

Advisory
Note

May 2009

Amendment VC56

Government funded social housing

This advisory note provides information about the introduction of a new planning scheme provision Clause 52.41 Government funded social housing.

The new provision supports the development of social housing projects funded under the Social Housing Initiative – part of the Commonwealth's Nation Building Economic Stimulus Plan.

What is the Social Housing Initiative?

The Commonwealth has committed funding of \$6 billion over three and a half years for the construction of new social housing in Australia and a further \$400 million over two years for repairs and maintenance to existing public housing dwellings.

The Office of Housing is committed to delivering in the order of 5,000 social housing units as part of Victoria's allocation of the Social Housing Initiative funding. The initiative represents an unprecedented opportunity to significantly boost Victoria's long term social housing assets and deliver well located, modern and environmentally sustainable social housing units to meet the needs of low income Victorians.

To ensure that the investments in social housing have the greatest impact in stimulating the economy and creating new jobs, the Commonwealth requires all state governments to support the timely delivery of social housing projects.

How are projects identified for funding?

Applications for projects to be funded under the Social Housing Initiative will be evaluated by the Office of Housing to confirm they meet specific Commonwealth requirements regarding the form and location of new social housing under the initiative.

The Director of Housing will then nominate suitable projects as priority projects that are recommended for funding under the Social Housing Initiative.

The new planning provisions apply only to priority projects recommended by the Director of Housing.

For information about priority projects contact the Department of Human Services, Office of Housing www.housing.vic.gov.au/contact-us.

How do the new planning provisions operate?

The *Victoria Planning Provisions* have been amended to make the Minister for Planning the responsible authority for all planning permit applications for use of accommodation, or for buildings and works in association with the accommodation use, that are recommended by the Director of Housing as priority projects for funding under the Social Housing Initiative. This includes amendments to existing planning permits that have been identified as priority projects by the Director of Housing.

Clause 52.41 exempts these permit applications from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*.



How will the Minister assess a planning permit application for social housing?

The social housing application process is outlined in the flowchart on page 4.

Where the Minister for Planning is the responsible authority for determining a proposal the following procedures apply:

- ▶ Applications (x 3 copies) must be submitted to:
Attention: Priority Projects Unit, State Planning Services
Department of Planning and Community Development
PO Box 500, Melbourne 3001
DX210098
- ▶ The Department of Planning and Community Development will provide the relevant council with a copy of the application and an opportunity to provide comment.
- ▶ An inter-department working group will provide advice to the Minister for Planning on matters such as design quality, access and traffic arrangements, vegetation or heritage conservation. It will comprise representatives from relevant departments and agencies including the Department of Planning and Community Development - State Planning Services and Urban Design, the Office of Housing, VicRoads, Department of Sustainability and Environment, Heritage Victoria and other agencies as required.
- ▶ The Minister may refer applications of significant scale and complexity to an advisory committee to be established under section 151 of the *Planning and Environment Act 1987*. The advisory committee may consult as necessary to inform its advice to the Minister.

What do I need to submit with an application?

The social housing projects checklist will assist applicants in satisfying the information requirements.

To be eligible for consideration under Clause 52.41, all applications for a permit must be accompanied by the following information as appropriate:

- ▶ Written confirmation from the Department of Human Services (Office of Housing Victoria) that the application is a priority project and recommended for funding under the Social Housing Initiative of the Commonwealth's Nation Building Economic Stimulus Plan.
- ▶ Certification from a suitably qualified town planning consultant that the application lodged with the Minister for Planning:
 - is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
 - contains all necessary information required under the planning scheme to enable the Minister for Planning to make a decision on the proposal (including the requirements of Clauses 54.01 and 55.01 in relation to neighbourhood and site description and design response and the requirements of any referral authority).

What if the land is affected by a planning scheme overlay?

Where the site of the project is affected by a planning scheme overlay, additional requirements apply. For instance, where the area of the proposal is affected by a Heritage Overlay, a heritage assessment will be required to be submitted with the plans, which addresses the impact of the proposed project on the heritage significance of the place.



How will the council be involved in the process?

