

*Planning and Environment Act 1987*

# Social Housing Renewal Standing Advisory Committee Common Issues

## Report No 1

**10 November 2017**

*Planning and Environment Act 1987*  
Report pursuant to section 151 of the Act  
Report No 1 - Common Issues

10 November 2017



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## List of Abbreviations

ABS	Australian Bureau of Statistics
BADS	Better Apartment Design Standards
CCTV	Closed Circuit Television
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DHHS	Department of Health and Human Services
ha	hectares
IPO	Incorporated Plan Overlay
km	kilometres
LPPF	Local Planning Policy Framework
OVGA	Office of the Victorian Government Architect
PPN	Planning Practice Note
PTV	Public Transport Victoria
SPPF	State Planning Policy Framework
T	Tree
TfV	Transport for Victoria
The Committee	Social Housing Renewal Standing Advisory Committee
The Common Issues Report	this report, the Social Housing Renewal Standing Advisory Committee Common Issues Report No. 1
TPZ	Tree Protection Zone
VPP	Victoria Planning Provisions

## Executive Summary

The Minister for Planning appointed the Social Housing Renewal Standing Advisory Committee to provide advice on the redevelopment of nine social housing sites in metropolitan Melbourne.

All sites are proposed to be rezoned from General or Neighbourhood Residential Zones to a new schedule to the Mixed Use Zone, supported by new schedules to the Development Plan Overlay and a Parking Overlay, among other policy changes in some planning schemes.

While the Committee explored other residential zones, it agrees that the Mixed Use Zone is appropriate to be applied for most Estates, the exceptions being Walker Street in Northcote and Tarakan in Heidelberg West, where the Committee supports the application of the Residential Growth Zone. While the Development Plan Overlay is one of a few overlays that could be contemplated for the sites, on balance and with some reservations, its application is supported, but subject to some significant modifications. These relate to improved and more succinct objectives, application of mandatory heights (and in some cases, reduced heights) and setbacks (and in some cases, increased setbacks), additional reports that need to accompany a required Development Plan, one of which is a Resident/community engagement strategy that provides for further notification. Additionally, a further review opportunity with the Office of the Victorian Government Architect could value add to the ultimate design process.

This is a complex and challenging series of projects to reconcile to achieve consistency. The Committee fully supports and commends the Victorian State Government for its commitment to increasing the supply of social housing. This is recognised and supported through *Homes for Victorians* and *Plan Melbourne*, as well as other Government initiatives. The Committee was advised that there are approximately 74,000 dwellings in social housing (63,000 public housing and 11,000 community housing) in Victoria. Further, there is a waiting list of almost 40,000 applicants, with 10,000 being the most vulnerable people. Average waiting times are in the order of two years.

One of the key strategies in *Homes for Victorians* is to demolish and rebuild the walk-up dwellings in nine sites across metropolitan Melbourne (mainly in inner areas that are close to public transport and services), replace these dwellings providing a minimum of 10 per cent social housing dwelling uplift, and then leverage this with private development of, in some cases, several hundreds of new dwellings. In particular, there is substantial increase in private dwellings proposed in the Flemington and Bellbardia Estates.

The Committee considers that DHHS could have enhanced its proposals if it had prepared indicative Development Plans to accompany the exhibition material that better informed residents and the community and provided more clarity about what was being sought for each of the sites. The accompanying Design Frameworks were not intended to do this and in some instances appear to have mislead some submitters into believing that they represent a desired outcome.

The local Councils and communities involved generally support the redevelopment of these Estates. There is no doubt that the sites in question are past their use by date in terms of age, structure, amenity and functionality. They are costly in terms of energy consumption (too hot in summer and too cold in winter), they do not have lifts, making it difficult for

people with prams, young children, the elderly and those with physical impairments to access. The internal facilities are poor and out of date.

But the communities that reside in the various Estates, in the main, expressed a great deal of affection for their area, their homes. Those residents who attended the hearings recognise that the dwellings need to be replaced, although some suggested many could be renovated rather than demolished. Most acknowledged that they would have to be relocated, but indicated they would be keen to return. Some expressed concern that their replacement dwelling would be smaller and have fewer bedrooms.

Many residents were concerned about the potential heights of the buildings, the loss of car parking (including at grade parking), loss of open spaces, playgrounds and trees. There were significant issues raised about safety and security and the transition of the Estates into public and private dwellings. Many found it difficult to comprehend how the public/private 'tenure blind' concept would work. However, many submitters, including the relevant Councils realistically assessed that this opportunity to improve the Estates should be taken.

Neighbouring communities supported the intent of the redevelopment proposals but expressed concern about the potential height and amenity impacts of the replacement buildings.

There was considerable concern expressed by the Councils and submitters about the sale of public land, and while this aspect is outside the Committees Terms of Reference, it feels compelled to note the issue. The Committee understands and accepts that the proposals will be leveraged by private development, but it is the extent of private development proposed on some Estates that raises the heightened levels of concern expressed. The Committee considers that there may have been less heat in the opposing arguments if the proposals sought to provide more than a 10 per cent uplift of social housing, as well as other affordable and co-housing opportunities to help allay Council and community concerns. These are matters that could be considered by DHHS in taking the projects forward.

## **Recommendations**

- 1. Prior to the draft Amendments being submitted to the Minister for Planning for approval, the Department of Health and Human Services work with the Department of Environment, Land, Water and Planning to make any adjustments required to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes.**
- 2. Prior to the approval of each Amendment, the Department of Health and Human Services work with the relevant Council to reach agreement regarding a development contribution in respect of the private component of each redevelopment proposal, and make any amendments to the relevant Development Plan Overlay schedule as required.**
- 3. The Minister for Planning assume Responsible Authority status for all referred sites.**

# 1 Introduction

## 1.1 Social Housing Renewal Standing Advisory Committee

The Social Housing Renewal Standing Advisory Committee (the Committee) is an initiative of the Minister for Planning, in conjunction with the Minister for Housing and the Department of Health and Human Services (DHHS). Its purpose is to report on the suitability of planning proposals to facilitate new social housing outcomes.

The Minister for Planning approved Terms of Reference for the Committee under section 151 of the *Planning and Environment Act 1987* on 19 March 2017. The purpose of the Committee is set out at Clause 4:

- a. *to advise on the suitability of new planning proposals prepared by the Department of Health and Human Services (DHHS) to facilitate renewal and redevelopment of existing public housing Estates to increase the supply of social housing; and*
- b. *provide a timely, transparent and consultative process to facilitate the renewal of Victoria's social housing stock.*

The Committee comprises:

- Chair: Kathy Mitchell
- Deputy Chair: Sarah Carlisle
- Members: Debra Butcher, Rodger Eade, Peter Edwards, Mandy Elliott, Ann Keddie, Peter McEwan

The Committee is assisted by Andrea Harwood, Senior Project Manager with Planning Panels Victoria.

The Committee's Terms of Reference were amended by the Minister for Planning on 30 May 2017. Several operational matters were revised, and the requirement for the Committee to consider the economic viability of the proposals in terms of the Director of Housing's ability to meet demand for social housing was removed. Further updates on 6 September 2017 included the requirement that the Committee consider whether the future planning provisions make proper use of the Victoria Planning Provisions, and are consistent with the Ministerial Direction on the *Form and Content of Planning Schemes*. This most recent version is included as Appendix A.

The Committee's Terms of Reference note that the Minister for Planning or delegate may refer proposals to the Committee; these may be in the form of changes to the Planning Scheme and/or a combined planning permit application (Clause 15, 16). A proposal may include land in addition to that owned by the Director of Housing, but such land must be agreed to by the Minister for Planning (18). The Committee may meet when there is a quorum of at least two members (19). The Committee may request a project briefing from, and issue directions to, DHHS (21, 22).

Clause 39 notes that the Committee must consider:

- a. *All relevant submissions.*

- b. The appropriateness of the proposal in light of key strategies including Homes for Victorians and Plan Melbourne 2017.*
- c. The appropriateness of the proposal against the objectives of the Planning and Environment Act 1987 and any other relevant provisions of the planning schemes.*
- d. Whether the Minister for Planning should act as Responsible Authority for the development site(s) and if this would expedite future planning approvals.*
- e. Whether the proposed changes to the planning scheme and/or planning permits should be approved, subject to any recommended changes.*

Clause 40 notes that it is not the role of the Committee to review or consider:

- a. the increasing demand for one and two bedroom social housing dwellings;*
- b. the suitability of joint venture partnerships as a delivery model;*
- c. leveraging under-utilised public land to deliver an increase in social housing;*
- d. the dwelling yields needed to achieve an increase of at least 10 per cent in social housing;*
- e. the appropriateness of community housing providers to administer the proviso of social housing.*

The Committee is to prepare a report for each matter referred to it, which may be in stages based on groups (41, 42).

The Minister for Planning referred nine social housing sites to the Committee on 19 March 2017, the status of which is shown in Table 1:

**Table 1: Referred projects**

Group	Site	Status	Submissions received
<b>Initial project</b>	1. Holland Court, Flemington (Moonee Valley)	Hearings completed 19 October	193
<b>Group A</b>	2. Gronn Place, Brunswick West (Moreland)	Hearings completed 6 October	30
	3. Bellbardia and Tarakan Estates, Heidelberg West (Banyule)	Hearings completed 13 October	24
	4. Walker Street, Northcote (Darebin)	Hearings completed 23 October	46
<b>Group B</b>	5. Ascot Vale Estate, Ascot Vale (Moonee Valley)	Deferred to 2018	-
	6. Abbotsford Street, North Melbourne (Melbourne)	Hearings 13 -17 November	81
<b>Group C</b>	7. New Street, Brighton (Bayside)	Hearings 8 – 17 November	127
	8. Noone Street, Clifton Hill (Yarra)	Deferred to 2018	-
	9. Bills Street, Hawthorn (Boroondara)	Deferred to 2018	-

The proposed redevelopment opportunities are summarised in Table 2:

**Table 2: Existing and proposed redevelopment opportunities <sup>1</sup>**

Existing Dwellings	Proposed Dwellings
<b>Flemington (Moonee Valley)</b>	
718 – in four public high rise buildings	No change
198 – in public walk-ups	218 – public (10% increase)
	825 – private
<b>Northcote (Darebin)</b>	
87 – in public walk-ups	96 – public (10% increase)
	126 – private
<b>Bellbardia (Banyule)</b>	
94 – in public walk-ups	104 – public (10% increase)
	500 – private
<b>Tarakan (Banyule)</b>	
60 – in public walk-ups	66 – public (10% increase)
	35 – private
<b>Brunswick West (Moreland)</b>	
81 – in public walk-ups and duplexes	91 – public (10% increase)
	177 – private
<b>North Melbourne (Melbourne)</b>	
112 – in public walk-ups	123 – public (10% increase)
	207 – private
<b>Brighton (Bayside)</b>	
127 – in public walk-ups	140 – public (10% increase)
	170 – private

## 1.2 Approach to this report

This is Report No. 1 of the Social Housing Renewal Standing Advisory Committee. It relates to the common issues that arose in the first four hearings conducted by the Committee. As the Committee did not wish to repeat the common issues in every report, it has produced this ‘Common Issues’ report, which must be read as a companion, and in conjunction with, each of the place based reports. These are:

- Debneys Precinct, Flemington – Report No. 2
- Gronn Place, Brunswick West – Report No. 3
- Bellbardia and Tarakan Estates, Heidelberg West – Report No. 4
- Walker Street, Northcote – Report No. 5.

The remaining two hearing processes for 2017 will result in two further reports, where this ‘Common Issues’ report will remain relevant:

- New Street, Brighton – Report No. 6
- Abbotsford Street, North Melbourne – Report No. 7.

<sup>1</sup> Compiled from background supporting reports to the planning proposal documents, prepared by DHHS.

Three further sites are due to be considered in 2018, these relate to Ascot Vale Estate in Ascot Vale, Noone Street in Clifton Hill and Bills Street in Hawthorn.

The common issues that arose were:

- consistency of the proposals with the planning and policy framework
- planning tools and Ministerial Direction on Form and Content of Planning Schemes
- approach to the DPO
- approach to car parking
- development contributions
- approach to public open space
- social impacts.

Separate reports have been prepared for each of the four sites.

Clause 41 of the Terms of Reference note *“The Standing Advisory Committee must produce a brief written report for each matter referred to it for the Minister for Planning ....”*

This is the first group of sites to be considered, and many of the issues raised in this report are and will continue to be relevant across the nine sites. A large amount of material was presented to the Committee, and many issues evolved iteratively across the four hearings. The Common Issues Report has enabled the reports for each site to be brief.

