

Submission to the Legislative Council Select Committee Inquiry into Victoria Planning Provisions – Amendments VC257, VC267 and VC274

Submitted by Boroondara Community Group (BCG)

The Boroondara Community Group (BCG) welcomes the opportunity to make a submission to this Select Committee Inquiry and is grateful for the work being undertaken in such a short time frame. BCG requests the opportunity to make a submission at a Hearing.

Availability to appear: Any date after 24 April 2025.

About the Boroondara Community Group

The Boroondara Community Group (BCG) was established in October 2024 to raise community awareness and advocate on issues arising from the Victorian Government's Activity Centre Program and ResCode reforms. We are a broad-based, grassroots organisation representing residents and property owners across all parts of the municipality and all demographic groups. The group has made particular efforts to engage the Australian Chinese community.

BCG is not affiliated with any political organisation.

Since its inception, BCG has undertaken extensive community engagement and advocacy, including:

- building a private social media presence of over 500, leveraged community email networks & WhatsApp networks, created an active public website and contributed to wider public social media forums;
- promoted a Parliamentary petition, organised Council deputations and contributed to local newspaper articles, community forums and television and radio segments—including a feature on ABC's 7.30 Report on housing affordability;
- advocated to politicians from all parties as well as the Boroondara Council;
- facilitated work and connections with like-minded community groups across metropolitan Melbourne;
- distributed more than 25,000 flyers throughout the Boroondara municipality, including versions in Simplified Chinese; and
- engaged with local Chinese-language media and local forums.

Executive Summary

Amendments VC257 and VC 267 will design the Melbourne and the Victoria we are bequeathing to our children. Under these amendments, we will have 60 Activity Centres with their high-rise buildings, we will live much closer together, and we will have much less outdoor space. It would appear that a few in Spring Street and industry is shaping our future. There has been no proper consultation with councils and communities. With the stroke of a pen, the Minister for Planning has changed the shape of the world's most liveable city forever.

Such an approach is not only inconsistent with the spirit and letter of the Planning and Environment Act 1987 (the Act), but it also represents a profound erosion of trust in the planning system. Reforms of this scale demand inclusive, evidence-based, and participatory processes that respect the rights and voices of all Victorians.

The consultation process accompanying Victoria's recent planning reforms was not designed, nor intended, to meaningfully account for community input—particularly from residents opposed to the proposals. The approach adopted by government appears to have prioritised speed over genuine engagement, transparency and strategic integrity.

Critically more planning is needed on affordability. Simply rezoning, allowing more permissive and codified standards and allowing developers to deliver the housing that the market demands in a given location, will not deliver housing affordable to those already locked out of the market. Without a substantial reduction in the cost of building new dwellings cannot be delivered at prices less expensive than today's.

BCG believes that Boroondara Council and councils across Melbourne should be given the opportunity to work with the Department of Transport and Planning (the DTP) to develop or enhance existing Housing Strategies to deliver agreed housing targets that provide for a diversity of housing in appropriate locations close to transport and activity centres. The work of Charter29 demonstrates that alternative ways to deliver diversity and quantity of housing Victorians need do exist. With careful planning that caters to local values and context we can retain what locals and visitors alike love about Melbourne's suburbs – including tree canopy, character and heritage.

BCG is calling upon the Committee to deliver the path for VC 257, VC 267 & VC 274 to be disallowed and then reworked as suggested on page 10.

Experience shows us that better planning outcomes and better communities grow from consultative planning. We must "Be Better Builders" than these amendments allow us to be.

Introduction

The cumulative impact of the planning reforms on the municipality of Boroondara sees 14 Activity Centres with their walkable catchment zones¹, and a near doubling of the number of dwellings from 70,000 to 135,500. Within the Camberwell Junction Activity Centre, approximately 4,500 homes have heritage protection with a significantly greater number across the entire municipality.

The community BCG represents supports well planned and strategic housing growth in Boroondara. It is not opposing densification and is supportive of new housing, offering a diversity of housing types that are more affordable than today's single dwellings. Such housing has been delivered over the past decade by Boroondara Council's Housing Strategy.

Most significantly, this submission challenges the Government's core rationale for this re-building of Melbourne – that it will increase the supply of affordable housing for moderate income earners. It then discusses the four most pressing areas of concern for the BCG community:

- the failings of the consultation process
- concerns about the lack of strategic planning and transparency of the reforms
- concerns for the loss of external amenity / liveability, neighbourhood character and heritage
- environmental and sustainability impacts.

The Australian-Chinese community, in particular, has expressed a genuine fear about the lack of democratic process by what they see as “state planning” taking over from local government decision making. The same non-transparent and performative consultation approach has played out with Skyrail, level crossing removals, the Suburban Rail Loop and with renewable energy projects in rural areas. The removal of third-party review rights has spread from large infrastructure and development projects in activity centre cores to a simple townhouse development next door (VC267).

Affordable Housing: objective 4(1)(fa)

BCG supports “*giving Victorians the opportunity to own a home in the communities that we all love, in the communities that our families live in, that we may have grown up in and that have access to great schools, great jobs and transport infrastructure.*”²

Affordable Housing is housing affordable by moderate income earners (single up to \$73,530 and couples up to \$110,300). We contend that VC257 will fail to deliver affordable housing. The DTP has not provided any modelling or strategic work to indicate otherwise.

If a moderate income earner is not able to afford a town house or apartment today, then they will not be able to afford one built tomorrow. Arguing that upzoning in VC257 will lead to more affordable housing assumes:

1. a massive increase in supply will decrease price;
2. a significant reduction in one of the cost drivers of new housing: land price, materials, labour, taxes and levies; or
3. developers will be prepared to sell new dwellings below the market price. In the absence of an incentive at scale from Government, developers cannot be expected to fulfil this market need. The Property Institute of Australia's CEO Gabby McMillan said³:

¹ Eight wholly within Boroondara: Camberwell Junction, Kew Junction, Hawthorn, Glenferrie, Auburn, Riversdale, Willison and Ashburton stations. Six are spillovers from stations within Stonnington: Tooronga, Gardiner, Darling, Glen Iris, East Malvern and Holmesglen stations

² The Honourable Ryan Batchelor MP, 5 March 2025, Hansard – Petition – Residential Planning Zones.

