

**IN PLANNING PANELS VICTORIA
SOCIAL HOUSING RENEWAL STANDING ADVISORY COMMITTEE:
DEBNEYS PRECINCT, FLEMINGTON**

Amendment C177 to the Moonee Valley Planning Scheme

BETWEEN:

Department of Health and Human Services

Proponent

and

Moonee Valley City Council

Proponent

and

OTHERS

Submitters

Land: Debneys Precinct, Flemington

PART A

Submissions on behalf of Department of Health and Human Services

Introduction

- 1 This Part A Submission is made on behalf of the Department of Health and Human Services (**DHHS**).

The Amendment

- 2 Amendment C177 to the Moonee Valley Planning Scheme (**Amendment**) proposes to make changes to the planning scheme controls applicable to the Flemington Public Housing Estate and the Debneys Park Precinct and associated community facilities.
- 3 The Amendment is needed to facilitate the redevelopment of the Flemington Estate with a mix of social and private dwellings.
- 4 The Amendment also proposes to introduce the *Debneys Precinct – Structure Plan* as a reference document in the planning scheme. This is to ensure the Flemington Estate redevelopment is integrated with the surrounding area and to identify future planning needs for the broader Debneys Precinct, including provision of community facilities.
- 5 The proposed changes to the Planning Scheme are explained in detail in Section 1 of this submission. In summary, the Amendment proposes to:

- (1) rezone the Flemington Estate land from General Residential Zone – Schedule 1 to Mixed Use Zone, Schedule 3 to reflect increased (existing and proposed) residential density on the land and to support a mix of retail, commercial and community uses in appropriate locations within the Flemington Estate;
- (2) apply the Development Plan Overlay, Schedule 8 to the Flemington Estate to set land use, built form, landscape and open space and vehicle and pedestrian circulation objectives and requirements for the redevelopment of the Estate, whilst allowing more detailed planning to be established through approval of a development plan and at planning permit stage;
- (3) apply a Parking Overlay to the Flemington Estate to set onsite parking rates appropriate for the particular transport characteristics of the area;
- (4) add the *Debneys Precinct – Structure Plan* as a reference document at clause 21.06-8 of the planning scheme to ensure the development of the Flemington Estate, owned by DHHS and the surrounding park and community facilities, owned by Moonee Valley City Council, are developed in an integrated manner;
- (5) change the Responsible Authority for the land affected by the Amendment from Moonee Valley City Council to the Minister for Planning, in recognition of the state significance of the project and the need for the project to be delivered factoring in town planning matters and social housing policies and financing issues;
- (6) correct a mapping anomaly, by rezoning the Debney Meadows Primary School land from Public Park and Recreation Zone to Public Use Zone – Schedule 2 (Education) to reflect the existing educational use of this land.

Overview of the Flemington Social Housing Renewal Project

- 6 Victoria's public housing stock is ageing and there is a need for renewal of housing in several public housing estates across Victoria.
- 7 Alongside Victoria's general population growth trends, Victoria's need for social housing is also increasing. There is also a forecasted need for an increase in the number of smaller 1 and 2 bedroom social housing units.
- 8 The 3-5 storey 'walk up' flats on the Flemington Estate were constructed in the 1960s and are nearing their end life. They are inaccessible to people with mobility issues, difficult for families with small children and older Victorians. They also have poor thermal performance and are more costly to maintain compared with new housing stock.
- 9 In response to the above issues, in 2016 the Victorian Government committed \$30 million in funding towards the renewal of the Flemington Estate.