### **1.3 Notification, Pre-Briefings and Hearings**

#### **(i) Notification**

The Committee’s Terms of Reference specified that DELWP was to carry out notification of the draft Amendments for a period of 20 business days (Clauses 23 to 30). Notification was to include:

- direct notice to the relevant Council, Government agencies, servicing authorities and neighbouring properties
- a notice in the local newspaper.

DHHS was required to provide notice to residents of the Estates that are affected by the proposals.

The DELWP notification process for each of the four sites is discussed in the report for that site.

#### **(ii) Pre-Briefings**

The Committee’s Terms of Reference provide the opportunity for the Committee to request briefings from DHHS (Clause 21).

The Committee requested briefings from DHHS following their appointment on 11 April 2017. DHHS staff and their legal advisors, and officers of DELWP briefed the Committee on the background to the redevelopment projects. DHHS provided an overview of the nine referred sites, explained how the projects are to be funded, how design principles were developed which will guide each redevelopment project, and the process by which DHHS developed suggested built form envelopes to guide the design of each project.

The Committee requested a further briefing from DHHS prior to the commencement of the notification period for each of the four sites. The briefing for the Debneys Precinct site took place on 24 May 2017, and the briefing for the Brunswick West, Heidelberg West and Northcote sites took place on 9 August 2017. The briefings were attended by members of the Committee and staff of DHHS and DELWP.

During these briefings, DHHS elaborated on the planning controls proposed for the sites, and the process of engagement it has undergone with the residents of the Estates leading to the notification of the draft Amendments and the Committee hearings.

### **(iii) Submissions and Public Hearing**

The Terms of Reference require the Committee to carry out a Directions Hearing and a Public Hearing (Clauses 31 to 36). The Committee was required to provide the following parties an opportunity to make a submission and be heard at a hearing:

- DHHS
- the relevant Council
- DELWP
- relevant submitters

A total of 293 submissions were received across the four referred sites. While some submitters acknowledged their submission might be outside the scope of the Terms of Reference, the Committee did not refuse to hear any submitter at any of the hearings.

## **1.4 Matters outside scope of Terms of Reference**

A number matters were raised by submitters that are outside the scope of the Committee's Terms of Reference. Many of these issues caused submitters heartfelt and genuine concerns. The Committee notes these issues, and records them so that DHHS (and possibly the Councils) can further review the issues raised in the appropriate forum.

Overall project:

- finality about the sale of public land for private development
- mix of private housing with public tenants
- excessive number of new private dwellings being built, and not enough social housing dwellings
- the overwhelming extent and detail of the proposal and the inability for many tenants to be engaged and to understand the planning aspects and the overall development concept
- lack of feedback and engagement – concern that not many residents were aware of the proposals
- lack of feedback and engagement with both residents and neighbours
- parking related to intensive use of the adjoining Dunstan Reserve (Brunswick West)
- walls between the proposed development and abutting properties
- compensation to be paid for any properties acquired.

Tenancy issues:

- guarantees about the ability of residents to return to the Estates after redevelopment
- the logistics and timing of the relocation of residents
- maintenance and security on the Estates
- ongoing drug and mental health, depression issues prevalent.

Building and design issues:

- loss of three bedroom dwellings – not being replaced with like for like
- accommodation for larger families
- separate bathrooms and toilets.

## 2 Planning framework

The Terms of Reference require the Committee to assess the appropriateness of each proposal considering the objectives of the *Planning and Environment Act 1987* and key strategies including *Homes for Victorians* and *Plan Melbourne 2017* (Clause 38). This chapter provides a high-level summary of these key policy imperatives, and the Committee's assessment of the proposals against these policies.

The chapter includes a discussion of the implications of ResCode and the recently released Better Apartment Design Standards (BADs) and Urban Design Guidelines for Victoria for the proposals, the Committee's views on the use of the Mixed Use Zone as the primary zone for all sites, and issues arising from the revised Ministerial Direction on the Form and Content of Planning Schemes.

### 2.1 *Homes for Victorians and Plan Melbourne 2017*

#### (i) **Homes for Victorians 2017**

In March 2017, the State Government announced a set of initiatives and reforms to ensure housing supply can meet demand and facilitate the supply of more social housing and other affordable housing. *Homes for Victorians* provides a co-ordinated approach across government in the following areas:

1. *Supporting people to buy their own home*
2. *Increasing the supply of housing through faster planning*
3. *Promoting stability and affordability for renters*
4. *Increasing and renewing social housing stock*
5. *Improving housing services for Victorians in need*

The Strategy defines Social Housing as:

*... an umbrella term that includes both public and community housing. Its provision usually involves some degree of subsidy.*

It defines Community Housing as:

*Housing owned or managed by community housing agencies for low income people including those eligible for public housing.*

Public Housing is defined as:

*Housing owned and managed by the Director of Housing. The Government provides public housing to eligible disadvantaged Victorians including those unemployed, on low incomes, with a disability, with mental illness or at risk of homelessness.*

*Homes for Victorians* identifies that the supply of social housing has not kept pace with demand, stating the "state's social housing is not what it should be. We don't have enough – and the homes we do have, many need urgent improvement". It notes that while there has

been an overall growth in the social housing sector, as a proportion of total housing stock, the share of social housing has fallen.

*Homes for Victorians* seeks to address this imbalance through a series of initiatives that provide an increase in new social housing stock, including through the creation of a \$1 billion Victorian Social Housing Growth Fund.

Initiative 4 is directly relevant to the work of the Committee. Funding under the Public Housing Renewal Program will be used to develop up to 2500 public housing dwellings and increase the number of social housing properties by at least 10 per cent across metropolitan and regional sites. The initiative notes that Government will work in partnership with community in this regard.

Stage One of the Public Housing Renewal Program will result in the redevelopment of 1100 public housing properties across nine sites in metropolitan Melbourne – the nine sites (excluding Flemington) that have been referred to the Committee as part of this process.

In addition, funding was separately allocated to the Flemington public housing Estate renewal. It will focus on the replacement of the Estate's 22 ageing low-rise buildings.

Reforms and initiatives announced as part of *Homes for Victorians* were articulated in an amendment to the State Planning Policy Framework through VC139 on 29 August 2017. VC139 introduced a new Clause 16.01-1 – **Integrated Housing:**

***Objective***

*To promote a housing market that meets community needs.*

***Strategies***

*Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

*Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*

*Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

*Encourage housing that is both water efficient and energy efficient.*

*Facilitate the delivery of high quality social housing to meet the needs of Victorians.*

At the Hearing for Gronn Place in Brunswick West, Moreland Council pointed out that *Homes for Victorians* is not a reference document in the Planning Scheme and has no formal status in it. No other Council raised this as an issue. In its right of reply, DHHS refuted Moreland's view that State policy support for the proposal was based on *Homes for Victorians* alone, and reiterated the strong support for the project in the relevant Clauses of the SPPF.

## **(ii) Plan Melbourne**

*Plan Melbourne* identifies that between 2015 and 2051, Melbourne is projected to grow from a population of 4.5 million to almost 8 million, requiring another 1.6 million dwellings and a corresponding increase in demand for public housing. The growing numbers of people on public housing waiting lists is one of the key housing issues identified in *Plan Melbourne*.

Direction 2.3 is aimed at increasing the supply of social and affordable housing through a more facilitative planning system. Policies to achieve this objective include:

- utilising government land to deliver additional affordable housing, including identifying opportunities to regenerate existing public housing
- streamlining decision-making processes for social housing projects
- planning reforms that will strengthen the role of planning in facilitating and delivering the supply of social and affordable housing.

Other policy initiatives that are particularly relevant to social housing redevelopment proposals include:

- facilitating an increased percentage of new housing in established areas close to existing services, jobs and public transport
- facilitating housing that offers choice and meets changing household needs
- promoting urban design excellence in every aspect of the built environment
- facilitating a whole-of-government approach to the delivery of social infrastructure
- improving energy, water and waste performance of buildings through environmentally sustainable development and energy efficient upgrades<sup>2</sup>.

## **(iii) Other State policy reforms**

Earlier this year, the Victorian government introduced the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill into Parliament. The Bill seeks to implement policy initiatives set out in *Homes for Victorians* for voluntary arrangements to facilitate the provision of social and affordable housing, using section 173 agreements. The Minister for Planning will be given powers to specify what is appropriate (in a planning sense) for social and affordable housing, including the location of housing in relation to public transport and activity centres, amenity and household size. The Bill received Royal Assent on 26 August 2017.

The Minister for Planning is considering reforms to the Victoria Planning Provisions to streamline planning processes for smaller public housing developments (of up to 10 dwellings). The draft provision proposes to exempt eligible applications from certain requirements in the VPPs (including ResCode and car parking requirements), and to exempt applications from third party notice and review requirements, if they meet certain mandatory siting, building height and amenity measures. Public consultation on the draft provisions closed on 16 June 2017, and the feedback is under consideration.

Related government initiatives include an Inclusionary Housing pilot on surplus government land, delivering up to 100 new social housing homes.

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<sup>2</sup> Action 81 in the Five Year Implementation Plan for Plan Melbourne is to establish minimum energy, water and waste performance standards for government buildings, including public housing.

## 2.2 State policy

### (i) Planning and Environment Act 1987

Section 4 of the *Planning and Environment Act 1987* lists the objectives of planning in Victoria. The social housing redevelopment proposals implement these objectives through:

- Providing for the fair, orderly, economic and sustainable use and development of land
- Securing a pleasant, efficient and safe work, living and recreational environment for all Victorians and visitors to Victoria
- Balancing the present and future interests of all Victorians
- Ensuring sound, strategic planning and coordinated action at State, regional and municipal levels
- Enabling 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
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes
- Ensuring 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.

The proposals facilitate the redevelopment of estates which will deliver a mix of social and private housing on land with good access to open space, pedestrian and cycling networks, public transport and activity centres.

### (ii) State Planning Policy Framework

The relevant provisions of the State Planning Policy Framework (SPPF) include:

**Clause 11: Settlement** – supports sustainable development taking full advantage of existing settlement patterns, investment in existing transport and social infrastructure and diversity and choice.

**Clause 11.06: Housing choice** – supports housing choice close to jobs and services.

**Clause 15.01: Urban Design** – create urban environments that are safe, functional and provide good quality urban environments with a sense of place and cultural identity, as well as high standards in architecture and urban design which makes people feel safe.

**Clause 16: Housing** – new housing should have access to services and be planned for long term sustainability.

**Clause 16.01: Residential development** – includes objectives and strategies to:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations including under-utilised urban land.*
- *Support a housing market that meets community needs and increases the supply of housing in existing urban areas.*
- *The delivery of social housing to meet the needs of Victorians.*

- *Provide a range of housing types which offers good access to jobs, services and transport.*
- *Facilitate housing in areas that offer opportunities for more medium and higher density development. Facilitating a mix of private, affordable and social housing in activity centres and urban renewal precincts.*
- *Facilitate more affordable housing closer to jobs transport and services.*
- *Redevelopment and renewal of public housing stock to better meet community needs.*

**Clause 18.02: Movement networks** – development should provide for more sustainable transport options and efficient provision of car parking by consolidating parking facilities.

## **2.3 Better Apartment Design and Urban Design Guidelines for Victoria**

The key issue to be addressed is the recently amended policy context for higher density housing, including associated changes to Clauses 55 and 58 of planning schemes, and how these clauses interact with the proposed DPOs.

### **(i) Evidence and submissions**

Recent changes have been made to all planning schemes, which introduced the Urban Design Guidelines for Victoria (VC139) and Better Apartment Design Guidelines (VC136) into the SPPF. These documents provide guidance as to how to apply the new standards for apartment developments found in:

- Clause 55 (two or more dwellings on a lot and residential buildings), which deals with ResCode and typically applies to developments of up to four storeys in height
- Clause 58 (Apartment developments), which deals with the Better Apartment Design Guidelines and applies to development of five storeys or more.

The Urban Design Guidelines for Victoria support the delivery of liveable, safe places. They provide guidance on the design of public spaces, building design in relation to a building's interface with public spaces, and the layout of cities, towns and neighbourhoods. The Urban Design Guidelines for Victoria are a reference document in all planning schemes through the SPPF (Clause 11 Settlement and Clause 15 Built Environment and Heritage). They will guide the preparation of the Development Plans, and future planning permit applications on all the sites.

Clause 55 (and ResCode) generally applies to permit applications for residential development up to four storeys. It includes provisions dealing with off-site amenity impacts relating to side and rear setbacks, walls on boundaries, protection of daylight to existing windows, overshadowing of open space and overlooking.