³ <https://www.planning.org.au/pia/news-resources/articles/latest-updates/2023/pia%20stresses%20the%20important%20role%20of%20planning%20for%20social%20and%20affordable%20housing.aspx?name= pia+stresses+the+important+role+of+planning+for+social+and+affordable+housing> 21 April 2023

“Current approaches that rely on voluntary contributions through the planning system are unreliable, and major Government initiatives such as the Big Housing Build provide a short-term boost, but don’t address the social and affordable housing deficit.”

Fast tracking planning approvals for \$50mln developments (materials and labour) that provide 10% affordable housing under the Development Facilitation Program⁴ will incentivise some developers. However, the 10% requirement can be met by a 3% contribution to Victoria’s Social Housing Growth Fund.

In evidence on Day 1 of Public Hearings the Head of State Planning quoted a 2018 Grattan Institute report⁵ estimating an extra 50,000 homes per annum would decrease rent and price by 20%. No other evidence of supply driven affordability was provided.

To quote the Report, increased supply “**would assist a decline between 5 - 20%**”. **However, this conclusion was predicated upon:**

- 1. a broad suite of reforms—not simply increasing supply.** That suite included substantial structural financial reforms at state and federal levels⁶ in combination with planning reform including denser development “**along key transport corridors**”, and
- 2. reducing demand pressures**, without which “housing affordability will not substantially improve”.

Construction costs have risen steeply. For the first time, the average cost of construction of a new house has exceeded \$500,000⁷. The current cost of construction of apartments is \$12,500 - \$15,000 sqm⁸ and town houses \$2,750sqm⁹. To make apartments viable, developers are saying that house prices must rise.¹⁰

Opinions of industry and expert commentators support this reality. Max Shifman, CEO of developer Intrapac has “*warned that Australia was a long way from apartments being the solution for housing supply*”.

“Speeding up planning in these activity centres will deliver little benefit if the result is a housing product that costs too much and doesn’t meet the utility of buyers.”

“The only apartments that generate a suitable return on investment are premium, boutique apartments targeted at wealthy downsizers.”¹¹

“Prices need to rise by at least 15 per cent to encourage developers to build new high-density homes and add desperately needed stock, said property industry analysts Charter Keck Cramer. Separately, two developers warned there was a large gap between what buyers were willing or able to pay for new apartments –and what they cost to build.”¹²

In Camberwell, developers are saying the lowest price they can build 2-bedroom apartments for is \$1m. No apartments in the pipeline in other suburbs such as Sandringham, Malvern or Hampton are under \$900,000. Completed 2-bedroom apartments in Camberwell are currently unsold at \$2m. Supply does not appear to be a

⁴ Planning Scheme Amendment VC242 September 2023

⁵ Housing Affordability Reimagining the Australian Dream John Daley & Brendan Coates March 2018

⁶ Including reforms to CGT, removal of stamp duty, removal of negative gearing, pension asset test reform

⁷ ABS data: “Housing Building Costs Hit the roof” Nathan Mawby Herald Sun 4 Feb 2025

⁸ Linda Allison, Chief Executive Urban Development Institute, “*Like Gold: Allan Govt Urged to set Affordable Housing target*” *The Age*, 8 Dec 2024

⁹ Riser Bespoke Builders <https://www.riser.com.au/news/the-cost-to-build-a-townhouse-in-melbourne>

¹⁰ Without a sufficient price differential between the price of an apartment and a house the market will preference houses ie land over apartments (where capital growth and price do not reflect land price)

¹¹ *I’m a developer. Here’s why Jacinta Allan’s high-rise plan won’t get off the ground* *The Age*, 23 October 2024

<https://www.theage.com.au/politics/victoria/i-m-a-developer-here-s-why-jacinta-allan-s-high-rise-plan-won-t-get-off-the-ground-20241023-p5kkl8.html>

¹² “Developers to cop new charge as experts warn apartment prices ‘must rise’ for towers to soar” *The Age* 22 October 2024

Kieran Rooney, Adam Carey & Annika Smethurst

<https://www.theage.com.au/politics/victoria/apartment-prices-must-rise-for-new-towers-to-soar-over-city-skyline-20241021-p5kkyf.html>

constraint on the market. In Hawthorn East and Hawthorn, the number of apartments unsold are 210 and 112 respectively¹³.

Alan Kohler in his 2023 essay¹⁴ accepted the industry view that zoning, planning processes at local levels and resistance to change by self-interested communities were causes of housing supply. In his series on Housing Affordability and Supply in February 2025 he concluded that the Victorian Government's planning reforms would not deliver housing affordability, and the solution was a substantial decline in existing house prices (ie land value).

To give some context to the extent of the affordability challenge, the median price of 2 bed apartments in Activity Centres and the salary to support a 90% mortgage are shown below,¹⁵ noting that the median price is a mix of sales of old and new stock. The average child carer earns \$60k, care workers \$70k and a nurse \$120k¹⁶.

