

# Facilitation of public housing

Proposed reforms to the *Victoria Planning Provisions*

CONSULTATION INFORMATION

MAY 2017

Comments are invited on proposed changes to the *Victoria Planning Provisions (VPP)* to facilitate the development of dwellings by public authorities by introducing a new particular provision.

## Purpose

The Minister for Planning has requested the Department of Environment, Land, Water and Planning (DELWP) prepare draft changes to the VPP and all planning schemes to facilitate public housing development by or on behalf of a public authority. DELWP is working closely with the Department of Health and Human Services on reforms.

The draft provision proposes to limit the scope of permit assessment for specified dwelling applications and to exempt applications from the notice and review requirements of the *Planning and Environment Act 1987*.

The reforms will facilitate a quicker and more certain planning process for authorities that develop public housing while ensuring that the use of land for a dwelling is supported by the zoning of the land and specified amenity requirements such as setback, overlooking and overshadowing are complied with.

## Policy context

There is a pressing need to increase the supply of social housing in Victoria. Victoria has the lowest proportion of public housing dwellings per capita of all states and there are more than 34,000 households on the Victorian Housing Register waiting list. As ageing public housing stock nears the end

of its economic life DHHS is faced with an extensive pipeline of redevelopment projects to increase and renew supply.

The State Planning Policy Framework contains strategies for housing choice (Clause 11.06) and housing affordability (Clause 16.01) which facilitate the supply of social and affordable housing.

*Plan Melbourne 2017-2050* is the metropolitan planning strategy that defines the future shape of the city and state over the next 35 years. It integrates long-term land use, infrastructure and transport planning and sets out the strategy for supporting jobs and growth, while building on Melbourne's legacy of distinctiveness, liveability and sustainability.

*Plan Melbourne* identifies that between 2015 and 2051 Melbourne is projected to grow by 3.4 million people, from a population of 4.5 million to almost 8 million. In that time the total Victorian population will reach 10.1 million. A population increase of this magnitude will require another 1.6 million dwellings and contribute to a corresponding increase in demand for public housing.

*Plan Melbourne Direction 2.3* aims to increase the supply of social and affordable housing. Key policy areas include utilising government land to deliver additional social housing and streamlining decision-making

processes for social housing proposals which will facilitate faster delivery of social housing projects with lower holding costs and greater planning certainty.

The Victorian Government's housing strategy *Homes for Victorians* contains initiatives complementary to *Plan Melbourne* which demonstrate the Governments' state-wide commitment to increasing and renewing social housing stock. The strategy introduces a number of funded programs including the \$1 billion Social Housing Growth Fund, the \$185 million Public Housing Renewal Program, and the \$140 million Social Housing Pipeline.

In response to the Royal Commission Into Family Violence Report (March 2016), the Victorian Government has also committed \$152 million in funding over the next three years to implement Family Violence housing measures. Part of this funding will go toward construction of 180 new units of crisis accommodation and provision of 130 new social housing properties.

All of these strategies and programs recognise that housing issues cut across many different policy areas and require whole of government action, with planning having a crucial role to play.

## What does the draft provision do?

The draft provision streamlines public housing permit applications by limiting the scope of permit assessment and exempting applications from notice and review requirements where development of land for a dwelling is by or on behalf of a public authority.

While streamlining permit assessment the draft provision retains a number of key siting, building height and amenity measures as mandatory requirements.

## Scope and application of this provision

The scope of the draft provision is restricted to:

- The development of land
- Dwellings, which may include dwelling extensions and alterations, and single dwellings, but not more than 10 dwellings
- Development by or on behalf of a public authority such as the Department of Health and Human Services. A municipal council is not a public authority.

## The draft provision does not make requirements for land use

The draft provision does not change requirements to use land for a dwelling. For example a permit may still be required to use land for a dwelling subject to the applicable zone provision. In the Commercial 1 Zone the use of land for a dwelling does not require a permit so long as the condition that any frontage at ground floor level not exceed 2 metres is met. Where this condition is not met a permit for the use of land for a dwelling is required and the proposed exemptions from the requirements of Clause 55 and car parking would not apply.

The draft provision only relates to public housing that meets the definition of a dwelling in Clause 74, of the VPP. It does not provide exemptions for other types of accommodation uses.

The planning scheme does not regulate the ownership or tenure (such as rental) of a dwelling.