Clause 58 (and the Better Apartment Design Guidelines) generally apply to permit applications for residential development of five or more storeys. Like Clause 55, it includes some provisions dealing with off-site amenity impacts (relating to side and rear setbacks), but is generally more focussed on amenity within new apartment developments, including matters such as landscaping, private and communal open space, energy efficiency, natural ventilation and the like.

In its Part A submission for Brunswick West, DHHS specifically addressed the interaction between Clause 55 and the new controls proposed for the site. DHHS confirmed that Clause 32.04-9 of the Mixed Use Zone effectively applies the provisions of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 to development on the site, even if that development had a height of five or more storeys.

The Brunswick West and Heidelberg West sites abut existing residential properties. At the hearings for those sites, Ms Jordan, who gave planning evidence for all sites discussed the relationship between Clause 55 and the built form requirements specified in the DPOs. Her evidence was that if Clauses 55 or 58 dictate a greater setback to a direct residential interface than those specified in the DPO, then that greater setback should prevail. Ms Jordan recommended including additional references to Clause 55 in the DPOs. DHHS adopted this suggestion as part of its revised schedules tabled at the conclusion of the Brunswick West and Heidelberg West hearings.

These additional references were generally not opposed by the relevant Councils.

## **(ii) Discussion**

Some significant changes have occurred in the last six months with the introduction of guidelines for higher density apartment developments.

The Clause 55 and 58 requirements will be triggered by a planning permit application, by virtue of Clauses 32.04-6 and 32.04-9 of the Mixed Use Zone. The clauses are not triggered by the preparation of a Development Plan pursuant to the DPO, unless the DPO schedule specifically requires it.

The Committee believes that it is important that the relevant requirements of Clauses 55 and 58 as relevant, are considered at the Development Plan stage. For example, it does not make sense to have a Development Plan approved, which includes preliminary architectural plans, if the proposed building envelopes do not meet the Clause 55 and 58 setback requirements that will apply to any subsequent planning permit application.

The Committee supports Ms Jordan's recommendation to include references to Clause 32.04-9 and Clause 55 in the relevant DPOs, on the basis that the greater setback requirements should prevail.

Where the DPOs include controls that relate to matters that are directly addressed in Clauses 55 or 58, the DPOs should not conflict with the requirements of those clauses. An example of this is in relation the overshadowing of communal open space, where less restrictive overshadowing requirements were proposed by DHHS in the DPOs to those that are included at Clauses 55.07 and 58. As with setbacks, the Committee considers that the stricter requirements should apply.

## **(iii) Findings**

The Committee finds that:

- for sites which directly abut residential land, the DPO schedules should require that Development Plans comply with the relevant ResCode standards in addition to site

specific setbacks and interface treatments nominated in the DPOs, on the basis that the greatest setback requirements prevail.

- the DPOs should ensure that other built form/layout requirements for a Development Plan do not conflict with any related requirements of Clauses 55 or 58, and where there is any conflict, the stricter requirements should prevail.

## **2.4 Mixed Use Zone**

The Mixed Use Zone is proposed to be applied across all sites. The key issue is whether it is suitable for all sites, and whether for some sites one of the core residential zones could be contemplated.

### **(i) Evidence and submissions**

Relying on the evidence of Ms Jordan, DHHS submitted that the Mixed Use Zone is the most suitable zone to facilitate the redevelopment for all sites. She gave evidence that the Mixed Use Zone:

- is in the suite of residential zones (and is therefore appropriate to guide the predominantly residential redevelopment of the Estates)
- encourages higher densities and maximises the development potential of the sites, while remaining responsive to the site's context
- does not impose mandatory height limits or garden area requirements, which would make it difficult to achieve the proposed densities
- allows the introduction of suitable non-residential uses to meet the needs of the residents of the redeveloped Estates, such as a small café or a community centre
- can remain in place once the redevelopment is complete.

Councils generally supported the application of the Mixed Use Zone to the sites, with the exception of Darebin Council for the Walker Street Estate, who considered the Residential Growth Zone would be preferable.

### **(ii) Discussion**

In the main, the Committee agrees that the Mixed Use Zone is the most appropriate zone for the sites, for the reasons set out in Ms Jordan's evidence. The sites are generally large, and already contain densities that exceed those that could be built under the current General Residential Zone or Neighbourhood Residential Zone. The Mixed Use Zone supports the level of residential density sought to be achieved and seeks to provide for a range of residential and commercial uses which complement a mixed-use function, while encouraging development that responds to the existing or preferred neighbourhood character of the area. It facilitates a range of non-residential uses that may be suitable for the sites, including community facilities that may be required to support the future residents of both the social housing and the private dwellings.

However, some smaller sites could be zoned as Residential Growth Zone due to the lack of opportunity to include non-residential uses. These include the Walker Street Estate in Northcote and the Tarakan Estate in Heidelberg West. Table 3 provides a comparison of the zone purposes, allowable heights and permissible uses.

**Table 3: Zone comparison**

Zone	Zone Purpose	Maximum building height
Mixed Use	<ul style="list-style-type: none"> <li>- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</li> <li>- To provide for housing at higher densities.</li> <li>- To encourage development that responds to the existing or preferred neighbourhood character of the area.</li> <li>- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</li> </ul>	None specified
Residential Growth	<ul style="list-style-type: none"> <li>- To provide housing at increased densities in buildings up to and including four storey buildings.</li> <li>- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</li> <li>- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</li> <li>- To ensure residential development achieves design objectives specified in a schedule to this zone.</li> <li>- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.</li> </ul>	Discretionary 13.5 metres
General Residential	<ul style="list-style-type: none"> <li>- To encourage development that respects the neighbourhood character of the area.</li> <li>- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</li> <li>- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.</li> </ul>	Mandatory 11 metres
Neighbourhood Residential	<ul style="list-style-type: none"> <li>- To recognise areas of predominantly single and double storey residential development.</li> <li>- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.</li> <li>- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.</li> </ul>	Mandatory 9 metres

**(iii) Findings**

The Committee finds that:

- the Mixed Use Zone is the appropriate zone for the majority of the sites

- the Walker Street site in Northcote and the Tarakan site in West Heidelberg should be considered to be rezoned to the Residential Growth Zone with a tailored schedule.

## **2.5 Consistency with Form and Content of Planning Schemes**

After the draft Amendments were prepared for exhibition, the Minister issued a new Ministerial Direction on the Form and Content of Planning Schemes. The Committee did not receive submissions from DHHS on whether the draft Amendments are consistent with the Direction. It may be that adjustments are required to the draft Amendments to ensure they are consistent with the Form and Content Direction. DHHS should work with DELWP in this regard.

The Committee recommends that:

- 1. Prior to the draft Amendments being submitted to the Minister for Planning for approval, the Department of Health and Human Services work with the Department of Environment, Land, Water and Planning to make any adjustments required to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes.**

### 3 Development Plan Overlay

The DPO is proposed for all sites. As the hearings progressed, numerous issues were raised about the DPO. While not each issue was common for all sites, there were common issues that need to be addressed as threshold issues. These relate to:

- whether the DPO is the correct planning tool to use
- level of detail in the DPO
- structure and content of the DPO.

#### 3.1 Is the DPO the correct planning tool?

##### (i) Evidence and submissions

In the early hearings, the Committee asked DHHS and Ms Jordan whether a Design and Development Overlay (DDO) may be a preferable tool to the DPO. A DDO may be better suited to expressing a vision for the development of each precinct, enable affected parties to be involved at the planning permit application stage, and may provide more certainty about the ultimate built form outcomes on the sites.

Ms Jordan expressed the view that given the scale and complexity of the projects, some form of further master planning needs to be undertaken before permit applications are made. Her evidence was that the DDO does not provide for further master planning. She argued that the DPO is the preferable tool, because alternative overlays that allow for master planning, such as the Incorporated Plan Overlay, are restrictive in that modifications to the plan over the life of the project would require further planning scheme amendments.

##### (ii) Discussion

The purpose of the DPO is:

- *to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land*
- *to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.*

**Applying the Incorporated Plan and Development Plan Overlays (PPN23)**, August 2015 provides guidance on circumstances in which a DPO should be applied. It notes that the DPO is a flexible tool, stating that the DPO:

*... should normally be applied to development proposals that are not likely to significantly affect third-party interests, self contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.*

The application of the DPO presents somewhat of a dilemma for the Committee. In the Directions Hearing for Flemington, the Committee asked DHHS to provide its rationale for the use of the DPO in comparison with other planning tools, and particularly with the Design and Development Overlay (DDO). This was addressed briefly in its Part A submission, where it was argued that while the DDO could set built form requirements, it does not provide the

interim step necessary to set the framework for the development of a large and complex site.

The PPN makes it clear that the Incorporated Plan Overlay (IPO) should be used for the development of large sites that have a high component of residential development, and residential interface. The PPN notes that *“Most redevelopment of existing urban land will fall into this category, particularly where the surrounding land is residential”*. While some sites have a more extensive residential interface (Gronn Place, Bellbardia and Tarakan), others have only one such interface (eg Flemington, Walker Street).

While not perfect, the Committee is satisfied that the DPO is the appropriate tool to guide the future development of the sites. The Committee is aware that several other redevelopment sites in metropolitan Melbourne have used the DPO to provide the overall framework for future development or redevelopment opportunities. The Committee agrees that a more detailed master planning process is required before permits are granted, and that the DPO allows the master planning process to evolve through the procurement process. The Committee agrees that it is not suitable to ‘lock in’ a design at this stage, which could potentially occur if other tools such as a DDO or an IPO were selected.

### **(iii) Findings**

The Committee finds that:

- the DPO is the appropriate tool to guide the future development of the sites.

## **3.2 Level of detail in the DPO**

Many submissions, and much of the discussion at the various Hearings, related to the form and content of the proposed schedules to the DPO. A key issue was whether the DPOs contain sufficient detail to provide enough certainty as to the future built form outcomes on the sites.

### **(i) Evidence and submissions**

Many submitters, including the Councils, expressed concern that the DPOs, and the Concept Plans, lack the level of detail reflected in the Design Frameworks. They submitted that this results in a lack of certainty for the community about what might ultimately be built on the sites, particularly given that many of the controls in the DPO (such as building heights) are discretionary rather than mandatory. This uncertainty is compounded by the fact that there is no further opportunity for the community to be formally consulted prior to the approval of the Development Plans.

The DPOs in their exhibited form require the preparation of numerous separate reports and plans (ranging up to 14) making up the Development Plan. Ms Jordan’s evidence was that this is an unusually high level of detail for a Development Plan, but is justified in these cases given the size of the sites and the varying complexity of the proposed redevelopments.

Ms Jordan urged against providing more detail in the DPOs, particularly in relation to built form. She said that the controls need to create the right balance between certainty and flexibility. Including more detail had the potential to stifle innovation in the final design

process. She pointed out that the Hayball Architects design for Flemington, for example, was only one way of achieving the various objectives set out in the overlay, and that the planning controls should not restrict the ability to put forward other alternative (and potentially preferable) design solutions.

Ms Jordan pointed out that the overlays are not 'stand-alone' controls. A decision-maker assessing the Development Plan and subsequent planning permit applications would need to consider all the other applicable parts of the relevant planning scheme, including the local policy framework, the requirements of clause 55, the BADS and the recently introduced Urban Design Guidelines. Her evidence was that the DPOs should not repeat matters of detail that are dealt with under other parts of the planning schemes.

Darebin Council submitted that while a DPO should not, and cannot lock down every conceivable detail about a development, there were some elements that the Council and community should be able to ascertain from the DPO, being:

- maximum building heights
- minimum setbacks
- trees to be retained
- car parking rates
- the primary vehicle and pedestrian access to the Estates and general location of internal routes.

Moonee Valley and Moreland Councils suggested that the Design Framework could be included in the DPO as a reference document. Ms Jordan did not agree that this was necessary, or would add benefit. DHHS argued that the purpose of the Design Frameworks is to assist in understanding the opportunities and constraints on the sites, and to develop a 'test design' to inform the development of the overlays. While the many submitters, and DHHS's own experts, commented on these frameworks extensively, DHHS constantly reiterated they are not meant to prescribe future development on the sites.

## **(ii) Discussion**

One of the more perplexing issues raised at the hearings was that in all the consultation processes, indicative designs and montages were provided to demonstrate the expression of what could be achieved on the site – yet it was made clear by DHHS that the final design could be quite different. It was difficult for the community to comprehend why the DPOs do not more closely reflect the Design Frameworks prepared by the various architects for each site.

The Committee understands the concerns expressed by residents, neighbours and Councils about the lack of detail, clarity and certainty. Once a Development Plan is approved, there are no further third party rights for formal notification as part of any future planning permit application process.