The Federal Government's "Help to Buy" program is currently limited to 10,000 places Australia wide over a 4-year period so will not make a meaningful contribution to making more homes accessible to moderate income earners in Victoria.

| Suburb | Postcode | Type | Median (realestate.co m) | Median (editable) | FHOG | 10% Dep | 20% dep | Mort. Required | Estimated Salary required | Income Percentile (I=Individual, H=Household) |
|----------------|----------|-------|--------------------------|-------------------|-----------|-----------|------------|----------------|---------------------------|-----------------------------------------------|
| Camberwell | 3124 | 2 bed | \$ 711,000 | \$ 711,000 | \$ 10,000 | \$ 71,100 | \$ 142,200 | \$ 629,900 | \$ 175,000 | (H) top 70pc |
| Niddrie | 3042 | 2 bed | \$ 685,000 | \$ 685,000 | \$ 10,000 | \$ 68,500 | \$ 137,000 | \$ 606,500 | \$ 150,000 | (H) top 60pc |
| North Essendon | 3041 | 2 bed | \$ 409,000 | \$ 409,000 | \$ 10,000 | \$ 40,900 | \$ 81,800 | \$ 358,100 | \$ 100,000 | (I) top 80pc |
| Preston | 3072 | 2 bed | \$ 610,000 | \$ 610,000 | \$ 10,000 | \$ 61,000 | \$ 122,000 | \$ 539,000 | \$ 200,000 | (H) top 80pc |
| Ringwood | 3134 | 2 bed | \$ 577,500 | \$ 577,500 | \$ 10,000 | \$ 57,750 | \$ 115,500 | \$ 509,750 | \$ 125,000 | (H) top 50pc |
| Frankston | 3199 | 2 bed | \$ 494,000 | \$ 494,000 | \$ 10,000 | \$ 49,400 | \$ 98,800 | \$ 434,600 | \$ 120,000 | (I) top 90pc |
| Epping | 3076 | 2 bed | \$ 480,000 | \$ 480,000 | \$ 10,000 | \$ 48,000 | \$ 96,000 | \$ 422,000 | \$ 120,000 | (I) top 90pc |
| Broadmeadows | 3047 | 2 bed | \$ 405,000 | \$ 405,000 | \$ 10,000 | \$ 40,500 | \$ 81,000 | \$ 354,500 | \$ 100,000 | (I) top 80pc |
| Moorabbin | 3189 | 2 bed | \$ 581,500 | \$ 581,500 | \$ 10,000 | \$ 58,150 | \$ 116,300 | \$ 513,350 | \$ 125,000 | (H) top 50pc |
| Chadstone | 3148 | 2 bed | \$ 540,000 | \$ 540,000 | \$ 10,000 | \$ 54,000 | \$ 108,000 | \$ 476,000 | \$ 125,000 | (H) top 50pc |

Inadequate Consultation and Transparency

VC257 and VC267 bring about monumental change in how and where Victorians will live. Their development was largely without the involvement of councils prior to announcement, had inadequate notice and performative consultation with both councils and community. The amendments:

1. do not ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels: objective 4(2)(a),
2. betray the principle of **community participation**, a fundamental tenet of Victoria's planning system and reflected in objective 4(2)(h),
3. fall well short of the **requirement for notice** to residents and owners "to ensure those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice" – objective 4(2)(i),
4. fail to balance the **present and future interests** of all Victorians – objective 4(1)(g).

Sound Strategic Planning

The centralised planning approach to densification and diversity without local council input has:

- ignored strategic and consultative planning undertaken by councils, including Boroondara, which has been signed off by the Minister for Planning (eg Boroondara's Housing Strategy),

¹³ ABS Herald Sun 4 Feb 2025

¹⁴ Quarterly Essay "The Great Divide: Australia's Housing Mess and How to Fix it", Alan Kohler QE 92 2023

¹⁵ BCG Research using <https://www.abs.gov.au/articles/new-census-insights-income-australia-using-administrative-data-and-real-estate.com> December 2024

¹⁶ ABS data, Victorian Government Gazette

- not considered and assessed alternative ways to provide housing density and choice without sacrificing character, heritage, tree canopy and amenity. For example, alternative models proposed by Charter29,¹⁷
- ignored the values, needs and characteristics of localities.

Government and MPs refer to an extensive or 18-month consultation period¹⁸ on Activity Centres. However:

- the inclusion of a catchment in the Activity Centre program was announced without the knowledge or input of Boroondara Council,
- no evidence of the strategic planning underpinning VC257 – as would be required of a council - has been provided¹⁹. Only documents relating to urban design and built form typologies were released,
- councils had short timeframes within which to make submissions – see Appendix 1,
- Transport, Drainage & Community Infrastructure Assessments have not been released despite multiple requests. There is no capacity in VC257 or VC274 for development to be staged in line with already delivered infrastructure upgrades. Lessons learned in greenfield sites have been ignored.

Comments at public forums²⁰, media comments²¹ and Ministerial Diaries²² suggest that industry stakeholders and a pro-density interest group²³ had dialogue regarding the reforms. In stark contrast, Boroondara Council did not have prior knowledge of the catchment and housing targets.

Further, there is an assertion from the State Government that ‘young people’ (undefined) want to live where they grew up. The feedback from the BCG community is quite the opposite. Not all young families want to live in an apartment or townhouse.

The Community Consultation Framework & Execution

Key shortcomings of the community consultation for VC257 are outlined in Appendix 2. The failure to properly inform and engage the community on the gravity of the changes and the reliance upon councils to educate the community does not give effect to the requirement to give appropriate notice.

The DTP confirmed that the “public consultation” was set at the second-lowest level on the International Association for Public Participation (IAP2) spectrum²⁴ focused on simply “informing” or “consulting” without offering actual influence.²⁵

The repeated description of the housing changes in VC257 & VC267 is they “are generational”. The State Government and officials have publicly dismissed community opposition labelling those who voice concern or seek to challenge as “Blockers Not Builders,” or inherently resistant to change²⁶, stifling democratic participation by delegitimizing the voice of long-term residents, many of whom bring intergenerational insight and lived experience critical to effective planning.

Changes made by the DTP in so-called response to consultation were limited to:

- removal of a few streets in the south-east catchment that were up to 1,500m from the core,²⁷
- aligning boundaries as recommended by ACASC,

¹⁷ Providing Future Housing for Victorians, Charter29 April 2025

¹⁸ The Honourable Ryan Batchelor MP, 5 March 2025, Hansard – Notice of Motion - Production of Documents – Residential Planning Zones – 16 October 2024

¹⁹ Including pursuant to a Notice of Motion for Production of Documents – Residential Planning Zones – 16 October 2024

²⁰ Property Council of Australia” Insights into ACs, Plan for Vic & ResCode” March 26, 2025

²¹ The Age Royce Millar May 19 2024 <https://www.theage.com.au/national/victoria/diaries-reveal-top-end-of-town-labor-mates-have-ear-of-the-premier-20240519-p5jeqw.html>

²² <https://www.vic.gov.au/sites/default/files/2024-08/Minister-for-Planning-Minister-for-the-Suburbs-Diary-Disclosure-Vic-Q2-2024.pdf>

²³ The Age May 26, 2024, Royce Millar & Rachael Dexter <https://www.theage.com.au/national/victoria/who-are-the-yimbys-inside-the-group-that-is-shaking-up-melbourne-s-neighbourhoods-20240522-p5jfr4>.