- 10 The proposal for the Flemington Estate sits within a suite of related Government housing initiatives including the Government's Public Housing Renewal Program which involves the renewal of 8 other public housing estates,¹ via partnerships with the private sector to deliver a mix of social and private dwellings. The Government has committed an additional \$185 million in funding to that project.
- 11 At a broader policy level, the Government's social housing renewal projects sit within a broader framework of government policy aimed at addressing housing affordability and access issues in Victoria, as reflected in *Homes for Victorians* (2017)², the Government's overarching strategy relating to those issues.
- 12 *Homes for Victorians* directs a \$2.6 billion program of investment into the following 5 action 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.
- 13 In relation to social housing initiatives, *Homes for Victorians* explains a new approach being pursued by the Government of partnering with the private sector. The Strategy explains (at p. 33):
- "The Social Housing Growth Fund's key aim is to underpin new approaches to deliver social housing – either by funding new partnership developments on non-government land or providing rental subsidies for properties in the private market.*
- By unlocking private investment, with the right incentives and support for community housing agencies, we will deliver new social housing and major new construction activity and jobs for Victorians."*
- 14 The Amendment responds to the above policies by providing the opportunity for increased social and private dwellings on well located land in Flemington.
- 15 In summary, within the Flemington Estate, the Amendment is intended to facilitate:
- (1) demolition and replacement of the walk-up buildings (containing 198 dwellings), with retention of the existing four high rise towers (718 existing dwellings);

¹ Those estates are: Bills Street, Hawthorn, Gronn Place, Brunswick West, BellBardia and Tarakan estates, Heidelberg West, Walker Street, Northcote, Ascot Vale estate, Ascot Vale, Abbotsford Street, North Melbourne, Noone Street, Clifton Hill, New Street, Brighton

² Available at: <http://www.premier.vic.gov.au/homes-for-victorians/>

- (2) construction of new buildings and above ground multi-level car parking with building heights in the range of 10-20 storeys, and providing a mix of new social and private housing,
- (3) predominantly residential land use, but with some retail, commercial and community uses in appropriate locations, such as fronting Racecourse Road, Debneys Park and new open space areas;
- (4) up to 1,100 new dwellings, with at least a 10% increase in public housing dwellings on site for the 198 dwellings lost;
- (5) approximately 1,395 total car parking spaces (compared with 742 current), based on provision in accordance with the proposed Parking Overlay and the assumptions relating to dwelling mix contained in the *Traffic and Transport Assessment* by Beveridge Williams (29 April 2017) (refer to Figure 5).

Submission structure

16 This submission is organised as follows:

- (1) **Section 1 – what is proposed?** This section explains the land affected by the proposed amendment, what changes are proposed to the planning scheme, what outcomes the proposed amendment is intended to facilitate and the anticipated process for delivery of the project.
- (2) **Section 2 – what is the need for the project?** This section provides background concerning the need for housing renewal on the Flemington Estate and the Government policies and initiatives that underpin the project. It also outlines a chronology of key events and consultation that has occurred.
- (3) **Section 3 – planning policy framework.** This section summarises the relevant planning policy framework applicable to the proposed amendment and explains how the proposed amendment responds to those policies.
- (4) **Section 4 – other matters.** This section responds to particular matters raised in the Committee's directions dated 15 August 2017, specifically, it provides an explanation of why the Development Plan Overlay has been proposed for the Flemington Estate and outlines potential areas where the proposed amendment may be improved.

Availability of documents

- 17 The following webpages contain key information concerning the Amendment and the Committee's Terms of Reference referred to in this submission:
- (1) Committee webpage:
<https://www.planning.vic.gov.au/panels-and-committees/current-panels/social-housing-renewal-standing-advisory-committee>
 - (2) Debneys Precinct: Flemington Estate Renewal public consultation webpage:
<https://engage.vic.gov.au/social-housing-renewal-standing-advisory-committee/flemington>
 - (3) Proposed Amendment documentation including details of current and proposed planning scheme provisions, explanatory documents and supporting reports:
https://www.planning.vic.gov.au/policy-and-strategy/housing-strategy/social-housing-renewal-program/debneys-precinct-flemington-estate-renewal?_ga=2.235672327.783361767.1503801870-1212046928.1503388378

SECTION 1 - WHAT IS PROPOSED?

The Proposed Amendment

- 18 DHHS and Moonee Valley City Council have requested the Minister for Planning to change the planning scheme provisions applicable to the Debneys Precinct, being the land enclosed in red in Figure 1 (**Proposed Amendment**).
- 19 In response, the Minister for Planning has referred the Proposed Amendment to the Social Housing Renewal Standing Advisory Committee (**Committee**) to conduct public hearings and to provide advice concerning the suitability of the Proposed Amendment.