The purpose of a DPO is to establish a planning framework to guide the preparation of a Development Plan for the site. It is the first stage in a multiple staged approval process – the next stages being the approval of a Development Plan, and following that, the issue of permits.

The Committee agrees that it is not appropriate to 'lock in' the design represented in the Design Frameworks at this stage, and that a degree of flexibility needs to be maintained to ensure that opportunities for design innovation through the procurement process can be maximised. The Design Frameworks represent just one way of achieving the various requirements and objectives set out in the overlays. There are no doubt many others, some of which might be preferable to that shown in the Design Frameworks. The Committee agrees with Darebin Council that there is a minimum level of detail required in the DPOs to give a level of certainty to Council and the community.

The Committee acknowledges that the DPOs, by their nature, involve a degree of uncertainty as to the final built form outcomes on the site. More certainty will be provided with the approval of a Development Plan.

Having said that, the Committee considers that the DPOs need to be extensively reviewed, to provide more up front clarity and certainty. The Committee does not consider that it is acceptable to expect the Councils and the community to wait until Development Plans are approved (a process in which they play no formal part) to have a degree of certainty as to what might happen on these sites. The Committee discusses its recommended changes to the DPOs in the following chapters. Revised schedules have been appended to each of the reports for the specific sites.

In the Committee's view, DHHS could have made its case better if an indicative draft Development Plan was provided as the basis for each DPO – one that had been worked through by DHHS to demonstrate in a more genuine way what is likely to be achieved for the sites. There have been many examples of where this technique has been used successfully. If that had occurred in this case, the Committee might have been persuaded that discretionary heights and setbacks are appropriate.

The Committee notes that the Development Plans will be prepared collaboratively between DHHS and the preferred developer, and notes DHHS's commitments about engaging with Councils and the community in preparing the Plans. The Committee further notes that the Terms of Reference allow the Minister to refer Development Plans back to the Committee for advice prior to approval.

### **(iii) Findings**

The Committee finds that:

- the exhibited DPOs lack sufficient clarity and certainty, and require extensive revision
- the inclusion of the indicative Design Framework plans in the DPO is not appropriate.

### **3.3 Structure and content of the DPO schedules**

Threshold issues relating to structure and content of the DPO include:

- whether permits that are not in accordance with the Development Plans should be allowed to be granted
- permit requirements before a development plan can be approved

- content, number and form of objectives
- presentation of the Concept Plan, heights, setbacks and interfaces
- whether heights should be mandatory or discretionary
- consultation on Development Plans
- whether the overlays should include housing diversity and affordable housing requirements.

**(i) Evidence and submissions**

**Permits that are not generally in accordance with an approved Development Plan**

Clause 1.0 contains the provision that “A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan”. The Committee, along with several Councils and Flemington Submitter 42, raised concerns about this.

Responding to the Committee’s questions in the early hearings, DHHS explained that the provision had been included because it is contained in the Ministerial Direction on the Form and Content of Planning Schemes. DHHS does not intend permits to be sought for development that is not consistent with the Development Plans, and it would be content if the provision were removed (subject to the requirements of the Form and Content Direction).

**Permits that can be granted before a Development Plan is approved**

The DPOs provide that certain works can be undertaken before a Development Plan has been approved. In providing arboriculture evidence for the Flemington proposal, Mr Patrick who gave arboriculture evidence for Flemington was strongly of the view that an arboricultural assessment should be carried out prior to any permit being granted, to ensure high value trees are not damaged or removed as part of early works. Assessments should be conducted in accordance with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*. Mr Galbraith, who provided arboriculture evidence for Heidelberg West and Northcote, agreed with this approach.

**The content, number and form of objectives**

The Committee raised concerns about the number of, and lack of clarity and purpose of the objectives at Clause 3.0 of the DPOs. Various Councils and many submitters shared these concerns. The Committee had difficulty in understanding how a Development Plan could meaningfully respond to a number of the objectives.

**Presentation of the Concept Plan, heights, setbacks and interfaces**

The presentation of the preferred heights, setbacks and interfaces in the DPOs is not well set out. Many submitters could not understand them, and the Committee agrees that the way in which the material is presented makes it difficult to interpret. To address this concern, Moreland Council provided a revised schedule which included heights and setbacks shown on the Concept Plan.

Ms Jordan’s evidence was that the DPOs could be restructured to provide more clarity and readability in terms of what is envisaged for each precinct, including by grouping together

the Concept Plan, the Interface Treatment diagrams and the table setting out building heights for each precinct.

### **Whether heights should be expressed as mandatory or discretionary**

Several submitters, including some Councils, expressed concern that the discretionary height limits and other controls in the DPOs provide a developer with too much 'wiggle room', and that mandatory controls would provide more certainty and clarity.

Ms Jordan's evidence was that the Committee should be very cautious about mandatory controls. Mandatory controls would not allow for design solutions which, for example, proposed a slightly higher building in one part of a precinct, allowing other buildings in the precinct, perhaps with more sensitive interfaces, to be lower. Her evidence was that in her experience, proposals that significantly exceeded the discretionary height limits would be unlikely to be approved without the Development Plan being amended first.

### **Consultation on Development Plans**

The DPO allows any development generally in accordance with the approved Development Plan to be exempt from further (statutory) notification. This caused significant concern at all hearings. Councils and community submitters felt that the lack of further involvement would be detrimental. While DHHS noted that the schedules provided for further consultation with the Councils, submitters did not think this to be sufficient. They submitted that the DPOs should include a specific requirement for community consultation on the Development Plans.

### **Housing diversity and affordable housing requirements**

Several submitters, including the Councils, expressed concerns that the proposed dwelling mix reflected in the background documents (namely one and two bedroom apartments) would not meet the diverse housing needs of their respective communities, and that more large and adaptable apartments should be provided.

Ms Jordan's evidence was that the DPOs require preliminary architectural plans to include indicative dwelling types and sizes, and that this was sufficient. Her evidence was that in relation to the social housing component, dwelling size and mix would be specified as part of the procurement process, to be responsive to the needs of the public housing waiting list and the needs of returning tenants. She recommended against including specific dwelling mix requirements for the private housing component, as the controls need to be flexible enough to allow the redevelopment to respond to changing market demands for household size.

Councils and many submitters contended that the DPOs should require a component of affordable housing, in addition to the social housing. For example, Moonee Valley Council suggested 10 per cent of the private housing component should be affordable, and that the affordable housing component should preferably be set aside for key workers such as nurses, teachers and the like. Moonee Valley Council submitted that similar affordable housing requirements had been successfully included in other large developments in the area such as the Flemington Racecourse redevelopment.

DHHS submitted that a requirement to provide affordable housing is not appropriate. DHHS submitted that in the case of the Flemington Estate, the final mix on the sites (including the highrise towers that are to be retained) will be predominantly social housing.

**(ii) Discussion**

**Permits that are not generally in accordance with an approved Development Plan**

The Committee considers that the first sentence in Clause 1.0 of the DPOs, allowing the grant of permits that are not generally in accordance with the Development Plans, should be deleted.

Allowing permits for development that is not generally in accordance with the Development Plans undermines the status and utility of the Development Plans, and reduces certainty for the community as to what might be built on the site. The Committee considers that the DPO does not contain a clear head of power for the provision, and that the provision is most likely unlawful, as could be any permits that were granted that were not generally in accordance with the Development Plans. The Committee considers that the inclusion of the provision in the Ministerial Direction on the Form and Content of Planning Schemes is likely to be an error, and this error should not be repeated in the DPOs.

**Permits that can be granted before a Development Plan is approved**

In the main, the works for which a permit can be granted before a Development Plan is approved are appropriate in the context of the site development process. The Committee supports the recommendation of Mr Patrick about an arboriculture assessment being prepared prior to permits being granted, and recommends the DPOs be amended accordingly.

**The content, number and form of objectives**

While DHHS provided amended versions of the DPOs, including revised objectives, these, in the opinion of the Committee, did not address the fundamental concerns raised. The Committee supports further modification of the objectives. The current objectives lack clarity, there are too many, they are too wordy, they would be difficult to measure and they do not provide a clear picture of what is sought to be achieved. The Committee has made suggested revisions to the objectives, which are consistent across the DPOs for all sites.

**Presentation of the Concept Plan, heights, setbacks and interfaces**

The Committee considers that Ms Jordan's recommendations for restructuring the DPOs enhance readability, and provide greater clarity regarding the likely built form outcomes for each precinct. The Committee's recommended version of each DPO schedule (appended to the site-specific reports) include Ms Jordan's recommendations, although the Committee considers that the Interface Treatment diagrams are unclear and unhelpful. It recommends the expressed setback and interface treatment requirements in each schedule to be in words, or in clearer diagrams.

**Whether heights and setbacks should be expressed as mandatory or discretionary**

The heights proposed in the DPOs are expressed as discretionary in all cases. While the Councils and many submitters supported the heights being expressed as a maximum, DHHS

consistently resisted this. They argued that flexibility is required and the heights should not be locked down.

Planning Practice Note PPN59 – *The role of mandatory provisions in planning schemes* (June 2015) advises that implementation and support for mandatory controls should be based on exceptional circumstances, to provide certainty in areas where there are strong and consistent themes, and to ensure a preferred outcome.

The Committee is not persuaded that discretionary controls are appropriate in these cases. While the proposed heights vary from site to site, and between precincts within sites, in all cases the heights proposed are significant in the context of the local areas and existing built form, except for Flemington where the four 20 storey high rise towers are to remain. In all cases, the proposed heights significantly exceed the heights of the buildings to be replaced.

The Committee acknowledges Ms Jordan's evidence that there may be little risk of development proposals being approved which far exceed the height and setback requirements in the DPOs, because such proposals would be unlikely to be able to meet the various other requirements (such as open space and overshadowing requirements) set out in the DPOs and in other parts of the various Schemes.

Nevertheless, the Committee considers that without mandatory controls, there is a greater risk that the heights specified in the DPOs could be exceeded (whether by a little or by a lot). At the heights and densities proposed, substantial change is being contemplated on all sites. The current zoning (General Residential or, for Northcote, Neighbourhood Residential) has mandatory heights which are significantly lower than those proposed under the DPOs. Given these limits are effectively being removed, and given the surrounding areas are to remain as zoned where these mandatory heights will remain in place, the Committee considers there are strong and compelling reasons why mandatory heights and setbacks should be applied.

The Committee acknowledges that the introduction of mandatory controls could potentially result in a trade-off in terms of flexibility. However, the Committee considers that for each site, there appears to be a high level of scope to provide a significant increase in dwelling numbers. Maximum heights and setbacks should not be a constraint in delivering this increase, noting that an element of flexibility will remain due to any future planning permit being required to be 'generally in accordance' with the approved Development Plan for each site. This is especially the case if future development proposes the use of basement car parking rather than the indicative above ground multi deck car parking as provided for in the Design Frameworks for each site.

The Practice Note states:

*The Design and Development Overlay is the most appropriate tool for the expression of mandatory built form requirements. Opportunities may also exist in some other zones and overlays to mandate controls.*

The Committee recognises that the DDO is the most appropriate tool for the expression of mandatory built form requirements. DHHS provided strong arguments why the DPO is the preferred tool to guide these renewal projects and for the reasons already discussed, the Committee accepts that proposition.

## **Consultation on Development Plans**

On the final day of the Flemington hearing, DHHS tabled DPO11 to the Yarra Planning Scheme (Document 57) as an example of a DPO that it considered was working well. The Committee observed it had a Community Engagement Strategy as part of Clause 3.0 (requirements for a development plan). When asked by the Committee if the DPO for Flemington could include a tenant or community engagement plan, DHHS resisted this and indicated that other measures would be put in place to engage with Estate residents and the community, including DHHS's proposed Phase 4 consultation (discussed in Chapter 7). Ms Jordan recommended caution in relation to including community consultation requirements in the DPOs, on the basis that it could create the misleading impression that the community has formal statutory rights.

The Committee considers that the intent and wording of the Engagement Strategy expressed in the Yarra DPO is appropriate, and recommends a similar provision be provided in all DPOs for these sites. This would go some way to satisfying concerns expressed by residents and neighbours about lack of information and consultation post this hearing process.

Interestingly, the Yarra DPO is for a completely new community to be built on a former industrial site. By contrast, these proposals are for existing communities, who will be relocated and then provided with an option to return. It could be argued that engagement and consultation is more critical in this case.

## **Housing diversity and affordable housing requirements**

The Committee is satisfied that the DPOs and other parts of the Planning Schemes generally address housing diversity and adaptability issues from a policy intent perspective.