²⁴ Framework shown in diagram in Appendix 3

²⁵ Meeting with DTP on 9 April 2025 and confirmed in an email

²⁶ Mr Stuart Mosely, Deputy Secretary DTP, VPELA Minister’s Address 31 March 2025

²⁷ Referral Report 4 Camberwell Junction pg10 & 11

- introduction of HCTZ 1 and 2 – overcame the absence of the transition in the catchment described in the draft Plan.

Rejection of independent Committee’s recommendations

The Activity Centre Standing Advisory Committee (ACSAC) received, in its opinion, limited referral information and was denied critical community input and independent evidence. Issues included:

- community submissions were not referred. However, those on behalf of commercial land holders and from “Yimby Melbourne” were;
- in the short timeframe the ACSAC was unable to conduct public hearings, speak to council officers or planning officials, severely limiting the depth of its review. The Committee’s comments suggest that it found this approach unsatisfactory.
- the ACSAC did not receive strategic documents or any explanations of intent.

ACSAC observed that the DTP had not applied its own criteria for establishing walkable catchment boundaries consistently across the 10 pilot sites. This inconsistency is especially evident at Camberwell Junction.

ACSAC specifically noted that **numerous areas should be excluded** from the Camberwell catchment if DTP’s own criteria were to be properly followed. These adjustments have not been made, and no justification has been provided. Areas recommended for removal include (see Appendix 5):

- Fringe precincts containing a petrol station, car wash, RSL Club, Council offices – Map 1
- Large "opportunity sites" not suitable or intended for residential or activity centre purposes – Map 1
- Areas subject to heritage overlays - Map 2
- Entire residential streets located well beyond a reasonable walking distance - between 800m and 1600m—from the activity centre core – Map 3

BCG is deeply concerned that the core and catchments for the next seven Activity Centres in Boroondara, and possibly those in Stonnington, will not reflect the recommendations of ACSAC.

Neighbourhood Character, Amenity and Heritage

The Townhouse and Low-Rise Code (VC267) will significantly impact liveability, amenity, and neighbourhood character - yet it was introduced without public consultation, without a panel hearing²⁸ and with input from only a handful of councils. The code removes screening requirements for overlooking bedrooms, reduces private outdoor space and prioritises yield over design quality.

The claim that codified standards will speed up approvals is unsubstantiated—no analysis has been provided on what causes planning delays. Removing third-party review rights on that basis undermines trust and transparency in the system.

Reforms like VC257 and VC274 focus heavily on density and built form, while sidelining place-making, open space and timely infrastructure delivery. This fails to meet key objectives of the Act, including the creation of pleasant living environments and the orderly provision of infrastructure: objectives s4(1)(c) and 4(1)(e).

Professor Stephen Butt warned that these reforms repeat past mistakes. In Boroondara, rapid townhouse and apartment growth has already outpaced infrastructure - leading to congested roads, packed trains, and overstretched services including schools, electricity and NBN. The HCT Zone further shifts planning control to market forces, not coordinated by place-based development.

²⁸ By contrast an Advisory Committee of PPV provided a 3-part Report into the draft ResCode provisions in 2000 https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/PPV/2000/82.html?context=1;query=Meaning%20of%20fair%20in%20planning%20law;mask_path=au/cases/vic/VSC+au/cases/vic/VicSC+au/cases/vic/VSCA+au/cases/vic/PPV+au/cases/vic/VICCAT

Despite claims of readiness, infrastructure assessments for the pilot activity centres - covering drainage, sewerage, education, transport and health - have not been released to councils or communities. Proceeding without this information is reckless. The lack of local input and failure to account for cumulative impacts across neighbourhoods undermines confidence that these reforms will deliver liveable, resilient communities.

Without a more strategic, locally-informed approach, Melbourne risks repeating its worst planning mistakes - this time not just on the urban fringe, but across established suburbs as well.

As a community that has carefully conserved its heritage homes - many for over 35 years under the State's Heritage Overlay - the inclusion of thousands of these properties within the new HCT Zones is deeply alarming. The repeated assurance that "the Heritage Overlay remains" does not communicate the full impact of VC257.

The header provisions of VC257 have removed reference to heritage and character from the purpose of the zone. This alters how decision-makers will weigh heritage against competing objectives like density and housing diversity. The DTP's own modelling assumes a level of heritage loss yet offers no guidance on how heritage is to be protected under the new framework.

Ultimately, these conflicts will likely be resolved not through orderly strategic planning, but through VCAT and court rulings - an outcome that fails to meet the objectives of the Planning and Environment Act 1987, particularly the obligation to conserve and enhance culturally significant places: objective 4(1)(d). This is not just a technical omission - it materially weakens the influence of the Heritage Overlay.

BCG supports the detailed submission lodged by the Boroondara Heritage Group (BHGAP) which highlights these concerns. We draw the Inquiry's attention to the alternative approaches to retaining heritage and character by adopting the model set out in Charter29's report.

Climate Change, Tree Canopy & Biodiversity

International Obligations- objective 4(2)(da)

Reducing tree canopy areas and removing existing protections for canopy trees is not consistent with Australia's international treaty obligations. Australia is a party to the Paris Agreement²⁹, the Kyoto Protocol³⁰ and the United Nations Framework on Climate Change³¹ and Victoria is not permitted to act in a way which is contrary to international instruments to which Australia is a signatory or party. The United Nations adopted the 2030 Agenda for Sustainable Development.