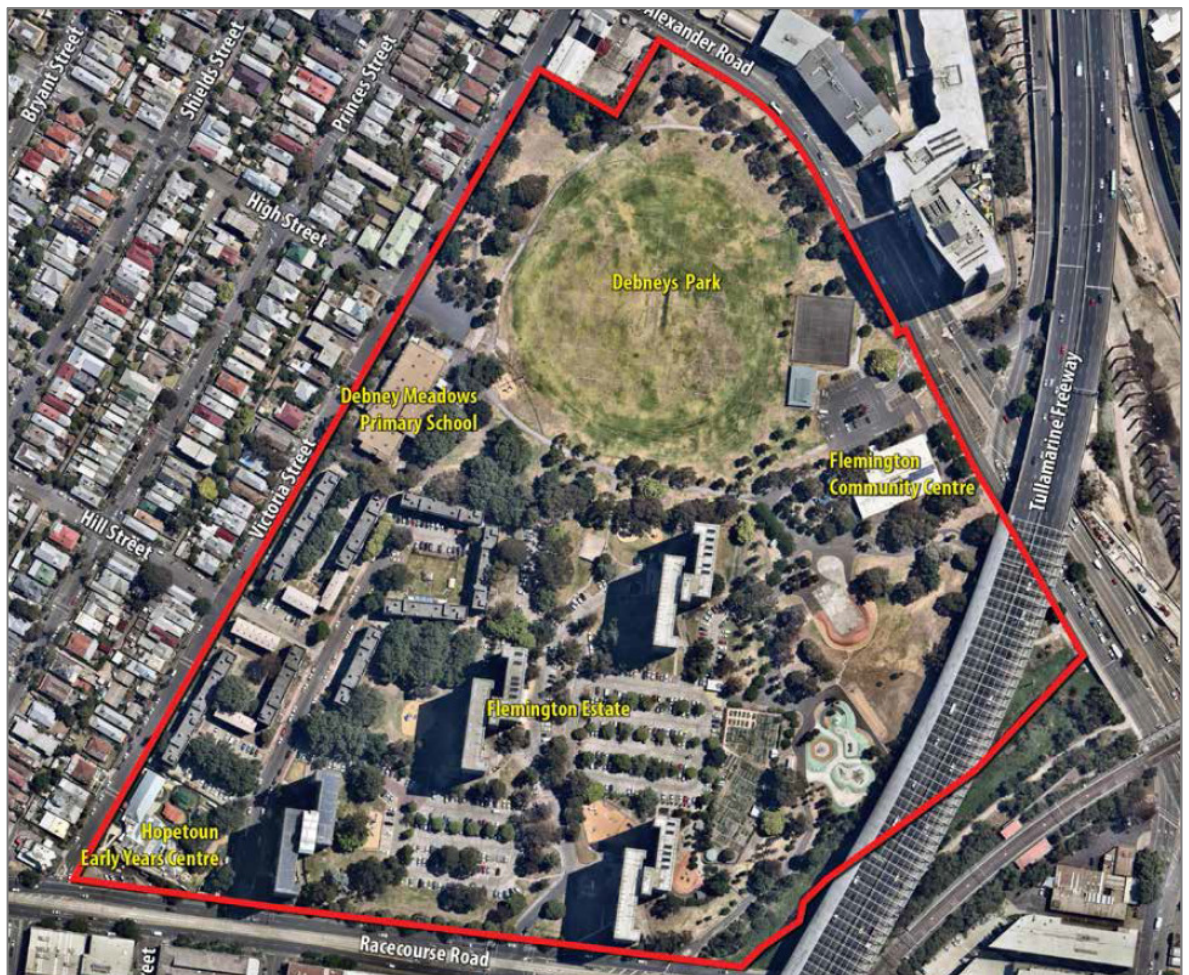


Figure 1 Debneys Precinct map (bounded red)

- 20 The Committee's Terms of Reference, dated 30 May 2017, explain that the purpose of the Committee, amongst other things, is to:

“advise on the suitability of new planning proposals prepared by the DHHS to facilitate renewal and redevelopment of existing public housing estates to increase the supply of social I housing; and

provide a timely, transparent and consultative process to facilitate the renewal of Victoria's social housing stock.”

