack of any Purpose and Objectives related to neighbourhood character and heritage conservation in the new Housing Choice and Transport Zone will greatly reduce the weight given to conservation values in planning decisions.
- The size of the "catchment" areas is too big – 800 metres from the outer boundary of the Activity Centre, rather than the centre of it, means they are not really walkable at all. Instead of reducing the size of the catchment zones to make them walkable, they have been re-named.

The Historical Society recommends that –

- The Neighbourhood Residential Zone is retained where there is a Heritage Overlay.
- The area of the HCTZ be reduced to that of a truly walkable catchment zone, and
- In Melbourne and Yarra Councils, the HCTZ be confined to sites identified jointly by the council and the department.

**The Society is seeking a meeting with the Minister to discuss these issues further.**



## APARTMENTS COMING TO A STREET NEAR YOU

This was the title of an article in The Age (March 30) concerning the ResCode planning overhaul. It reports Councils and planners condemning the government's "one size fits all" approach, warning it will allow generic, boxy, three-storey buildings to reshape neighbourhoods statewide. The new rules permit shorter street setbacks, taller walls, and greater site coverage.

Whitehorse Mayor Andrew Davenport warned the code would erode suburb character and lead to bulkier buildings with less greenery. Boroondara Council director of urban living Scott Walker said it was a return to a planning method of the 60s and 70s that produced monolithic walk-up flats. A Brimbank Council spokesman said "Character is made up of much more than simply setbacks, site coverage, trees and front fences, yet this is all that the new provisions have narrowed it down to".

## MELBOURNE'S 8000 UNSOLD NEW APARTMENTS

The Age reported on 4 April that metropolitan Melbourne has 8000 brand-new apartments, completed between 2020 and 2024, that developers have been unable to sell.

The Executive Director of Charter Keck Cramer, a property adviser, said developers are unlikely to initiate new developments unless these are sold. Unsold stock is cheaper than new apartments due to rising construction costs. **Planning is not the problem!**

## HIGH DENSITY CANNOT IMPROVE HOUSING AFFORDABILITY

MACRO  
BUSINESS

Macrobusiness says the evidence shoots down YIMBY claims that re-zoning our suburbs for high-rise apartments will solve our housing affordability crisis.

For example, Vancouver, Canada, transformed into a high-rise city over 30 years, and now has the most expensive housing market in North America. Apartments have dominated Vancouver construction over the last 15 years. However, Vancouver housing prices quadrupled, rising faster and further than any other North American city. Real wages, on the other hand, stayed flat.

Macrobusiness also says that apartments are an expensive form of construction, and that they have consistently come with quality issues and exorbitant strata fees.



## APARTMENTS DON'T STACK UP

This was the title of a Herald-Sun report on April 12 that said the cost of apartments in five and six storey complexes was more than \$1 million. Development industry commentators say that buyers are "willing" (able?) to pay around \$775,000.

The large gap between the cost of building apartments, and the amount buyers are willing or able to pay for them, suggests apartments are not a solution to the housing crisis. Marshall White Projects Director Leonard Teplin said suburbs like Brighton, Camberwell, and Kew already have apartments for sale that will take a year to sell.



## C160fran GAZETTED

Michele McKinlay advises that Frankston C160fran has been gazetted, effective from 11 April. It implements the land use and development directions of the Frankston Metropolitan Activity Centre Structure Plan September 2024 by introducing the Activity Centre Zone, amending the Planning Policy Framework, and making associated changes.

## VCAT FLOOD DECISION

VCAT has made a landmark decision on flood risks (P1701 2022 and P1702 2022, 51 Hardiman St Pty Ltd). The application sought to develop a 78 dwelling 8 storey apartment block, with a basement car park, at 51-61 Hardiman St and 28-32 Albermarle Street Kensington.

The City of Melbourne did not support the development, which they regarded as an overdevelopment of the site. Critically, Melbourne Water said the proposed development had an unacceptable degree of flood risk, potentially affecting the safety of both people and property. They called 4 expert witnesses who gave detailed evidence to VCAT on flood risk and hydrology.