There is evidence that a reduction in tree canopy to 10% will impact on the ecological equilibrium and increase greenhouse gases to the atmosphere. This is incontrovertible; reports from the Intergovernmental Panel on Climate Change (established in 1998 by the United Nations Environment Program and the World Meteorological Organization) confirm this.³²

Tree Canopy & Heat Island Effect

As climate change makes our cities hotter, adequate tree canopy cover in urban areas is crucial to our liveability, amenity and health. The latest international study looking at Australia's largest two capital cities, (Sydney and Melbourne) has found that we already have far too little tree canopy.³³

The study by RMIT's Centre for Urban Research found just 3 per cent of buildings in inner Melbourne had adequate neighbourhood tree canopy cover.

²⁹ The Paris Agreement under the United Nations Framework Convention on Climate Change 2016

³⁰ Kyoto Protocol to the United Nations Framework Convention on Climate Change 1997

³¹ United Nations Framework on Climate Change 1992

³² Bronwyn Lincoln, September 2024, partner Greer Thomson Geer Melbourne, *International Arbitration Lawyer of the Year 2017 Melbourne* in Australia's Best Lawyers and recognised as a "Best Lawyer" in international arbitration

³³ The Age 19 November 2024 "The maps that show the tree-free heat island in your city."

Lead researcher Dr Thami Croeser wants governments to urgently improve canopy shade to cool cities as heat islands are increasing the effects of climate change, trapping hot air and radiant heat among buildings, affecting our health. *“We know depression, anxiety, obesity and heatstroke are more prevalent in urban areas lacking access to shady tree canopy and green open spaces,”*³⁴

Plan for Victoria (the Plan) sets a target of 30% tree canopy cover in urban areas: Action Point 12 “Protect and Enhance Canopy Trees”.

However, VC267 adopts a 10% tree canopy cover for sites up to 1000sqm and 20% for larger sites in clear conflict with the Victorian Government’s own policy objectives. This new standard “B 2-7” Tree Canopy” (Clause 55) encourages “moonscaping” of an entire site and removes council’s existing ability to negotiate for a greater than 10% landscaping outcome on any site. Director of Urban Planning at the City of Boroondara, Scott Walker, has stated that:

“The minimum tree canopy cover requirement of 10% is inadequate to respect unique local character and tree canopy objectives³⁵ currently 30% municipal wide.

With the removal of the ability to negotiate, the allowance to moonscape a site (and then replant later)...the new standard appears to be a worse outcome compared to the current planning scheme.”³⁶

Dr Stephen Rowley’s evidence of the 10% tree canopy rule B-2-7 concluded that it is “a really dire landscape and tree canopy outcome”³⁷. *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.*³⁸

*The controls therefore seem to me likely to encourage a return of the old style moonscaping, which as I said the old provisions had been reasonably effective at eliminating. This is a huge backward step in terms of retaining and protecting urban canopy.*³⁹

In Boroondara, moonscaping is already a significant concern. “McMansions” ie houses built boundary to boundary - and town house developments have replaced older houses and gardens particularly in Hawthorn East, Canterbury/Mont Albert, East Camberwell and Balwyn. Typically, these sites are denuded of gardens and trees. Often, they are left vacant for years.

Biodiversity

Biodiversity and thus genetic diversity were already compromised by existing ResCode standards allowing for less garden area than generally existed at development sites. Landscaping trends have moved towards a low maintenance approach with low shrubs, potted plants, smaller flower beds and fewer layered plantings. Various species of birds, insects and small creatures have become less prevalent.

Conclusion,

In terms of climate change, tree canopy, the heat island effect and biodiversity the planning amendments do not give proper effect to the objectives of planning in Victoria, nor to the objectives as set out in section 4 of the Act - specifically:

- Objective 4 (1)(b) “to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity”;
- Objective 4 (1) (d) “to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria”;

³⁴ The Age 19 November 2024 “The maps that show the tree-free heat island in your city.

³⁵ City of Boroondara UPDC Committee report 25 March 2025

³⁶ City of Boroondara UPDC Committee report 25 March 2025

³⁷ Dr Stephen Rowley – “What does 10 per cent tree canopy cover look like.” <https://www.sterow.com/?p=5734#more-5734>

³⁸ Dr Stephen Rowley – “What does 10 per cent tree canopy cover look like.” <https://www.sterow.com/?p=5734#more-5734>

³⁹ Dr Stephen Rowley – “What does 10 per cent tree canopy cover look like.” <https://www.sterow.com/?p=5734#more-5734>

- Objective 4(2) (c) “to enable land use and development planning and policy to be easily integrated with environmental, social, economic conservation and resource management policies at State, regional and municipal levels”;
- Objective 4(2) (d) “to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”; and
- Objective 4(2) (da) “to provide for explicit consideration of the policies and obligations of the State relating to climate change, including but not limited to greenhouse gas emissions reduction targets and the need to increase resilience to climate change, when decisions are made about the use and development of land”.

What does BCG seek to amend?

The community BCG represents supports well planned and strategic housing growth in Boroondara. Whilst fully cognisant of the need for more homes to be built expeditiously, we have the opportunity to pause the Activity Centre Program and VC267.

Recognising that it will not be a simple message to frame politically, disallowance of VC257, VC267 and VC274 would be an act of political leadership to facilitate better housing, better communities and build a better place to live for future Victorians.

With 120,000 dwellings approved but not acted upon, developers reporting that economic conditions are not ripe to commence new high-density projects, supply shortages of labour and materials increasing build times⁴⁰ and “hundreds of cheap unsold apartments” in established Melbourne⁴¹, now is the opportunity:

1. to rework VC267 from the ground up with standards that are fit for purpose, not codified versions of standards drafted 25 years ago.⁴²
Third party rights must be restored. Better outcomes for amenity and tree canopy must be delivered including measures to encourage the retention of existing canopy.
In the interim, ESD standards could be improved by adopting (some or all) of the requirements in the CASBE sponsored amendment of 2022.
2. for the DTP to work with councils - and consult with communities and experts - to develop strategically based and localised planning for housing choice and greater density that thoughtfully conserves heritage and character.