Urban context

- 21 The key features of Debneys Precinct are illustrated in Figure 2, below, and include the following:

- (1) Debney's Park;
- (2) Flemington Community Centre;
- (3) Debney Meadows Primary School;
- (4) Hopetoun Children's Centre;
- (5) Flemington Public Housing Estate, comprising:
 - (a) 21 storey high rise apartment buildings; and
 - (b) 3-5 storey 'walk-up' apartment buildings.

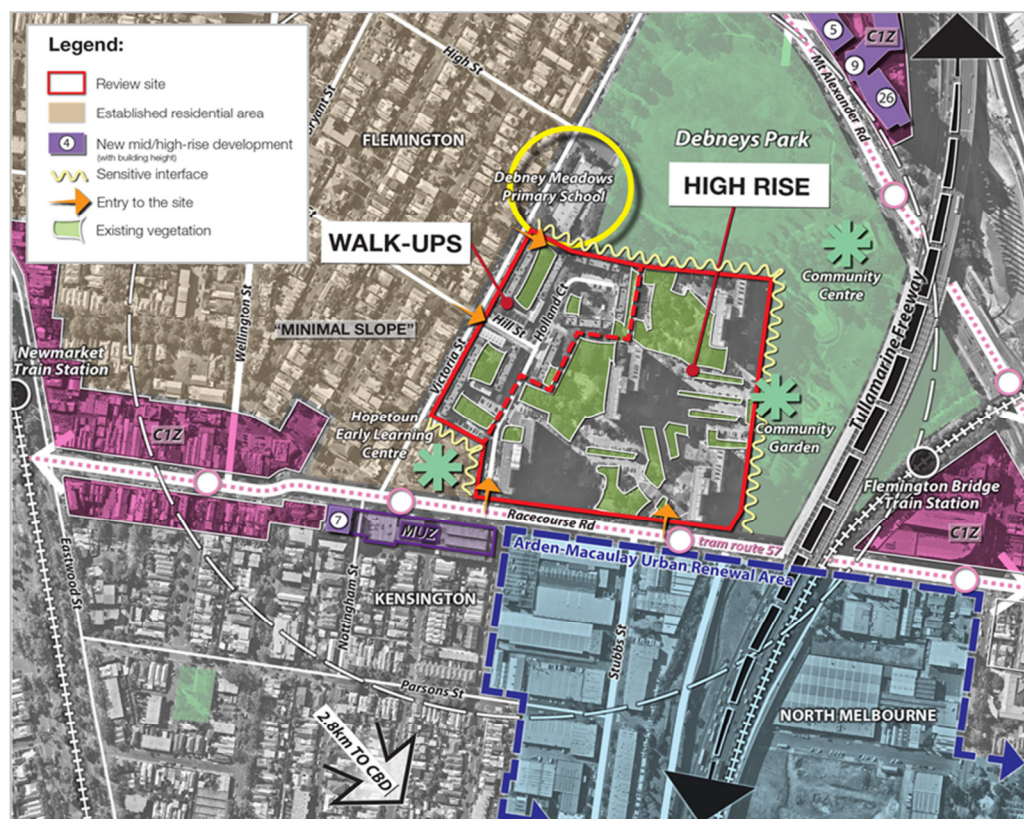


Figure 2 Location context (source: Planning Report, Message Consultants, p. 11)

- 22 The land in the Flemington Estate is owned by the Director of Housing of DHHS.
- 23 All other land subject to the Proposed Amendment is owned by the Moonee Valley City Council.

What changes to the planning scheme are proposed?