Where an application has been submitted to the Minister for Planning as responsible authority, the Minister will provide council with a copy of the application and an opportunity to comment.

Expiry of social housing provision

Clause 52.41 Government funded social housing has been introduced as a temporary measure to support the implementation of the Social Housing Initiative. The provisions expire on 30 June 2012.

Further information

Find out more about this initiative via links in the Development Facilitation page at:

www.dpcd.vic.gov.au/planning.

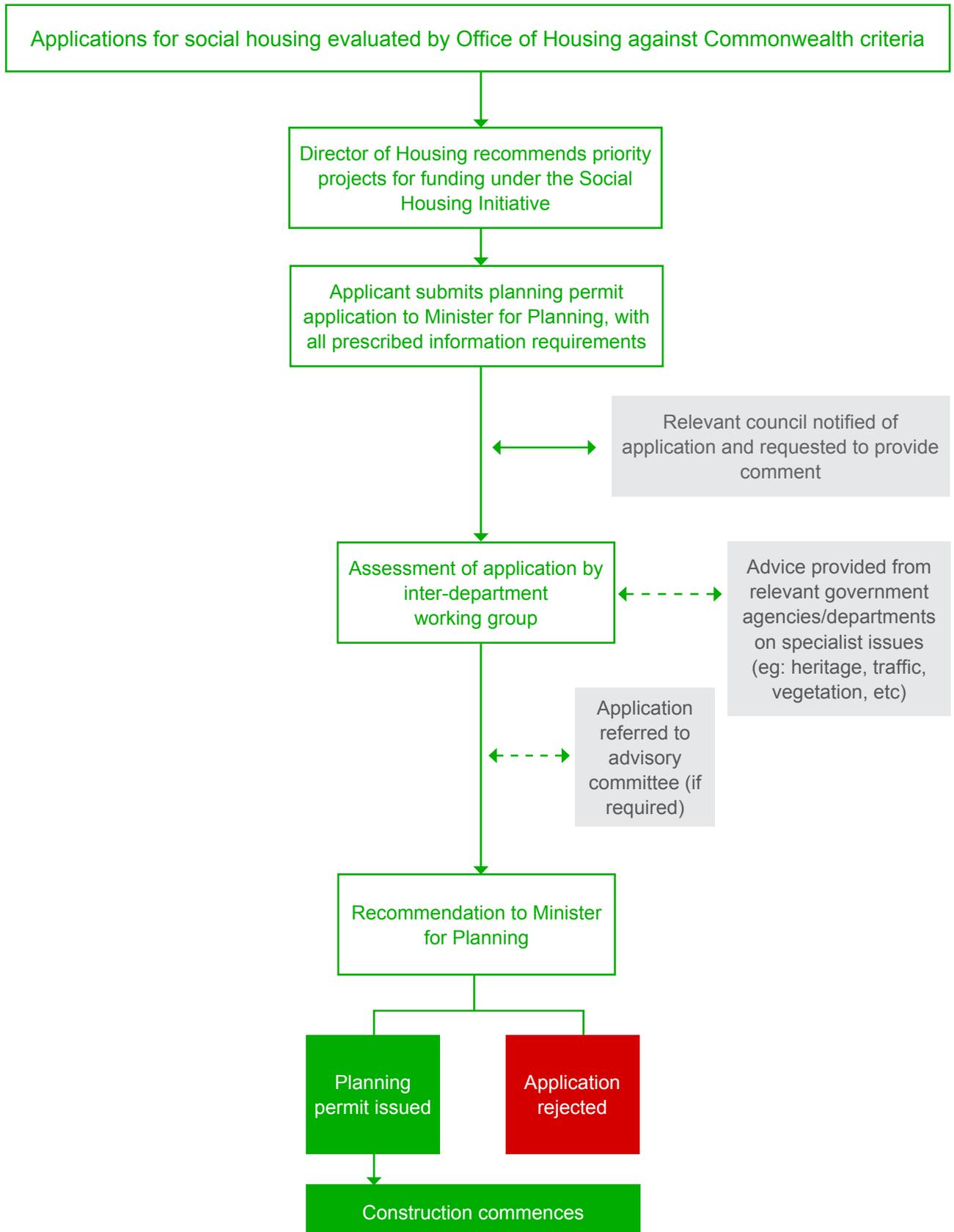
Contact the Department of Planning and Community Development's State Planning Services (Metropolitan and regional offices) for information about proposals submitted to the Minister for Planning for approval. See the Planning – Contact us page at www.dpcd.vic.gov.au/planning for contact details.