The Tribunal heard evidence of a predicted 18% increase in rainfall in this area by the year 2100. Melbourne Water said the site is located on the historical floodplain of the Moonee Ponds Creek. While it is not currently at risk of flooding, by the year 2100 it will be subject to an unacceptable degree of risk. It said possible flood mitigation works in the future should not be taken into account, as none are currently proposed to be implemented, none are funded, and there is no provision for them in the planning scheme.

Although the applicant contested Melbourne Water's evidence, VCAT sided with the experts. The decision leaves a question mark over the future of a lot of land that is, or could be in future, subject to inundation. It suggests that Melbourne Water is, quite properly, taking an evidence-based approach, and trying to ensure we don't make decisions now that we regret in years to come. A lot of people will be reading this decision.

**KHALIL GIBRAN**

***"Safeguarding the rights of others is the most noble and beautiful end of a human being".***



**REJECTED**

## RALLY AGAINST WOOLWORTHS TOWERS

Stop the Elsternwick Towers held a well-attended rally against Woolworths latest plans on Sunday March 30.

Attendees were campaigning against Woolworths failure to abide by the VCAT umpire's decision, and their attempts to get the Planning Minister to over-rule it. They want to increase the height of one tower from 7 storeys to 10 storeys, and one from 9 storeys to 10 storeys. This will increase the number of apartments from 134 to 148. The development will permanently alter the character of Elsternwick and increase congestion. You can find more information on the **Stop the Elsternwick Towers** Facebook page.



## MOONEE PONDS CREEK ADOPT A CREEK

I have started working 2 days a week as the Litter Action Officer for the Moonee Ponds Creek Chain of Ponds Collaboration. Litter is a major problem both for the environment, and for people. Australia now produces 2.5 million tonnes of plastic each year, 100kg per person! 84% of that goes to landfill. It is estimated that 99% of seabirds worldwide have ingested plastic.

Areas of public open space with litter become unsightly, prone to more litter, graffiti and vandalism. They are less attractive, and feel less safe. On the other hand, cleaning up litter develops civic pride and community spirit – a sense that we value our public spaces, and we're all in this together. As part of the Litter Action Plan for the Moonee Ponds Creek, I am encouraging people and groups to "Adopt-a-Creek" – to take responsibility for cleaning up, and keeping clean, a section of the creek near their home.

Anyone who lives near the Moonee Ponds Creek and who would like to adopt a portion of it to look after it can email me at KelvinT@hume.vic.gov.au. Many hands make light work, and together, we're gonna clean up this creek!

## WHAT DOES 10% TREE CANOPY COVER LOOK LIKE?

This is the title of an article by urban planner Stephen Rowley published 30 March – Urban Planning, sterow.com. The new ResCode provisions replace the previous landscaping provisions with a requirement (for sites of 1000 square metres or less) of 10% canopy cover.

Stephen Rowley has done work to model what the impact of the change will be. He has concluded that "the tree canopy to be achieved under the new provisions is likely to be less – and potentially much less – than was typically achieved under the old provisions in most suburban scenarios".

He believes the new rules will incentivize developers to use new trees to achieve the 10%, rather than rely on existing trees. "The controls therefore seem to me likely to encourage a return of the old style moonscaping... This is a huge backward step in terms of retaining and protecting urban canopy".



FRIENDS OF QUEEN VICTORIA MARKET INC.

## QUEEN VICTORIA MARKET TRADERS PROTEST

Queen Victoria Market traders took their fork lifts to Melbourne Town Hall to urge the Lord Mayor to intervene to help them remain viable in the face of increasing Council-based costs.

As B. Mc Nicholas points out, there needs to be more understanding of the character, heritage, and values of the Queen Victoria Market. We should not be chipping away at it and undermining it. Travel writer Ben Groundwater wrote recently "Almost every great city in the world has a great market... Queen Victoria Market is a genuine tourist attraction that has been there almost 150 years".

## ELM AVENUE IN EDINBURGH GARDENS UNDER THREAT

The 3068 Group is asking Yarra residents and supporters to contact the Mayor of Yarra and Yarra Councillors to urge them to retain the avenue of 130 year old elms. The trees are threatened by a plan to expand the Fitzroy Tennis Club into Edinburgh Gardens.

They say "A large tree that has been cared for and nurtured for 50, 80 or even 100 years is far more valuable to the community than a recently planted tree. The many benefits a large, mature tree provides cannot be readily replaced in the short term. Trees provide amenity that enhances the image of the city and the experience of the community".