- 24 In summary terms, the Proposed Amendment seeks to make the following changes to the Moonee Valley Planning Scheme (**Planning Scheme**):

- (1) *Rezone the Flemington Estate from General Residential Zone – Schedule 1 (**GRZ1**) to Mixed Use Zone – Schedule 3 (**MUZ3**);*

- **Reasons for change**

- (a) The existing GRZ1 does not reflect the existing high density use of the land and limits the potential for increased housing density and diversity of land uses, in part because it sets a default mandatory building height limit of 11m. This is clearly not consistent with the existing built form context on the site, containing medium and high rise apartment buildings.
- (b) The MUZ is one of the available state standard residential zones that supports higher density housing and the provision of a broader range of land uses, such as retail, commercial and community facilities.

- (2) *Apply Development Plan Overlay – Schedule 8 (**DPO8**) to Flemington Estate;*

- **Reasons for change**

- (a) The proposed DPO8 is discussed in further detail below in Section 4 of this submission.
- (b) The proposed DPO8 is considered to be the most appropriate planning tool to guide the future development of the Precinct in an integrated manner having regard to the proposed project delivery model which will involve a partnership between the public and private sector. That model requires the broad parameters for development and land use to be established up front, whilst allowing more detailed design and ultimate planning approvals to be determined following the appointment of a private development partner to deliver the project with the Government.

- (3) *Apply Parking Overlay to the Flemington Estate to set the benchmark for parking provision on the site;*

- **Reasons for change**

- (a) The Planning Scheme sets default rates for parking spaces that should be provided before a new use commences. The default rates apply to all land in Victoria, unless alternative rates are set by a Parking Overlay.
 - (b) A Parking Overlay allows alternative parking rates to be provided based on a site or precinct's particular parking needs.
 - (c) Traffic and parking studies carried out in relation to the Proposed Amendment indicate that modifications to the standard parking rates in the Planning Scheme are appropriate for this area.
 - (d) In particular, the *Site Renewal Traffic and Transport Assessment* prepared in relation to the Proposed Amendment³ found that the accessibility of alternate transport modes, such as train and tram, close proximity to retail, commercial and recreational uses, as well as local car ownership rates, indicate a reduction from the State standard parking rates is appropriate for the Flemington Estate. The proposed Parking Overlay gives effect to that finding.
- (4) *Rezone the portion of Debneys Park utilised by Debney Meadows Primary School from Public Park and Recreation Zone (PPRZ) to Public Use Zone – Schedule 2 (Education) (PUZ2);*

- **Reasons for change**

- (a) This change simply corrects a mapping anomaly as the PPRZ is clearly not consistent with the existing Primary School use.
- (5) *Add the Debneys Precinct – Structure Plan as a reference document within Clause 21.06-8 and add Stage 2 of the Structure Plan as further strategic work to be undertaken by Council in Clause 21.06-7;*

- **Reasons for change**

- (a) The introduction of the Structure Plan as a reference document seeks to ensure the development of the Flemington Estate, owned by DHHS and the surrounding park and community facilities, owned by Council, are developed in an integrated manner.

³ Beveridge Williams, dated 29 April 2017, available at https://www.planning.vic.gov.au/policy-and-strategy/housing-strategy/social-housing-renewal-program/debneys-precinct-flemington-estate-renewal?_ga=2.235672327.783361767.1503801870-1212046928.1503388378

- (b) Stage One of the Structure Plan covers the redevelopment of Flemington Estate and is intended to include a relocated community centre to within the Estate.
 - (c) Stage Two covers Debneys Park and the Hopetoun Early Years Centre and sets a direction for further strategic planning work for those parts of the precinct.
- (6) *Add the Minister for Planning as responsible authority over Flemington estate in the Schedule to Clause 61.01.*

- **Reasons for change**

- (a) DHHS and Moonee Valley City Council have jointly requested that the Minister for Planning become the ‘responsible authority’ for the entire Debneys Precinct.
- (b) The renewal of the Flemington Estate is a project of state significance. Its delivery will require decisions about social housing provision, interim tenant relocation and town planning matters to be assessed holistically. Accordingly, the Minister is uniquely placed to perform the role of the responsible authority for the precinct.