If some councils consider that diversity and density is best delivered in their locality by planning controls similar to those in VC257 then rezoning may be an appropriate outcome.

According to the DTP, the Camberwell Junction Structure and Place Plan - a model of tailored, community-specific planning - was not replicated because of cost and time constraints, favouring instead a centralised, generic approach. All the while, planning scheme amendments facilitating development have waited for the Minister for Planning’s authorisation to proceed.

⁴⁰ Australia’s housing math doesn’t add up: Leith van Onselen 17 January 2024, Macrobusiness

⁴¹ The Age 4 April 2025 Daniella White <https://www.theage.com.au/national/victoria/the-melbourne-suburbs-with-hundreds-of-cheap-brand-new-apartments-20250329-p5lni7.html>

⁴² https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/PPV/2000/82.html?context=1;query=Meaning%20of%20fair%20in%20planning%20law;mask_path=au/cases/vic/VSC+au/cases/vic/VicSC+au/cases/vic/VSCA+au/cases/vic/PPV+au/cases/vic/VCAT+au/cases/vic/VICCAT

Appendix 1: Summary Council Consultation

Urban Planning Delegated Committee Agenda

07/10/24

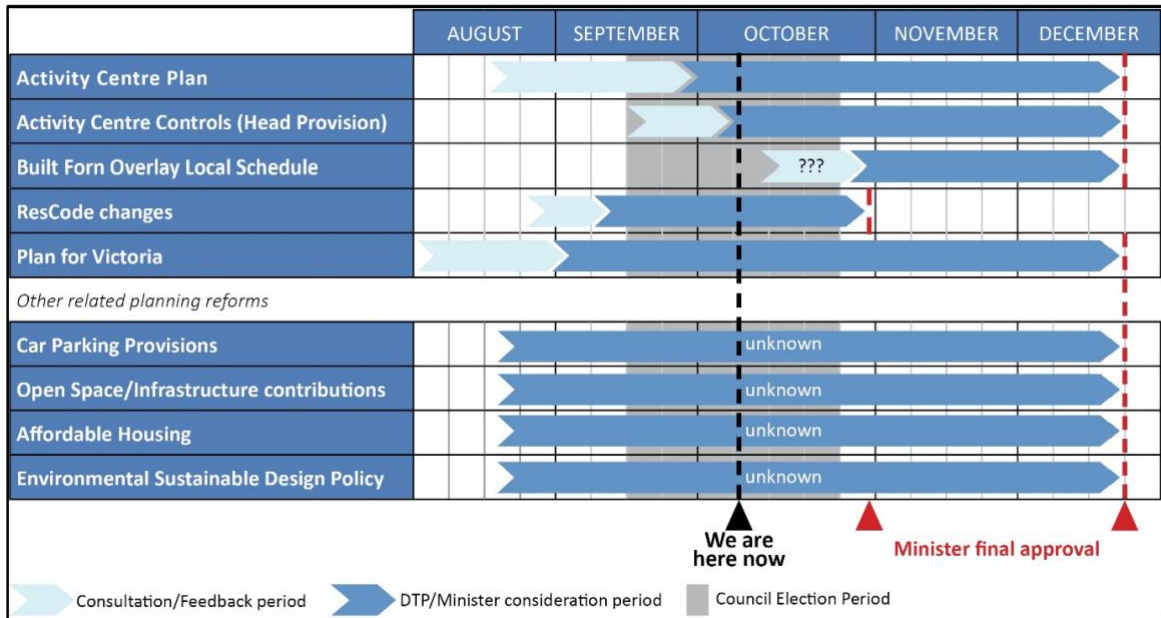


Fig 1: Current Victorian State Government Proposals that will impact Camberwell Junction Activity Centre

Council received no responses to its submissions.

The Draft Walkable Catchment Zone (WCZ) was *inconsistent with the Draft Plan in 2 Key Respects:*

- maximum no. of storeys could be exceeded; and
- maximum height allowed across the entire catchment ie no transition between 12 storeys & 1-2 storeys zone beyond the catchment

Appendix 2: Summary Community Consultation

| Aspect | Detail |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Good Friday, 29 March 2024 | Consultation Phase 1 announced via media statement |
| April/May 2024 - Phase 1 Consultation | <ul style="list-style-type: none"> • Advertised online but links failed • Limited to one 2-hour CRG meeting, 7 May. No pre-reading material, google map, butchers paper & post-it note input. • Public engagement & survey deemed not necessary given the work done with the community by Boroondara Council on its Camberwell Junction Structure & Place Plan for the core in 2022/23 • Emails to the dedicated VPA address regarding consultation not answered |
| 22 August - Release of Draft Plan Announcement | <p>By Premier at media conference reported in The Age</p> <p>Information in Draft Plan was very high level. For example – information about the change in building heights. See section “3.2 Proposed Residential Change, reproduced on page 14 below</p> |
| <p>Public Awareness Campaign</p> <p><i>– referring only to “Camberwell Junction” & not mentioning the inclusion of a catchment was viewed as disingenuous</i></p> | <p>Literature used: “Have Your Say on the Future of Camberwell Junction” which to locals refers to shops near the 6-way intersection of 3 arterial roads.</p> <p>Without a map, locals assumed VPA was consulting on the shopping strip</p> <p>Materials included (see Appendix 4)</p> <ul style="list-style-type: none"> • DL sized flyer included with a letter from VPA delivered to homes • Geo-located social media ads • LOTE - small symbol indicating “More languages online” on the bottom rear (Appendix 4)⁴³ |
| Engagement Supplemented by | <p>Advocacy from Boroondara Heritage Group resulted in Boroondara Council:</p> <ul style="list-style-type: none"> - Sending a municipal wide letter - Holding a Forum on 13 September <p>Flyers prepared by people who later formed BCG and the Boroondara Heritage Group to all 10,500 residences in the catchment</p> |
| Rescode Reform | <p>Leak in The Age</p> <p>No community consultation</p> |