A copy of the planning permit application form can be downloaded at:

www.dpcd.vic.gov.au/planning and follow the links to the planning permit application form.



Social housing assessment process





Social housing projects checklist

Please tick the applicable boxes to ensure you meet the information requirements. The application requirements of the relevant zone and overlays may require additional information.

Project funding

1. Do you have written confirmation from the Department of Human Services that the application has been nominated by the Director of Housing as a priority project recommended for funding under the Commonwealth's Nation Building Economic Stimulus Plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If 'yes,' proceed to question 2. If 'no,' you do not qualify for consideration under Clause 52.41 of the planning scheme
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Plan details

2. Have plans of the proposal been prepared and do they contain the following information (as relevant)?		
The boundaries and dimensions of the whole site, including relevant title details, scale and orientation	<input type="checkbox"/> Yes <input type="checkbox"/> No	
The location and use of buildings and works on the site and adjoining land	<input type="checkbox"/> Yes <input type="checkbox"/> No	
The layout and floor plan of the proposed development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Dimensioned setback distances from the proposed development to all site boundaries	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Extent of any proposed building demolition and structures to remain	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Elevations of the proposed buildings and works on the site including proposed alterations and additions to existing buildings	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Details regarding changes to existing traffic access arrangements or changes to the number of car parking spaces provided on site including the dimensions of crossovers, accessways and car parking spaces	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing and proposed shadow diagrams highlighting the shadows cast at 9am and 3pm on 22 September	<input type="checkbox"/> Yes <input type="checkbox"/> No	
A schedule of materials, colours and finishes of external surfaces	<input type="checkbox"/> Yes <input type="checkbox"/> No	
The location of existing vegetation and details of any vegetation removal including lopping	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If 'yes' to all of the above, please proceed to Question 3.

If the answer to some of the requirements listed above is 'no', this information must be provided on the plans.



Planning certificate		
3. Has a planning certificate been obtained for the site to determine the existing zoning of the land and to ascertain whether any overlays affect the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If 'yes', proceed to Question 4. If 'no' a planning certificate can be obtained.
Consultation with council		
4. Has the proposal been discussed with the relevant council to ascertain: <ul style="list-style-type: none"> • Whether the site is affected by any environmental or other site constraints? • Whether there are any relevant drainage requirements and/or levies to be met by the proposed development? • Whether there are any relevant statutory requirements for provision of physical or social infrastructure to be met by the development? • Whether there are any specific local issues/ requirements that may need to be considered in the design of the proposed development. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	All applicants should meet with council prior to lodgement of the application to discuss these matters. If 'yes,' provide a summary of your discussions with council and proceed to question 5. If 'no,' consultation with council should be undertaken before proceeding further.
Application requirements		
5. Is a copy of title provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If 'yes' proceed to question 6. If 'no' a recent copy of title must be provided.
6. Is there a covering letter and/or report summarising: <ul style="list-style-type: none"> • The details of the proposed development; • Consultation undertaken with council and relevant authorities; • A list of the information submitted in support of the application. 	<input type="checkbox"/> Yes <input type="checkbox"/> No	If 'yes' proceed to question 7. If 'no', the covering letter and/or report must address these requirements.