The Committee does not consider that specific affordable housing requirements should be included in the DPOs. Apart from the definitional issues raised by DHHS, the recent changes to the Act through the Housing Affordability Bill introduced *voluntary* arrangements to facilitate the provision of social and affordable housing. Considering this, the Committee considers it would be inappropriate to effectively mandate the provision of affordable housing through these Amendment processes.

Both the State and Local Planning Policy Frameworks applicable to all sites clearly support the provision of affordable housing. Proposals which include a voluntary affordable housing component will no doubt be more favourably assessed against the policy framework than those that do not.

However, the Committee considers that the issue of affordable housing should be acknowledged through this process, and that development partners should consider how they might advance such opportunities. In this regard, the Committee has expanded the requirements for the Dwelling Diversity report at Clause 3.0 of the DPOs, so that housing affordability considerations are not lost amongst the future development opportunities for the sites.

The Committee notes that DHHS has committed to ensuring (through the procurement process) that 10 per cent of the new private dwellings in the Estates will be offered to first home buyers. The Committee is not sure how that will work, and what tests would be

applied to ensure that the first home buyers in question are those who would be in most need of affordable housing opportunities, but it supports the principle.

### **(iii) Findings**

The Committee finds that the DPO is the most appropriate tool to guide the future development of the sites, but the DPO schedules should be substantially restructured to improve clarity and readability. The Committee has spent considerable time in reviewing all DPOs. The Committee considers the DPO are the most important part of these proposals in that they provide the extensive detail and expression of how the sites will be developed.

The summary of the Committee's key recommended changes to the DPOs are:

- heading change to identify the extent of the project *"Social Housing Renewal – insert name Estate"*
- deletion in Clause 1.0 *"A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan"*
- inclusion in Clause 1.0 of an Arboricultural report before a permit is granted for early works, to ensure high value trees are retained
- deletion in Clause 2.0 *"except for a permit granted for a development plan has been approved in accordance with Clause 1.0 of this Schedule, conditions that give effect to the provisions and requirements of the approved development plan"*
- inclusion of a requirement for a resident and community engagement strategy that provides the opportunity for a 15 business day response to provide feedback on draft development plans before they are approved as part of Clause 3.0
- consolidation and extensive rewrite of objectives in Clause 3.0
- renaming 'Development Concept Plan' to 'Concept Plan' to avoid potential confusion with the 'Development Plan'
- placing the Concept Plan, legend and building heights table on the one page to read as one plan/table
- deleting the interface treatment drawings and replacing them with a table or new drawings (not undertaken by the Committee, will need to be properly drafted)
- expressing heights and setbacks as mandatory
- expanding the Dwelling Diversity report to specifically provide for one, two and three bedroom plus dwellings, and to provide for additional initiatives that actively encourage affordable and co-housing housing opportunities
- inclusion of decision guidelines that consider relevant comments and feedback on the development plans.

While the above comments represent the key changes to the DPOs under review, each DPO has variations due to the nature of the issues raised in each of the hearings. Each of the place-based reports provides a recommendation that the exhibited DPO be replaced with the Committee's recommended version, a copy of which is provided in the relevant appendix to each of these reports.

## 4 Traffic and parking

Throughout the hearings, several common traffic and parking issues emerged:

- suitability of the internal road networks
- parking rates
- sustainable transport and Green Travel Plans
- increase in bicycle facilities
- car park access and safety.

DHHS called Mr Walsh and Mr Turnbull, traffic engineers from Traffix Group who provided traffic and parking evidence for the various Estates. For simplicity, rather than refer to each separately, this will be referred to as traffic evidence except as noted.

### 4.1 Internal road network

#### (i) Evidence and submissions

Submitters were generally concerned with the operation, safety, performance and functionality of the internal road network proposed for the Estates. For some Estates, some residents did not want an internal road, allowing more open space and providing a safer pedestrian environment.

Traffic evidence provided a brief overview on the internal road layout concept designs for each site, and noted that details on road cross sections, location of on-street parking, bicycle lanes and footpaths would be undertaken as part of the planning permit process. Traffic evidence noted the indicative design shown in the Design Framework generally enhanced permeability through the sites, while providing discrete and limited access points onto the surrounding local road network, generally utilising the existing vehicle crossing locations.

#### (ii) Discussion

The DPOs provide a framework and general guidance for the proposed internal road layout for the Estates. The Committee regards these to be satisfactory. More detail in relation to the internal road layout would be provided at the Development Plan stage. As part of a planning permit application, detailed design engineering drawings would be prepared to ensure the appropriate safety and design standards are achieved. Further details on cross sections, alignment, traffic management, on-street parking locations, pedestrian and bicycle paths would be further explored and refined as part of this process.

From a traffic safety perspective, the Committee can see merit in limiting the number of private vehicle access points, or removing/minimising the internal road(s) to enhance pedestrian safety and increasing open space (for example at Northcote). However, the Committee accepts the urban design evidence of Ms Roberts and confirmed by Mr Turnbull (both for Heidelberg West) but generally applicable to all Estates, that the internal road(s) can provide a sense of place, opportunities for on-site parking, better permeability and circulation, and generally enhances internal surveillance.

The Committee notes that all parties are committed to providing a safe pedestrian environment which can be readily achieved through careful design and incorporating an appropriate traffic management strategy.

### **(iii) Findings**

The Committee finds that:

- the proposed internal road layout for the Estate is generally satisfactory.

## **4.2 Parking rates**

### **(i) Evidence and submissions**

One of the most significant issues raised was parking, and the differential rates proposed to be applied for the public and private component of the redevelopments.

Several submitters raised the lack of parking both on and nearby the Estates during the consultation phase and in submissions to the Committee. They were concerned that the proposed parking rates, being lower than the rates provided for the current Estates, could exacerbate the problem, and would result in an overflow of parking in local streets.

Submitters and the traffic experts noted that existing Estate residents were often utilising the on-street network to augment their parking needs.

Traffic evidence consistently referred to Australian Bureau of Statistics (ABS) average car ownership data, which was principally used to determine the parking overlay rates. However, Mr Walsh advised in the Gronn Place Hearing that in relation to general car park design, standard traffic engineering practice is to design a facility for the 85<sup>th</sup> percentile demand; that is for most of the time the car park will have sufficient capacity to service the need, except for more extreme events (e.g. Chadstone Shopping Centre car park at peak Christmas shopping time).

Submitter 158 from the Flemington Estate raised several issues which the Committee believes are pertinent for every Estate:

- *Car ownership rates are not static*
- *Many Estate residents aspire to owning a car in order to gain employment and convenience. A lack of car ownership is also an indicator of current disadvantage*
- *The social repercussions of not planning for equitable access to car parking should be seriously considered ...The impact of illegal parking on other community members, including private tenants and residents of neighbouring streets, could create localised tensions also.*

Councils did not generally question the methodology of using ABS data to determine parking rates.

Some Councils advised that residents of the redeveloped Estates would not be entitled to parking permits to allow them to park on-street, which is generally standard practice with some larger developments, particularly in suburbs where competition for on-street parking may be intense.

Based principally on social equity, some Councils and submitters had reservations with the different parking rates proposed for public and private housing and believed there should be a consistent parking rate applied (private dwelling rates) to all dwellings.

Traffic evidence generally used 2011 and 2016 ABS car ownership data which was broken down into public and private housing components, and ensured that there was sufficient data to draw meaningful conclusions. There were minor variations in car ownership across the different sites.

**(ii) Discussion**

With such large-scale developments, parking will be a significant issue moving forward and the Committee has struggled to resolve this issue. Traffic evidence suggested tenants are currently parking on street, and there appears a disconnect with the parking rates between what is proposed and what currently occurs.

In part, the Committee considers much of the issue around parking lies in how the ABS data is interpreted and how car parking will be managed moving forward. The uncertainty and lack of information has potentially contributed to this issue.

All Estates except Flemington are to be totally redeveloped, and where social housing has predominately consisted of three bedroom dwellings, these are being replaced with one and two bedroom dwellings, with a corresponding lower overall parking demand. As such, it is not practical or appropriate to try and compare before and after parking demand. For example, average car ownership and the number of dwellings without cars varies significantly by the number of bedrooms as shown in Table 4 from Flemington Estate. This trend is consistent across all Estates.

**Table 4: Flemington Public housing car ownership**

Public Housing	Average Car ownership	Homes with no cars
1 bedroom	0.2	79%
3 bedroom	1.1	27%

The Committee understands that residents are concerned that they will experience a net loss of parking based on the Parking Overlay rates, however generally this should not be the case. There would be many residents who do not own a vehicle and who have no need for a parking space, yet the Parking Overlay assigns a parking rate to the entire group regardless of how many vehicles an individual resident or family may own. This is taken further in some Estates where a uniform parking rate is applied to all dwellings regardless of the number of bedrooms, balancing the lower demand from one bedroom against the higher demand from two and three bedroom dwellings.

The Committee considered increasing the Parking Overlay rates utilising the 85<sup>th</sup> percentile ABS car ownership data; as standard traffic engineering practice would be to design a car parking facility to accommodate the 85<sup>th</sup> percentile demand. However, this would result in an overly conservative parking supply being required. For example, in Flemington, every one bedroom social housing dwelling would be provided with a parking space; significantly over and above what practically is likely to be required.

Car park management will be critical to ensure residents are not disadvantaged. Simply applying the overlay rate to a couple or family that may have more than one vehicle and then requiring them to park a vehicle elsewhere would be misinterpreting the intent and operation of the Parking Overlay. It is imperative from a car parking management perspective that the residents are treated and considered as a community, rather than individuals.

Reconciling community concern regarding the lack of parking for the current Estates has been problematic in that very little investigation and analysis of existing conditions has been undertaken.

The Committee assumes that the existing Estates consist of a substantial proportion of three bedroom dwellings. A review of ABS data shows average car ownership rates for three bedroom dwellings are generally higher than existing off-street parking supply rates, which is likely to contribute to some resident on-street parking. However, redeveloped Estates are likely to consist predominately of one and two bedroom dwellings, which should result in an overall lower parking demand. Subject to an appropriate amount of off-street parking being provided, generally in accordance with the Parking Overlay rates, this should ensure negligible resident demand for on-street parking.

The Committee considers the proposed parking rates for the private dwelling component to be less problematic than the rates proposed for the social housing component. New residents in the private dwellings will choose whether to purchase a dwelling with or without a parking space, and would be made aware of council requirements that parking permits would not be available. The same may not be said for social housing residents, who have less choice about where they live. The Committee notes that DHHS indicated that every returning resident would be offered a parking space, and one will be provided if requested, but this does not account for the new social housing residents likely to move into the redeveloped Estates<sup>3</sup>.

The proposed visitor parking rate (0.1 space/dwelling) is generally accepted as being representative of typical peak visitor demand.

The Committee accepts the ABS car ownership data was the fundamental building block to develop the Parking Overlay rates and accepts that public and private dwellings have different car ownership patterns.

Councils did not generally refute the data, but believed an alternative parking outcome could have realised, based on other factors such as equity, social justice and providing a 'tenure blind' development. From a traffic engineering perspective, a clear case has been made for differential parking rates.

### **(iii) Findings**

The Committee finds:

- with the exception of the Heidelberg West Estates, the proposed Parking Overlay rates are generally satisfactory

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<sup>3</sup> DHHS advised the Committee that in general, only about 30 per cent of residents choose to return once an Estate is redeveloped, as they tend to settle elsewhere and often choose not to move for a second time.

- the use of differential parking rates for public and private housing is appropriate
- car park management must ensure residents may still be accommodated without the need to dispose of additional vehicles.

### **4.3 Sustainable transport modes and Green Travel Plans**

#### **(i) Evidence and submissions**

Another key theme of Councils and some individual submissions was that greater emphasis should be placed on increasing the uptake of sustainable transport modes (improving pedestrian linkages, access to tram and bus stops, railway stations and cycling facilities). Further, to explore opportunities to encourage emerging transport technologies such as shared vehicles and electric cars to reduce private car dependency. As such, a Green Travel Plan for the developments would be appropriate.

Traffic evidence principally focused on supporting lower parking rates by identifying public transport facilities, and nearby walking and cycling paths, servicing the Estates. It was noted that shared cars may be appropriate.

#### **(ii) Discussion**

The Committee acknowledges that there is broad policy and general community support for increasing the uptake of sustainable modes of transport. Site specific initiatives across all sites are embedded into the DPOs to encourage walking, cycling and a greater uptake of public transport.