## Exemption from assessment under Clause 55 (ResCode)

The draft provision proposes to exempt the requirement (where it exists in a zone) to assess an application for two or more dwellings on a lot against the requirements of Clause 55 and local schedules that vary the requirements of Clause 55.

Other requirements in a zone remain applicable. For example the General Residential zone includes requirements for front fences, maximum building heights, and minimum garden areas.

## Exemption from car parking requirements

Applications within the scope of the draft provision are exempted from Car Parking (Clause 52.06) and Parking Overlay (Clause 45.09) requirements, including any schedule to these clauses. There is no requirement to provide car parking to the satisfaction of the responsible authority and the permit requirement for the provision of car parking does not apply.

This exemption does not prevent the developer of public housing from providing car parking to their satisfaction based on the projected needs of occupants and the location of the development relative to public transport.

## Requirements to meet the exemptions

For an application to be exempt from the Clause 55 assessment and car parking requirements of the scheme it must meet a number of specific requirements:

- The application must be for the development of a dwelling by or on behalf of a public authority.
- The land must be greater than 300 square metres. This minimum size applies to a single dwelling or two or more dwellings.
- A condition opposite the land use dwelling in a zone's table of uses must be met. The land use term dwelling may not be specifically listed in a zone table. It may be nested under the broader term of accommodation. Details on land use terms and their nesting are at Clause 74 and 75.
- Not more than 10 dwellings are developed on the land. Where a maximum building height is specified in a zone, or a schedule to the zone, the height must not be exceeded to access the exemptions. For example the Residential Growth Zone specifies a maximum building height of 13.5 metres, unless superseded by a schedule to the zone. Applications within the scope of the draft provision must be within this height to be exempt.
- Specified standards for height, siting and amenity must be met. While the draft provision exempts an application from Clause 55, selected standards from Clause 55 are still mandatory for an application to access the exemption. For exempt applications, these mandatory standards are not able to be reduced or varied by weighing them against Clause 55 objectives and decision guidelines.

## Exemption from notice (advertising) and review (application to the tribunal)

The *Planning and Environment Act 1987* requires a responsible authority (usually council) to decide on whether to give notice of a permit application unless the planning scheme directs otherwise. In most circumstances the development of more than one dwelling requires notice.

The draft provision exempts notice for any application within the scope of the provision. This applies where a permit is required by the planning scheme regardless of whether the application meets the exemptions from zone and car parking requirements. For example an application to develop public housing that meets the scope of the draft provision may require a permit if the application varies mandatory Clause 55 standards specified by the draft provision, or is on land where the zone or overlay require a permit to develop a dwelling.

In addition to the exemption from notice the draft provision includes an exemption from third party review of an application decision at the Victorian Civil and Administrative Tribunal (VCAT). A permit applicant may still apply for a review of a decision or conditions of a permit.

## Application requirements

The draft provision sets application requirements that an application details how the construction meets the scope of the provision and how the development does or does not comply with the exemption requirements of the provision. A neighbourhood and site description and a design response is required.

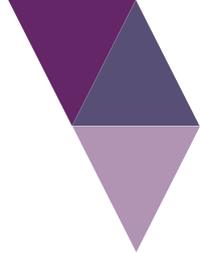
## How do I provide feedback?

The Department of Environment Land Water and Planning seek your feedback on the draft provision. Your feedback will assist the department to consider stakeholder views and any unintended consequences of the exemptions. The Minister for Planning will consider stakeholder feedback in deciding whether to introduce the reform to the Victoria Planning Provisions and all planning schemes under section 20(4) of the *Planning and Environment Act 1987*.

For more information on the proposed reforms, copies of the draft provisions and how to provide feedback visit <http://www.planning.vic.gov.au/policy-and-strategy/planning-reform/reforms-to-public-housing-and-shared-housing>.

Please provide comments by 5pm, Friday 16 June 2017.

For more information please email [planning.systems@delwp.vic.gov.au](mailto:planning.systems@delwp.vic.gov.au).



© The State of Victoria Department of Environment, Land, Water & Planning 2017



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

ISBN 978-1-76047-599-4 (pdf/online)

## Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au), or via the National Relay Service on 133 677 [www.relayservice.com.au](http://www.relayservice.com.au). This document is also available on the internet at [www.planning.vic.gov.au](http://www.planning.vic.gov.au)

## Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.