<p>7. Has the application been certified by a suitably qualified town planner declaring that the application lodged with the Minister for Planning is:</p> <ul style="list-style-type: none"> • Consistent with the applicable planning scheme, including the Municipal Strategic Statement and local planning policies; and • Contains a neighbourhood and site description and design response that meets the requirements of Clause 54.01 or 55.01 as relevant. • Contains an assessment of the proposed development against the requirements of Clause 54 or 55, or for residential development above 4 storeys, an assessment against Clause 19 and the Higher Density Housing Guidelines. • Contains all other necessary information to enable the Minister for Planning to make an informed decision on the proposal. 	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If 'yes,' proceed to question 8. If 'no,' obtain certification from town planning consultant.</p>
<p>8. Vehicular access</p> <p>Does the proposed development involve the alteration of an existing accessway or creation of a new accessway to a road in a Road Zone Category 1 or Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If 'no' proceed to question 9. If 'yes', the application should be accompanied by a letter from the relevant roads corporation confirming that they do not object to the proposal to create and/or alter the accessway. If a conditional approval is granted, the applicant must demonstrate that the conditions of approval will be able to be met.</p>
<p>9. Car parking</p> <p>Can the proposal meet the relevant car parking requirements set out in the planning scheme?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, proceed to question 10. If 'no' the proposal should be accompanied by a traffic report prepared by a suitably qualified consultant justifying any proposed reduction to the number of car parking spaces required.</p>
<p>10. Easements</p> <p>Do the proposed works impact on any easement?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If 'no' proceed to question 11. If 'yes', consent from the relevant authority/person in favour of the easement to develop the site in the manner proposed should be obtained.</p>



<p>11. Contamination</p> <p>Is the site affected by, or potentially affected by, contamination?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, attach a preliminary site assessment and documentation that demonstrates that the land can be made suitable for the intended purpose. This may include preparation and submission of a certified remediation action plan.</p> <p>If 'no' proceed to question 12.</p>
<p>12. Native vegetation removal</p> <p>Does the proposal involve the removal of native vegetation from the site?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If 'yes', compliance with the requirements of Clause 52.17 must be addressed.</p> <p>If 'no' proceed to question 13.</p>
<p>13. Is the land affected by a Floodway Overlay, Special Building Overlay or Land Subject to Inundation Overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If 'yes' the proposal must be accompanied by the written authorisation of the relevant floodplain management authority.</p> <p>If 'no' proceed to question 14.</p>
<p>14. Is the land within a Heritage Overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, the proposal must be accompanied by a report or statement addressing the impact of the proposed works on the heritage significance of the site.</p> <p>If 'no' proceed to question 15.</p>
<p>15. Is the land within a Vegetation Protection Overlay, Environmental Significance Overlay or Significant Landscape Overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, the proposal must be accompanied by a report or statement prepared by a suitably qualified consultant addressing the impact of the proposed works and/or vegetation removal on the relevant statement of significance and objectives of the overlay.</p> <p>If 'no' proceed to question 16.</p>
<p>16. Is the land within a Development Plan Overlay or Incorporated Plan Overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, the proposal must be accompanied by a copy of the approved development plan or incorporated plan, where applicable.</p> <p>If 'no' proceed to question 17.</p>



<p>17. Is the land within an Airport Environs Overlay, Melbourne Airport Environs Overlay, City Link Project Overlay, Public Acquisition Overlay, Wildlife Management Overlay, Salinity Management Overlay or State Resource Overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, the proposal must be accompanied by the written authorisation of the relevant management authority. If 'no' proceed to question 18.</p>
<p>18. Is the land affected by any other overlay?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, the proposal must be accompanied by a statement or report addressing the impact of the proposed buildings and works on the relevant purposes and decision guidelines of the overlay.</p>

Permits or approvals may be required under other relevant legislation. Refer to the information under 'Other site constraints' below for further information.

Other site constraints

If the site is identified within an area of cultural heritage sensitivity, a cultural management plan may be required to be obtained prior to certification being granted. Information regarding cultural heritage management plan requirements can be obtained from the Aboriginal Affairs Victoria website www.aboriginalaffairs.vic.gov.au.

Similarly, where the development affects a listed species under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (information can be obtained from the Department of Sustainability and Environment, through the Victorian Fauna Public Database). A permit may be required from the Federal Department of Environment, Water, Heritage and the Arts prior to certification.

Published by the Victorian Government Department of Planning and Community Development Melbourne, May 2009.
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