The Committee found traffic evidence was more focussed on an audit of existing facilities as opposed to identifying gaps in the existing infrastructure. In part, this may be due to the fact that all sites already have access to pedestrian and cycling facilities and public transport services (although the Committee acknowledges that Gronn Place is probably the least well served in this regard).

No evidence was presented on how effective Green Travel Plans are at achieving a modal shift to more sustainable transport modes, however, the Committee acknowledges that these plans have merit and should be implemented across each site. However, they should not be used as a principal tool to justify parking demand/supply imbalance.

#### **(iii) Findings**

The Committee finds:

- the DPOs appropriately encourage sustainable transport modes
- Green Travel Plans should not be used as a basis for justifying parking demand/supply imbalances.

## 4.4 Increase in bicycle facilities

### (i) Evidence and submissions

With lower parking rates, and increasing sustainable transport options, Councils submitted that bicycle facilities (some included bicycle workshops) over and above statutory requirements should be provided.

Traffic evidence was generally supportive of the Councils' proposal as shown in Table 5. Mr Walsh noted that additional bicycle facilities were generally low cost and easy to implement, and developers often provide them to increase the environmental rating of their developments.

**Table 5: Proposed Bicycle parking rates compared with statutory requirements**

Use	Proposed Rate	Statutory Rate (Cl. 52.06-5)
Dwellings	1 space/dwelling without car space	1 space/5 dwelling
	1 space/5 dwellings with car space	
Visitors	1 space/10 dwellings	1 space/10 dwellings

### (ii) Discussion

The Committee supports providing, as a minimum, the higher rate of bicycle facilities as outlined in Table 5.

Each site is unique and the Committee acknowledges that individual Councils' have their own nuances in their approaches to bicycle facilities. The Committee believes these issues are best dealt with between DHHS and the relevant Council during the detailed design of each site, as part of the planning permit phase.

### (iii) Findings

The Committee finds:

- providing greater bicycle facilities above statutory requirements is appropriate
- DHHS and Councils should resolve site specific bicycle infrastructure issues as part of the planning permit process.

## 4.5 Car park access and safety

### (i) Evidence and submissions

One of the major themes of submitters was car park safety and management. Many residents told the Committee that they felt unsafe at night and were concerned with how the proposed multi-deck car parks would operate. Many submitters noted that they would prefer a designated parking bay.

Traffic evidence provided that car park safety, management and design would be considered during the planning permit stage where detail designs would be prepared. It was noted that there are a range of security measures and controls that would be available including swipe

cards, boom gates and or security screens. Lighting and CCTV would also be considered. Mr Turnbull noted that the podia car parking facilities if they remain un-sleeved are likely to have some natural lighting and ventilation compared to a basement car park.

Councils noted that a car park management plan should be prepared which covers all aspects of management, operation and safety.

**(ii) Discussion**

The Committee appreciates and acknowledges resident concerns regarding car park access and safety issues and considers that these issues are best dealt with during detail design of the car parks, as part of the planning permit phase, and as part of ongoing building security and maintenance.

The existing operation and management of the car parking facilities around the Estates (i.e. no designated spaces, open to the public) has no doubt contributed to legitimate resident concerns. A formal car park management system as endorsed by the relevant Council together with appropriate security and access arrangements should achieve an outcome where residents should feel safe and more comfortable to use these facilities at night time.

**(iii) Findings**

The Committee finds:

- car park safety, access arrangements and management issues will be considered during the planning permit phase
- a car park management system is appropriate.

## 5 Development contributions

The key common issue relates to whether the private component of the proposed development should be subject to development contributions.

### 5.1 Evidence and submissions

Many Councils and neighbours expressed concerns that redevelopment of the Estates will result in a rapid and significant population increase in all areas, and that there has been no targeted increase in infrastructure, or infrastructure funding, to support the population increase. Councils submitted existing community and related infrastructure is unable to absorb increased demand and asked the Committee to provide advice on whether contributions should be made to assist the maintenance and delivery of services and infrastructure to support the increased population.

For example, Moonee Valley Council submitted that its community infrastructure priority for Flemington is a new multi-purpose community hub, incorporating (among other things) a range of community meeting spaces, an early years' service, mobile work/study spaces, a library outreach service space and community kitchen. It submitted that DHHS should be required to enter an agreement with Council under section 173 of the Act, requiring DHHS to provide a multi-purpose community hub on the DHHS site.

DHHS argued that no further development contributions should be required. It submitted that the social housing component, plus any additional on-site infrastructure such as parks, community gardens, roads, trees and the like represents a sufficient contribution to community infrastructure. It submitted that proceeds from the sale of DHHS land will be reinvested back into the Estates through the provision of social housing, and that a requirement to contribute a development contribution to fund other community and related infrastructure would impact government's ability to provide social housing.

The Committee asked Ms Jordan at the early hearings whether she thought it would be appropriate to require the developer to contribute to community and related infrastructure, given the substantial increase in population arising from the private component of the Flemington and Bellbardia proposals. She noted that the developer would already be required to deliver a significant amount of infrastructure as part of the projects, including the social housing dwellings, open space, local on-site roads and improved pedestrian connections through the site. While she thought there may be scope to make some sort of provision for or contribution to the community hub as part of the Flemington project, she did not consider that this was necessary.

### 5.2 Discussion

The redevelopments will result in significant increases in the local population, and there is no doubt that this will create extra demand for community and related infrastructure and services. Community and related infrastructure in some areas reviewed is already at capacity, which is borne out by the ASR Research Social Infrastructure Assessment reports provided by DHHS for each site.

The Committee does not consider that providing on-site development infrastructure, such as open space and local roads, satisfies the private developer's obligation to contribute to shared community and related infrastructure. As Ms Jordan pointed out, providing this type of development infrastructure is a normal part of the development process, and is a cost that any developer would ordinarily expect to bear in a large development of this nature.

A developer would not, however, normally be expected to provide a percentage of the apartments being developed to the State as social housing. If those apartments are being provided to the State *at no cost*, then that represents a significant contribution.

DHHS's submissions were inconsistent in relation to whether the social housing apartments would be provided at no cost. DHHS's Part A submission for Flemington stated (at paragraph 32(6)) that *"DHHS will pay the costs of the design and construction for the social housing dwellings to the appointed developer"*. DHHS's closing submission (Document 42) stated (at paragraph 28) *"Importantly, the private partner is also being asked to gift in the order of 20% of the total number of dwellings it builds back to the State as social housing"*.

The Committee is not persuaded that the provision of social housing, whether it is gifted or not to the State, should obviate the need for the private developer to contribute to shared infrastructure that will be used by residents of the private apartments. The fact is, the additional population will generate additional demand for community and related infrastructure and services, which will need to be provided by Councils. In the Committee's view, there should be a mechanism for funding the additional community and related infrastructure that will be required.

Moonee Valley Council pointed the Committee to the recommendations of the Flemington Road and Epsom Hill Advisory Committee regarding development contributions payable in respect of the Flemington Racecourse redevelopment. That committee recommended a development contribution of \$3,000 per dwelling, secured through a section 173 agreement<sup>4</sup>.

The Committee is further aware that Amendment C88 to the Hobsons Bay Planning Scheme proposes a development contribution of almost \$12,000 per dwelling for its Precinct 15 development.

The difference between the social housing redevelopments, and the Flemington Racecourse redevelopment, is that the parties were agreed that a development contribution levy should be paid in respect of the Flemington Racecourse redevelopment. The Flemington Racecourse Advisory Committee also had the benefit of extensive evidence from independent experts regarding the need for and amount of the levy. This Committee is not in the same position.

Development contributions, whether they be in the form of a levy, or the provision of land or works, must meet the well-established principles of need, nexus, equity and accountability. The extent of future community facilities needed because of the increased population in each municipality is not yet known. In the absence of expert evidence

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<sup>4</sup> This requirement is specified in clause 5.0 of Schedule 1 to the Comprehensive Development Zone in the Moonee Valley Planning Scheme.

supporting a development contribution levy, or providing the Committee with guidance as to the nature and cost of infrastructure likely to be required or the appropriate amount of a levy, the Committee does not consider it appropriate at this stage to recommend a levy be required. The Committee also considers that any specific section 173 agreement proposals, such as that put forward by Moonee Valley Council, are premature at this stage.

The Committee is not entirely comfortable with the position it finds itself in with regard to development contributions. The proposed redevelopment of the Estates will result in a significant unplanned influx of population into many areas which are served by infrastructure that the Committee understands is already at capacity. This has the potential to result in outcomes that do not represent good and orderly planning.

The Committee urges DHHS and its ultimate procurement partners to work with the Councils to reach some form of agreement regarding development contribution to community and related infrastructure, based on a proper analysis of the current and projected population, the demand for community and related infrastructure likely to be generated by the redevelopments, and the needs of the future Estate residents in each area. For example, in Heidelberg West, community groups identified a need for shared community spaces from which volunteer-based community programs can operate.

If the contribution were to take the form of a levy, a useful starting point may be the recommendations of the Standard Development Contributions Advisory Committee in 2013 – namely \$3,000 per dwelling in metropolitan Melbourne, or \$4,500 to \$6,000 per dwelling in Strategic Development Areas, at an indexed rate. For Heidelberg West, a useful starting point may be the levy proposed in Council’s draft municipal wide Development Contributions Plan, for which Council was recently authorised to prepare an amendment.

### **5.3 Findings and recommendations**

The Committee finds that:

- redevelopment of the Estates will generate the need for additional community infrastructure
- there is insufficient evidence before the Committee regarding the future demand, for the nature or cost of the infrastructure likely to be required, to justify recommending that a development contribution of a form or amount be required at this point
- DHHS should work with the Councils to reach agreement regarding a voluntary contribution to community and related infrastructure, based on a proper analysis of the current and projected population of the Estates, the demand for infrastructure likely to be generated by the development, and the needs of the future Estate residents in each area.

The Committee recommends that:

- 2. Prior to the approval of each Amendment, the Department of Health and Human Services work with the relevant Council to reach agreement regarding a development contribution in respect of the private component of each**

**redevelopment proposal, and make any amendments to the relevant Development Plan Overlay schedule as required.**

## 6 Public open space

The key common issue relates to the amount and location of public open space that should be provided within the Estates and in what form.

### 6.1 Evidence and submissions

Design principles were established by DHHS, DELWP and the Office of the Victorian Government Architect (OVGA) to guide urban design and planning across the Estates. The design principles seek integration with the surrounding area, enhancement of the public realm and existing movement networks, establishment of legible access points and definition of public, communal (many including community gardens) and private open space, which is resilient and landscaped to enhance the sense of place.

Generally, DHHS proposed open space on the redeveloped sites that will provide a mix of communal space, active spaces and corridors linking the sites to surrounding neighbourhoods. The DPOs for the sites require DHHS to provide for open space areas, generally shown on the Concept Plans contained in the DPOs. In most cases the amount proposed is substantially less than the existing amount. It submitted the proposed open space allocations across the sites are adequate, as the existing open space is often poorly configured.

For all sites, DHHS submitted that it will ensure that where any high or moderate retention value trees are lost that they will be replaced at a ratio of two to one.

Notwithstanding DHHS's explanation of the proposed open space commitments over the sites, concerns were raised in many submissions about the potential loss of existing passive open space, playgrounds, community gardens and active open space such as basketball courts, as well as the loss of trees. Concerns were expressed about the proposal on some sites to provide communal open space on podia, that is located at the top of a building.

In response to the Flemington submissions, DHHS stated that it is:

*... committed to delivering a better, more usable open space outcome on the site. It will commit to replacement of onsite open space facilities and will include objectives to give effect to this in the DPO8. However the exact locations don't need to be prescribed now. This should be subject to some flexibility to achieve the best outcomes and ensure that there is appropriate integration with all aspects of development, infrastructure, services and facilities.*

DHHS relied on the urban design and open space evidence of Mr Sheppard, Ms Bell and Ms Roberts, as well as from its planning and arboricultural experts.

Mr Sheppard was generally supportive of the proposed open space, stating that podium open space areas can work if they are not too high, are protected from wind and receive sufficient solar access. Mr Sheppard suggested that the removal of surface car parking would establish greater opportunities for ground level open space, and a more normal public realm.

For the Heidelberg West sites, DHHS noted that there is currently communal open space with numerous mature trees and that the vegetation on site contributes to the “*greenery and visual amenity of the local area*”.

With regard to trees within open space and landscape areas of the sites, Mr Patrick and Mr Galbraith agreed that large healthy trees are important for open space and landscape values as well as for contributing to the amenity of residents. Their evidence was that where possible, medium and large healthy trees should be retained and where replacement trees are to be provided, they should be a mix of species and canopy that is appropriate for the sites. The experts agreed that tree assessment, protection and management must be in accordance with the Australian Standard *AS 4970-2009 Protection of trees on development sites* and that this requirement should be included in the DPOs.