⁴³ Only seven Australian - Chinese attended the Camberwell Junction webinar in Chinese. Boroondara has a significant Chinese population, 29% in one council ward.

| | | | | | | | | | | | | | | | |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|----------------|------------|------------------------|------------|---------------|--|-----------------|------------|----------------|-------------|------------------------|-------------|
| September 13 | Boroondara Council Information Forum – 500 attendees | | | | | | | | | | | | | | |
| September 14 to 11 November | Council caretaker period | | | | | | | | | | | | | | |
| Public Engagement Event – Single Webinar 18 September | <p>One 60 min webinar (3 languages)</p> <ul style="list-style-type: none"> • Advertised only online • Q&A session omitted - only the 15-minute introductory presentation posted online • Only non-contentious questions answered • Content & answers did not expand on information in the Draft Plan • Written responses to unanswered questions never received⁴⁴ | | | | | | | | | | | | | | |
| CRG Meeting 2 | | | | | | | | | | | | | | | |
| Visual and Design Information | <ul style="list-style-type: none"> • Non-arterial street names & many stations not marked • Same six photos/renders of 4–6 storey award-winning apartments reused • No interactive models of designs • No visuals of potential streetscape changes • No advice from the Office of the Victorian Government Architect | | | | | | | | | | | | | | |
| Providing Feedback: survey or uploading a document | <p>Option to upload a document found by a self-initiated deeper dive of website</p> <p>Public website - Councils accessed all information and opportunity to submit via same website as community</p> | | | | | | | | | | | | | | |
| Consultation Survey | <ul style="list-style-type: none"> • Self-serving. Eg “do you agree that more homes should be located near transport & activity” • sought confirmation of pre-determined policy of catchments • asked for sensitive private information eg mortgage, renter | | | | | | | | | | | | | | |
| Draft Planning Controls (BFO & WCZ released | <p>Released to 10 pilot councils</p> <p>Not publicly released</p> | | | | | | | | | | | | | | |
| Referrals to AC Standing Advisory Committee | <table> <tr> <td>Draft BFO & WCZ</td> <td>22 October</td> </tr> <tr> <td>Common Matters</td> <td>25 October</td> </tr> <tr> <td>Camberwell Junction AC</td> <td>25 October</td> </tr> <tr> <td colspan="2">Reports Dated</td> </tr> <tr> <td>Draft BFO & WCZ</td> <td>6 November</td> </tr> <tr> <td>Common Matters</td> <td>12 November</td> </tr> <tr> <td>Camberwell Junction AC</td> <td>12 November</td> </tr> </table> | Draft BFO & WCZ | 22 October | Common Matters | 25 October | Camberwell Junction AC | 25 October | Reports Dated | | Draft BFO & WCZ | 6 November | Common Matters | 12 November | Camberwell Junction AC | 12 November |
| Draft BFO & WCZ | 22 October | | | | | | | | | | | | | | |
| Common Matters | 25 October | | | | | | | | | | | | | | |
| Camberwell Junction AC | 25 October | | | | | | | | | | | | | | |
| Reports Dated | | | | | | | | | | | | | | | |
| Draft BFO & WCZ | 6 November | | | | | | | | | | | | | | |
| Common Matters | 12 November | | | | | | | | | | | | | | |
| Camberwell Junction AC | 12 November | | | | | | | | | | | | | | |

⁴⁴ Commitment given at the webinar & by auto generated email the next day

| | |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Release of Draft Schedule to BFO – Schedule amounts to the practical implications of BFO for a particular AC core | Council received no response to its submission Final released on 11 April 2025 |
| Consultation closed 29 September school holidays & Grand Final weekend | 4335 submissions from Boroondara out of 10,000 across all 10 pilots |
| 11 November | Council reconvened; caretaker period ended |
| December 2024 | DTP's Planned Implementation of new planning controls for Activity Centres |

**** From pg 12 above**

Section 3.2 of the Draft Plan for Camberwell Junction describing the residential change proposed for walkable catchments (pg 10).

3.2 Proposed residential change

The catchment will provide an opportunity for more housing diversity including quality social and affordable housing, focusing on higher-density apartments, medium-density apartments, townhouses and semi-detached homes close to the activity centre.

Over time and on appropriate sites, small apartment buildings may be possible up to three to six storeys, mixed with townhouses and detached, semi-detached houses. Examples of different residential apartment building sizes are shown below.

Only the largest blocks of land in the catchment will be able to build up to five to six storeys. Smaller blocks will only be able to build up to three to four storeys, and some homes and buildings may not change at all.


The size and height of buildings will need to respond to standards to:

- Ensure good internal amenity within the new homes
- Provide opportunities for planting of canopy trees
- Ensure appropriate provision of car parking and storage facilities
- Minimise impact on neighbours.

Planning controls will be reviewed to create these opportunities.

Appendix 3: Consultation Model

The Consultation Model Used was intended to “inform” and “consult” on the “IAPP2,^{45,46}:

| INCREASING IMPACT ON THE DECISION  | | | | | |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
| PUBLIC PARTICIPATION GOAL | To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions. | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. | To place final decision making in the hands of the public. |
| PROMISE TO THE PUBLIC | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |

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⁴⁵ International Association for Public Participation (IAP2). <https://iap2.org.au/resources/spectrum/>