## WATTLE PARK HERITAGE AMENDMENT PERMIT APPLICATION

Heritage Victoria has advised me that it has received a request under the Heritage Act to amend permit P34848. This permit involves the construction of new playscape and landscaping works, picnic area upgrade works, and additional lighting. The amendment application relates to the replacement of Tram Car Bodies B6 and B7, and the construction of a Yarning Circle.

**I've also been sent a link to a wonderful poem by the late, great Barry Humphries, "Wattle Park Blues".**  
(<https://classicaltexts.wixsite.com/mooneeponds/melbourne>).

## HERITAGE FORUM MAY 30

The Victorian Government's Planning Matters of 10 April says there will be a Heritage Council Local Government Heritage Forum for local government planners and heritage officers, and current local government heritage advisers, on May 30.

Margaret O'Brien from Friends of the Royal Exhibition Building and Carlton Gardens makes the valid point that perhaps the Heritage Council should be running a similar forum for community heritage advocates.

## VICTORIAN PLANNING AUTHORITY

The Victorian Planning Authority became part of the Department of Transport and Planning on January 1. The Board Directors were replaced by a Sole Commissioner, the Secretary of the Department Jeroen Weimar. The Acting CEO is Dean Rochford.

## SAVE KINGSWOOD GROUP

Kevin Poulter has drawn to my attention a program on Channel Nine's A Current Affair concerning a Satterley development in Western Australia, where residents experienced problems with low water pressure. For example, it is taking 40 minutes to fill a bath. Satterley hasn't been idle, however. It has issued forms to residents seeking to absolve the company of liability for any harm resulting from the low water pressure.

## MARIBYRNONG RIVER POLLUTION

The EPA has concluded that an oily sheen and odour on the Maribyrnong River in mid-March near the Shepherd Bridge at Footscray, came from roadmaking material in a nearby drain. EPA officers believe material from roadworks on Joseph Road Footscray was washed into the drain from recent rains.

The EPA does not appear to have taken any action against those responsible for the pollution. The Joseph Road towers have been under fire this year for traffic and construction chaos, and a lack of infrastructure and services for residents.

## HERITAGE BOAT FLEETS BEING EVICTED FROM DOCKLANDS

The Age reports Development Victoria is evicting heritage boats, including the 120 year old tall ship Alma Doepel, from North Wharf at Docklands. Shed 2, which they currently use, will be demolished by developer Lendlease, and replaced by three apartment towers, ranging from 16 to 28 storeys.

Dr Jackie Watts, chairperson of the Melbourne Maritime Heritage Network, said Development Victoria had shown a lack of respect for maritime heritage.

## MELBOURNE INTERNATIONAL FLOWER AND GARDEN SHOW

Margaret O'Brien, on behalf of the Friends of the Royal Exhibition Building and Carlton Gardens, has asked the Heritage Council and Heritage Victoria to investigate damage done to the Carlton Gardens by the Melbourne International Flower and Garden Show. She has asked whether the event complies with the EPBC Act, noting its World Heritage and National Heritage listing. She has also asked whether it complies with the Victorian Heritage Act 2017, and with the conditions accompanying the 2025 Heritage Permit for the event.

B. Mc Nicholas (Heritage Matters) has noted that the stalls and displays which comprise the event could be held within the Royal Exhibition Building, where they would not damage the Gardens.

## COMING EVENTS

**April 24 – Closing date for submissions to the Legislative Council Select Committee Inquiry into planning changes.**

**Friday 9 May, 9am to 5pm**

Melbourne 2050 Summit,

Melbourne Town Hall, Swanston Street.

Attendees must register; to do this go to [Melbourne2050Summit@melbourne.vic.au](mailto:Melbourne2050Summit@melbourne.vic.au).

**Sunday 18 May, 10am - 12 Noon**

Steele Creek community planting event. Valley Lake Boulevard, Keilor East. Planting will be of groundcovers and small bushes for butterflies, bees, and small birds. BYO gloves and water.



**Thanks as always for your support. You can opt out of receiving these Reports by replying to this email and typing STOP in the subject line.**

**That's all folks, till next time. Keep up the good work!**  
**PLANNING DEMOCRACY Email: [pleasant123@me.com](mailto:pleasant123@me.com)**

**facebook**