## 6.2 Discussion

The Committee accepts that the DPOs are intended to be flexible in identifying a variety of open space across the various sites. While acknowledging that the detail of the location of open space is to be included in the Landscape and Open Space Plans required at the Development Plan stage, the Committee considers that existing meaningful landscape should be regarded as a design opportunity, not a barrier to more intense built form.

The Committee agrees with numerous submitters that open space, whether a children’s playground or a small area where people gather under the trees to socialise, is a very important component of the existing Estates which encourages community cohesion within the Estates. Trees are an important element in the open space and landscape of the existing Estates and this came through clearly in several submissions, particularly for the Flemington Estate. The Flemington Association (Document 33) stated that “*mature trees are incredibly valuable and contribute to health and well-being. Apart from their visual appeal, they improve air quality, absorb sound, reduce wind speed and have cooling effects – all benefits that are needed, especially for residents in the four towers. The whole neighbourhood benefits from the trees*”.

The Committee considers that the DPOs should provide more direction, where applicable, with respect to:

- the indicative location of open space areas plus community gardens, consistent with the Design Framework
- the requirements for solar access to communal open space, which should include minimum two hours at the winter solstice
- no net loss of useable open space for Flemington
- minimum areas to ensure that the open space is fit for purpose
- the type of facilities/equipment that the open space areas should contain (public active and passive open space and communal spaces)
- how open space incorporates medium to high value trees that are to be retained.

With regard to communal open space on podia (proposed in the Design Frameworks for many Estates), the Committee is of the view that these should be avoided where alternatives exist. Where this is not possible, they must be generally ‘sleeved’ with built form.

The Committee accepts the evidence of Mr Patrick and Mr Galbraith that the inclusion of an arboriculture assessment in accordance with *AS 4970-2009 Protection of trees on development sites* should occur prior to any works on the sites (including demolition) to ensure adequate protection and management of those trees to be retained.

### **6.3 Findings**

The Committee finds that:

- the retention of high and moderate value trees is supported
- the DPOs for each site need to give more guidance on the amount and location of open space, with no net loss of useable open space being a guiding principle for Flemington
- minimum requirements for solar access to public open space needs to be specified in the DPOs
- podia open space should be avoided where possible, or sleeved if no other alternative exist.

## 7 Social impacts

Many neighbours and residents of the Estates identified issues associated with the proposed redevelopments that would result in social impacts. These included:

- consultation and engagement, including with Estate residents
- safety and security
- provision of community facilities on the Estates
- sense of loss
- disproportionate number of private dwellings
- other housing options.

### 7.1 Consultation and engagement

#### (i) Submissions

DHHS provided a detailed outline of a three-phase consultation process it has undertaken in relation to the redevelopment proposals:

- Phase One was to inform stakeholders about the project, and to understand local issues and values
- Phase Two was to seek feedback on initial sketch plan and design principles, and to seek feedback on the process to date
- Phase Three was to inform Estate residents about proposed changes to the sites, undertake a formal notice period and public hearing process, and seek formal submissions and understand resident and stakeholder feedback.

This Committee process is part of Phase Three.

For each phase, DHHS outlined times and dates of consultation sessions and related meetings, and the ways in which proposals had been amended because of the community engagement. DHHS committed to undertaking a Phase Four engagement process, which will be directed at the draft Development Plans, and will involve a wide range of stakeholders including Council, residents and neighbours.

Several submitters, including Fitzroy Legal Service, raised concerns that the consultation process, including this Committee process, has not been designed to cater for the needs of public housing residents. They submitted that the lack of submissions from Estate residents is indicative that the process is one in which those residents are unlikely to engage, and that this made the process fundamentally unfair.

Many submitters, particularly neighbours to the Estates, were critical of the consultation process to date. Common complaints were:

- they were not notified
- consultation was based on Design Frameworks which were different to the draft Amendment documentation
- consultation was based on confusing documentation, for proposals which were too complex for submitters to understand

- suggestions made by Estate residents were not reflected in the draft Amendment documentation.

Heidelberg West was the exception. Many submitters (mainly neighbours of the Estates) were complimentary about the consultation process to date, describing it as positive and engaging. They described the Olympia Housing Initiative Community Liaison Committee, which was effective in engaging the community in decisions about the redevelopment of other public housing Estates in the area, as a possible model for future consultation. The request for the establishment of a Community Liaison Committee was put forward by the Flemington Estate Residents Committee who noted the success of previous Liaison Committees for the Carlton and Kensington renewal projects.

All Councils submitted that future consultation on the Development Plans, with both Council and the community, will be important. Most Councils indicated they would engage with their communities prior to providing any feedback to DHHS on the draft Development Plans. Banyule Council submitted that it must be provided with sufficient time to meaningfully engage with the community before giving its feedback.

Some, but not all, Councils submitted that a specific requirement should be written into the DPOs for DHHS to engage directly with the community in relation to draft Development Plans. This was supported by many individuals and community groups, including the 3081 Community Redevelopment Group (in Heidelberg West). The 3081 Group and St Pius X Parish submitted that there are large Indigenous, Somali and Islander communities living in Heidelberg West, and that DHHS should consider specifically engaging with them in future consultation processes.

## **(ii) Discussion**

Except for Flemington, the Committee received few submissions from the current Estate residents. Nor did many Estate residents appear at the hearings. Much of the information the Committee received about residents' views was received from DHHS, or through the engagement reports prepared by Capire Consultants for the Flemington Estate, or KJA Consultants for the Brunswick West, Heidelberg West and Northcote Estates.

The Committee received several submissions from residents of the Flemington Estate, with a number appearing at the hearing. The Committee found direct input from the Flemington Estate residents particularly valuable in informing it about the challenges that the residents face with the current design of the Estate, what the residents value about the Estate, and what they would like to see included when the Estate is redeveloped. It is unfortunate that the Committee did not have the benefit of this level of direct input from the residents of the other Estates.

DHHS's program for engaging Estate residents appears to have been comprehensive. DHHS produced several information sheets about the redevelopment and relocation processes, in multiple languages. It held several information sessions for tenants in relation to the redevelopment proposals, and engaged with residents on a one on one basis regarding relocation.

The Committee made significant efforts to encourage the Estate residents to participate in the hearings, including conducting part of the hearings at the Flemington Estate and the

provision of translators. However, the Committee acknowledges that, despite the efforts of both DHHS and the Committee, the engagement process has not been perfect. The Committee acknowledges that some residents have found the process, including the Committee hearings, confusing and at times intimidating.

The next steps in the redevelopment process, including the preparation of Development Plans, are crucial to the success of the project. The Committee recommends that the DPOs include a requirement that the draft Development Plans be available for (informal) public inspection. The Committee considers that DHHS should give some thought to refining key messaging, and ensuring that there is clear and consistent detail lying behind the high-level information for those who wish to access it.

The existing Estate residents can provide a unique perspective on the redevelopment of the Estates, and their input is invaluable. The Committee strongly encourages DHHS to continue with its efforts in engaging with the Estate residents, and to explore alternative ways of engaging with residents meaningfully, to encourage a greater level of involvement going forward. It also strongly encourages the residents to take up the opportunity to become, and remain, involved in the process moving forward. The Committee acknowledges the efforts of a number individuals and residents groups in encouraging and supporting Estate residents to be involved in what may be a daunting process for some.

Comments about complexity and confusion were not universal, and the Committee notes the successful engagement in Heidelberg West. The Committee encourages DHHS to reflect on this to determine what can be learned for the engagement processes for later tranches.

## **7.2 Safety and security**

Safety and security issues which were raised and which residents submitted should be addressed in the redevelopment included:

- inadequate lighting in the public realm
- antisocial behavior by some people in and around the Estates
- general safety at night
- safety in car parks.

Neighbours of the Heidelberg West Estates made specific reference to the high crime rates in the area, and to the fact that the local police station closed some years ago. They noted that references in the *ASR Social Infrastructure Assessment* to an operational police station in the area were incorrect, and felt that this represented a somewhat dismissive attitude toward the needs of the suburb.

The safety and security of residents is integral to their well-being and must be addressed on several levels. Matters of detail will be addressed in detailed design and the permit stages. However, at a high level these should be matters considered in the preparation of the Development Plans. If the public-private mix is to be successful, careful regard needs to be given at this stage to what can be learned from relevant research and from experience of mixed tenure developments like Kensington and Carlton.

Having said that, the Committee is satisfied that the DPOs, along with other parts of the planning schemes including Clauses 55 and 58 and the Urban Design Guidelines, adequately

address safety in building design and site layout. No further specific amendments are required to the DPOs to address safety issues.

### **7.3 Provision of community facilities on the Estates**

Many submissions, including from the existing Estate residents at Flemington, raised concerns about the loss of existing community facilities.

At the Heidelberg West hearings, the 3081 Community Development Renewal Group and representatives of the St Pius X Parish and Primary School described significant levels of social and economic disadvantage in the area, particularly in the public housing estates. Many volunteer programs provide essential support services, and help build connections between the public housing residents and the broader community in Heidelberg West. The 3081 Group and St Pius X Parish submitted that the redeveloped Estates should provide shared community spaces to allow these types of programs to continue operating.

Except for Flemington there is no commitment to provide specific onsite community facilities as part of the redevelopment process, although provision is made for a community garden at Brunswick West. Community groups such as the 3081 Group and the St Pius X Parish illustrated remarkable commitment to building a sustainable, resilient, welcoming local community founded on principles of respect and inclusion. Every effort should be made to ensure that these community groups have the support and spaces needed to continue their programs.

The provision of community facilities and spaces clearly needs to be addressed in the preparation of Development Plans for each Estate. The Committee urges DHHS to continue to work with Council and local community groups to progress opportunities for shared community spaces to be provided in the redeveloped Estates.

### **7.4 Sense of loss**

In all the Estates, there are residents who have been there for many years, in some instances decades. They have raised families on the Estates, and have participated in the Estate and wider communities. While most of those residents who appeared before the Committee appreciate the need for redevelopment, and the upgrading of their accommodation and the surrounding Estates, there is a sense of both apprehension and loss about the way in which the process will play out for them, and the personal and community connections which will be at least temporarily severed.

The Committee understands the disruption that the process of redevelopment will cause, and the sense of loss which many residents may feel. It is understood that some residents are apprehensive about the whole redevelopment project. For others, this apprehension and loss will become apparent as the time for relocation approaches. Remaining tenants at Flemington, or other Estates which might be redeveloped in stages, will be subject to a long period of construction, disruption and temporary loss of open space, access and car parking. It may take several years for some sites to be fully redeveloped.

For those returning, their local environment will have changed dramatically. Their former homes will be no longer, there may be decked parking, and former open spaces will be gone.

Some Estate residents will not return, and there will be a period of re-settling where things will be much different. There will be new people to get to know, a new living environment and a feeling of unfamiliarity.

The Committee is keen to ensure that where possible, returning residents will be able to look forward to a living environment that is superior to that which is in place now. It is the responsibility of DHHS to manage the relocation process, and DHHS has an important role in managing the sense of loss, reducing apprehension and ensuring that returning tenants have the same sense of belonging and pride which many experience now.

Some of these concerns may be able to be addressed in part by providing an effective Staging Plan and Construction Management Plan, so that the Estate residents who are remaining on site, and the surrounding neighbours, are fully informed about what will happen, when, and how the impacts on them will be managed. The DPOs require both these plans to be provided as part of the Development Plan.

While not discussed at the hearing, the Committee considers some photographic social history should be recorded, to provide an opportunity to recognise these early pioneers of social housing development in Melbourne. The Committee has added this to the requirements for the Environmental Site Assessment plan under Clause 3.0 of the DPO schedules.

## **7.5 Disproportionate number of private dwellings**

One of the issues that many submitters struggled to understand is the extent and potential of new public and private development proposed (see Table 2). Many submitters expressed the view that not enough social housing will be provided, and expressed concerns about selling off public land for largely private developments.

The DPOs do not require a 10 per cent uplift in the number of social housing dwellings on each site. DHHS explained that the procurement process will require a minimum 10 per cent uplift. A 10 per cent uplift would equate to an additional nine social housing dwellings in Northcote, to 20 dwellings in Flemington.

Many submitters called for a much higher uplift in the number of social housing dwellings - some in the order of 30 or 50 per cent, some 100 percent. At no stage did DHHS state or indicate that there would be more than a 10 per cent uplift, although this possibility cannot be ruled out.