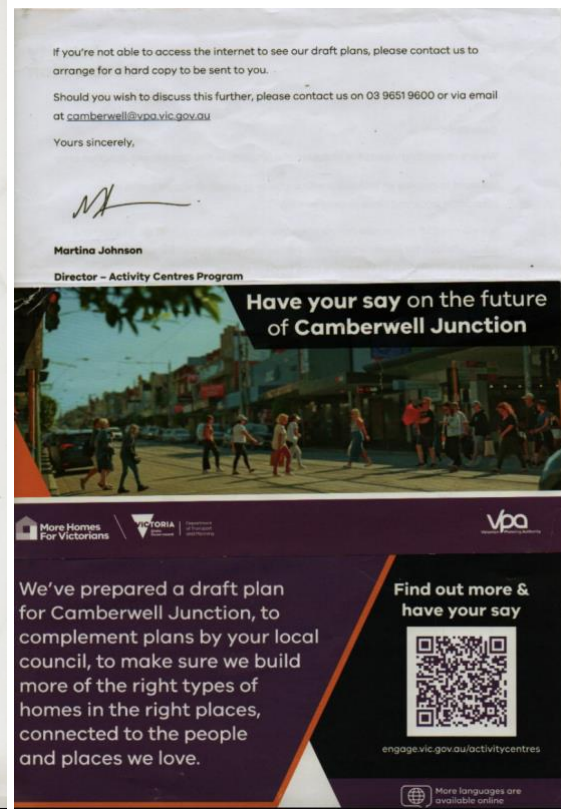
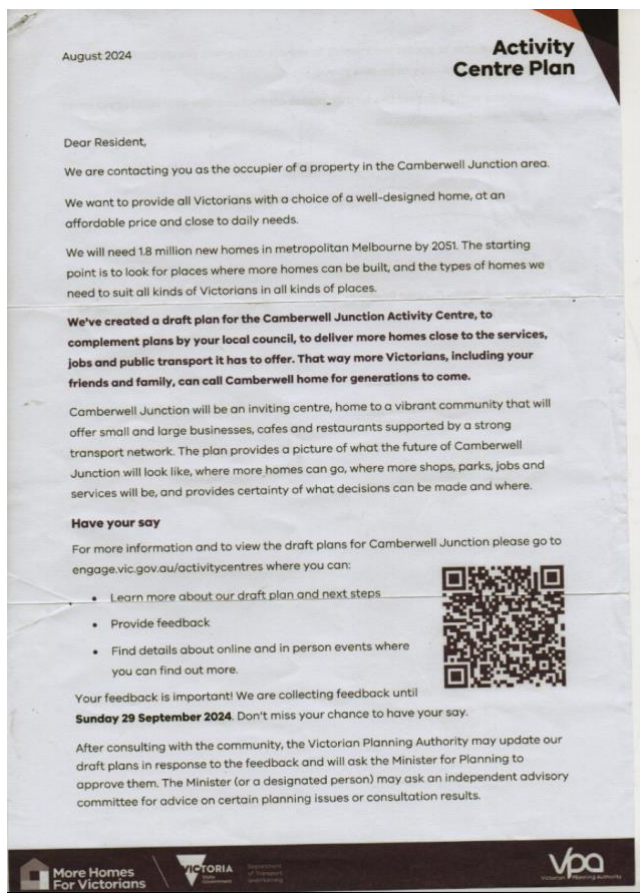
⁴⁶ Confirmed by DTP by email

Appendix 4: DL and Letter from VPA

Letter and Accompanying DL from VPA letterboxed to homes in early September 2023.

Note:

1. No mention of a catchment in the letter or on the DL
2. No map showing a catchment
3. Reference to Camberwell Junction (known by locals as the 6-way road intersection)
4. Small and not well-known symbol for LOTE
5. Consultation held during
 - school holidays, closing on Grand Final Long weekend
 - Council Election Caretaker period



Appendix 5: Maps

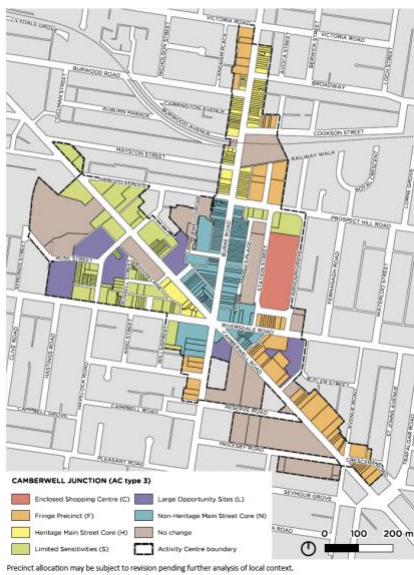
By not adopting the ACASC's recommendation to remove the Fringe Precincts⁴⁷ and large sites shown in orange and purple on the left, the catchment is substantially enlarged.

Map 1: Core Activity Centre: City of Centres – Development of typology based built form controls: Sheppard & Cull May 20204 p70

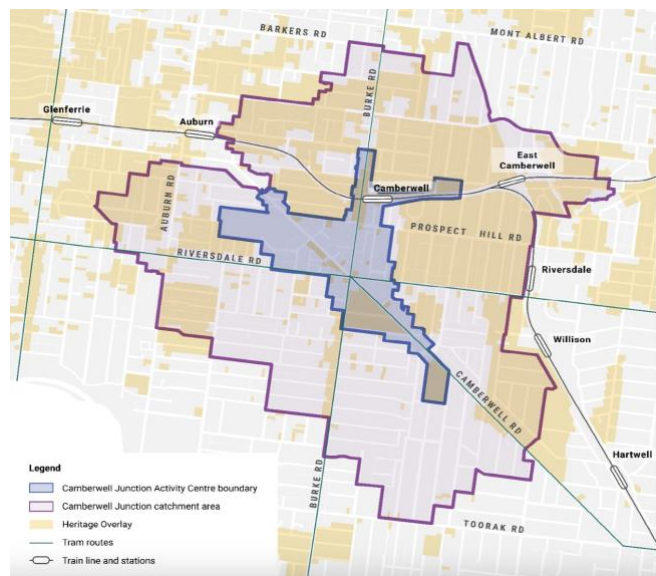
Map 2: Heritage Overlays within HCT Zone - draft plan⁴⁸

Map 3: Camberwell Junction Activity Centre catchment using the Fringe Precincts as an 800m/10min walkable distance: Camberwell Junction Activity Centre Plan April 2025

City of Centres, Development of typology based built form controls



Map 1



Map 2



Map 3

⁴⁷ Map 1 shown coloured orange and purple

⁴⁸ Map 2 shown coloured brown