The number of social housing dwellings to be provided is generally known. However, there is no such certainty about the extent of potential private development. A potential procurement partner could make a case for a more intensive form of development, which could increase the numbers of dwellings beyond the numbers contemplated in the background documents. The Committee accepts that there are site and planning constraints in this regard, however, there is little certainty.

In the main, if this was a private development opportunity requiring a rezoning that facilitated a considerable increase in density, there would need to be a compelling strategic case made. The compelling justification in this case is the unequivocal need for not only

replacement social housing, but also for a net increase in the number of social housing dwellings.

The Committee notes that a 10 per cent uplift in social housing dwellings may not seem significant in terms of raw numbers, or in the context of the current public housing waiting list. However, it is consistent with the objectives for the Social Housing Renewal Program set out in *Homes for Victorians*.

The economic rationale for numbers of private dwellings was outside the scope of the Committee's Terms of Reference.

## **7.6 Other housing options**

At the Heidelberg West hearings, Banyule City Council and the 3081 Group both submitted that a component of co-housing should be considered on both sites. The 3081 Group called Iain Walker, a founding member of the Murundaka co-housing development in Heidelberg Heights, to give evidence about the features and benefits of co-housing developments.

Mr Walker explained that the underlying philosophy of co-housing development is to create a village type community, with sustainable building design and sustainable living. He described the many benefits of co-housing, including reducing social isolation and loneliness, increasing housing affordability, reducing our environmental impact, and providing a focus for integration with the broader community.

DHHS submitted that co-housing may well be an appropriate way forward for some or all the Estates, but that it would not be appropriate to mandate a co-housing component.

The co-housing model demonstrates a commitment to the provision of innovative housing forms that offer many benefits that are consistent with the objectives of the DPO schedules, including social cohesion, integration, tenure equity and sustainability. The Committee encourages DHHS to explore such opportunities for innovative forms of affordable housing as the Estates are redeveloped, particularly in Heidelberg West which already has established and successful co-housing developments in the area. The Committee has included a reference to affordable and co-housing opportunities in the Dwelling Diversity Report required under the DPOs.

## **7.7 Findings**

The Committee finds that:

- DHHS is to be commended for its commitment to on-going consultation and engagement, but should reflect on what has worked and what has not worked in the engagement to date, and adjust on-going consultation processes accordingly
- increased effort should be made to effectively engage Estate residents
- safety and security is a paramount concern to many residents and neighbours, and must be addressed at the Development Plan and planning permit stages
- clear commitments should be made to replace valued community assets such as community centres and community gardens

- Staging Plans and Construction Management Plans must be well communicated to all Estate residents and neighbours
- co-housing offers potential social and other benefits which are consistent with the objectives of the DPOs, and opportunities for affordable and co-housing should be explored on each of the Estates
- some of the DPOs included a Social Infrastructure Assessment report, this has now been included in all DPOs for all Estates
- the inclusion of a Resident and Community Engagement Strategy that provides for the draft Development Plan to be available for inspection and comment is a key change to all schedules to the Development Plan Overlay.

## 8 Minister for Planning as Responsible Authority

Most submitters, and all Councils except Banyule, were opposed to the Minister for Planning being the Responsible Authority for the sites. Reasons included perceptions that Councils had more local knowledge and keeping decision-making at a local rather than State level. Some submitters thought that the transfer of Responsible Authority status, rather than the application of the DPO, resulted in the loss of third party notice and appeal rights.

The Committee concludes that these sites and the social housing redevelopment programs for the sites are matters of State significance. The proposals are joint initiatives of both the Minister for Planning and the Minister for Housing and there will be significant cross portfolio discussion and review, both at the political and departmental levels to successfully deliver on the outcomes in a timely and ordered manner.

The Committee recommends:

- 3. The Minister for Planning assume Responsible Authority status for all referred sites.**

## **Appendix A: Terms of Reference (Version 3)**

## Social Housing Renewal Standing Advisory Committee

Version: September 2017

**Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to report on the suitability of planning proposals to facilitate new social housing outcomes.**

### Name

1. The Standing Advisory Committee is to be known as the 'Social Housing Renewal Standing Advisory Committee' (the Standing Advisory Committee).
2. The Standing Advisory Committee is to have members with the following skills:
  - a. Strategic and statutory land use planning;
  - b. Urban design;
  - c. Property economics and development feasibility; and
  - d. Transport planning.
3. The Standing Advisory Committee will include an appointed Chair and Deputy Chair.

### Purpose

4. The purpose of the Standing Advisory Committee is to:
  - a. advise on the suitability of new planning proposals prepared by the Department of Health and Human Services (DHHS) to facilitate renewal and redevelopment of existing public housing estates to increase the supply of social housing ; and
  - b. provide a timely, transparent and consultative process to facilitate the renewal of Victoria's social housing stock.

### Background

5. There is an increasing demand for social housing (public<sup>5</sup> and community<sup>6</sup> housing) in Victoria, particularly for individuals on low, supported incomes. Declining housing affordability is seeing a rise in homelessness, with a 19 per cent increase in demand for homelessness services since 2011.
6. Victoria has the lowest proportion of social housing dwellings per capita of all states in Australia and is lagging compared to other states with its provision of social housing.
7. The situation is exacerbated by more than 30 per cent of the public housing supply being over 30 years old and nearly 16 per cent of properties being obsolete in four years.
8. The current housing supply is predominantly made up of three bedroom dwellings and does not meet current demand for public housing, which is for one and two bedroom dwellings (72 per cent), driven by changes to household composition.

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<sup>5</sup> Rental housing that is targeted to very-low and low income households on an affordable basis (no more than 25% of income on rent), owned and managed by the State Government housing authority, or managed by community housing providers on the government's behalf.

<sup>6</sup> Rental housing that is targeted to low to moderate income households that is managed and generally, but not always, owned by a non-government housing provider.

9. A good proportion of the current public housing stock is low to medium rise walk up flats that were built in the 1950's – 1970's. These sites, whilst typical of their era, do not maximise the development potential of the land, resulting in an underutilisation of public assets.
10. Much of the current supply is in very poor condition and does not provide for functional and safe housing. Only the tenants in the most severe housing stress will agree to move into many of the walk up properties, which are the least preferred and most deteriorated housing on offer, and this is compounding disadvantage.
11. Current walk up buildings are not suitable for people with disabilities or people who are ageing, who now comprise the majority of social housing demand.
12. Compared to dwellings less than 10 years old, the housing stock is more costly to maintain and is diverting limited funding away from investment in new social housing supply.
13. Despite the Director of Housing's large stock size and value, there is limited opportunity for revenue generation from public housing, which creates a shortfall between operating costs and revenue. This cost is increasing as maintenance costs grow.
14. In a constrained funding environment, the Director of Housing is seeking new approaches to deliver social housing by providing an opportunity to upgrade and renew existing stock and increase the overall number of social housing dwellings. DHHS has identified a number of their existing land assets that can be better utilised to delivered a renewal opportunity and provide important new public housing stock.

## Method

### General

15. The Minister for Planning (or delegate) may refer proposals to the Standing Advisory Committee. The proposals may be referred in groups.
16. A proposal may be in the form of changes to the planning scheme and/or a combined planning permit application.
17. In making a referral, the Minister for Planning or delegate must be satisfied that any future planning provisions for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on *The Form and Content of Planning Schemes*
18. A proposal may include land in addition to that owned by the Director of Housing where there is a direct link to the provision of social housing and where it enables a more comprehensive urban planning approach. The inclusion of such land must be agreed to by the Minister for Planning prior to notice.
19. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two members.
20. The Standing Advisory Committee may apply to vary these Terms of Reference or inform itself in any way it sees fit.

### Briefings

21. The Standing Advisory Committee may request a project briefing from DHHS prior to the commencement of a proposal, or group of proposals. This may occur prior to the formal notification process.

22. The Standing Advisory Committee may issue directions to DHHS at the completion of any briefing.

#### **Public exhibition of proposals**

23. The Standing Advisory Committee will pre-set the public hearing dates prior to the notice period commencing.

24. The Department of Environment, Land, Water and Planning (DELWP) will provide administrative support, including seeking written submissions on relevant proposals during a 20 business day notice period.

25. DELWP will provide direct notice (by letter) to:

- a. Relevant Council;
- b. Relevant Government agencies or servicing authorities; and
- c. Neighbouring properties.

26. DELWP will place a notice in a local newspaper (where available) in the first week of the notice period.

27. DHHS will provide notice to Director of Housing tenants that are affected by the proposal.

28. DELWP will provide information about relevant proposals on its website and details on how to make a submission.

29. All submissions are to be collected at the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Electronic copies of submissions will be provided for each relevant Council, DHHS and DELWP.

30. Petitions and pro-form letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Standing Advisory Committee matters.

#### **Public hearing**

31. The Standing Advisory Committee is expected to carry out a directions hearing and a public hearing.

32. The Standing Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.

33. The following parties should be asked to present to the Standing Advisory Committee:

- a. DHHS
- b. Relevant Council(s)
- c. DELWP

34. The Standing Advisory Committee will provide any party that has made a written submission with the opportunity to be heard.

35. The Standing Advisory Committee may limit the time allocated to parties appearing before it.

36. The Standing Advisory Committee may prohibit or regulate cross-examination.

## Submissions are public documents

37. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
38. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.

## Matters to be considered

39. The Standing Advisory Committee must consider:
  - a. All relevant submissions.
  - b. The appropriateness of the proposal in light of key strategies including *Home for Victorians* and *Plan Melbourne 2017*.
  - c. The appropriateness of the proposal against the objectives of the *Planning and Environment Act 1987* and any other relevant provisions of the planning schemes.
  - d. Whether the Minister for Planning should act as Responsible Authority for the development site(s) and if this would expedite future planning approvals.
  - e. Whether the proposed changes to the planning scheme and/or planning permits should be approved, subject to any recommended changes.
40. It is not the role of the Standing Advisory Committee to review or consider:
  - a. the increasing demand for one and two bedroom social housing dwellings;
  - b. the suitability of joint venture partnerships as a delivery model;
  - c. leveraging under-utilised public land to deliver an increase in social housing;
  - d. the dwelling yields needed to achieve an increase of at least 10 per cent in social housing;
  - e. the appropriateness of community housing providers to administer the provision of social housing.

## Outcomes

41. The Standing Advisory Committee must produce a brief written report for each matter referred to it for the Minister for Planning providing:
  - a. Consideration of the matters as outlined in these Terms of Reference.
  - b. An assessment of any other relevant matters raised in the course of the hearing process.
  - c. An assessment of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on *The Form and Content of Planning Schemes*
  - d. A (without prejudice) draft planning permit including relevant conditions from referral authorities (if applicable).
  - e. A list of persons who made submissions to the Standing Advisory Committee.

- f. A list of persons consulted or heard.
- 42. The Standing Advisory Committee may submit its reports in stages based on groups, or other groupings as practical.
- 43. After DHHS submits its final Development Plan or planning permit application, the Minister for Planning may refer the Development Plan or planning permit application to the Standing Advisory Committee for further review prior to his final assessment.

## Timing

- 44. The Standing Advisory Committee is required to hold a directions hearing no later than 20 business days from close of the notice period.
- 45. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings.
- 46. If the Minister for Planning refers a Development Plan or planning permit application to the Standing Advisory Committee for further review, a brief report must be prepared within 10 business days from the receipt of the referral.

## Fee

- 47. The fee for the Standing Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
- 48. The costs of the Standing Advisory Committee will be met by the DHHS.



**Hon Richard Wynne MP**  
**Minister for Planning**

Date: 6/9/17

## Appendix A: Project Management

*The following information does not form part the Terms of Reference.*

### Project Management

1. Administrative and operational support to the Standing Advisory Committee will be provided by Cassie Hannam, Senior Planner, Department of Environment, Land, Water and Planning, 03 8683 0943 and [cassie.hannam@delwp.vic.gov.au](mailto:cassie.hannam@delwp.vic.gov.au)
2. Day to day liaison for the Standing Advisory Committee will be through Andrea Harwood, Senior Project Manager, of Planning Panels Victoria on 03 8392 5123 and [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)

## **Appendix B: List of planned projects in 2017**

*The following information does not form part the Terms of Reference.*

### **Initial Project**

1. Flemington Estate

### **Group A**

2. Gronn Place, Brunswick West
3. BellBardia and Tarakan Estates, Heidelberg West
4. Walker Street, Northcote

### **Group B**

5. Ascot Vale Estate
6. Abbotsford Street, North Melbourne

### **Group C**

7. Noone Street, Clifton Hill
8. New Street, Brighton
9. Bills Street, Hawthorn