The Flemington Estate, Housing Renewal Project

- 25 The Proposed Amendment as it relates to the Flemington Estate establishes the planning framework to support the intended renewal of the Flemington Estate (the “**Housing Renewal Project**”).
- 26 What the Renewal Project might ultimately deliver is illustrated in schematic form in the Design Framework that was exhibited with the Proposed Amendment.
- 27 However, it is noted that the Design Framework is only one way the development could proceed within the parameters set by the proposed DPO.
- 28 The ultimate form of the Housing Renewal Project will be developed based on more detailed work undertaken by the DHHS and the appointed private developer following approval of a DPO.
- 29 In concise terms, however, the Housing Renewal Project is intended to deliver the following:
- (1) demolition and replacement of the 22 walk-up buildings within the Flemington Estate at Holland Court and Victoria Street (198 existing dwellings);
 - (2) retention of the existing four high rise towers (718 existing dwellings);
 - (3) construction of new buildings and above ground multi-level car parking within building envelopes shown in Figure 3 which could

result in buildings with heights and footprints as shown in Figure 4, which is based on the Design Framework;

- (4) predominantly residential land use, but with some retail, commercial and community uses in appropriate locations such as fronting Racecourse Road, Debneys Park and new open space areas;
- (5) up to approximately 1,100 new dwellings;
- (6) approximately 1,395 total car parking spaces (compared with 742 current), based on provision in accordance with the proposed Parking Overlay and the assumptions relating to dwelling mix contained in the *Traffic and Transport Assessment* by Beveridge Williams (29 April 2017) (refer to Figure 5).

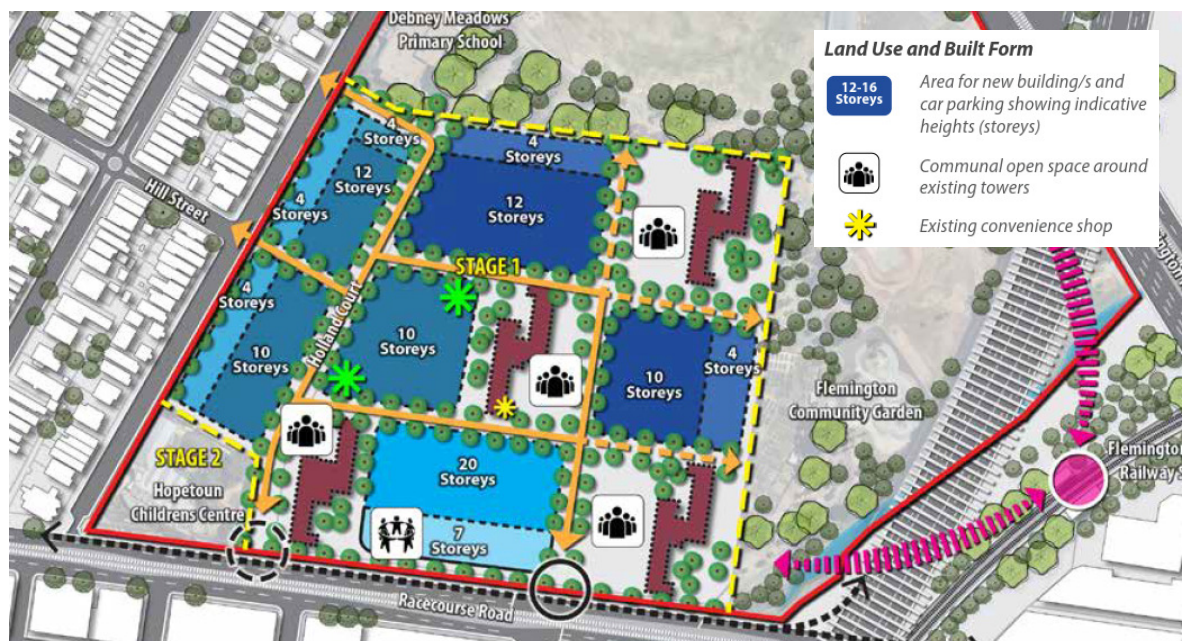


Figure 3 Framework plan extract (source: Draft Structure Plan, p. 11)

Section 1 – What is proposed?

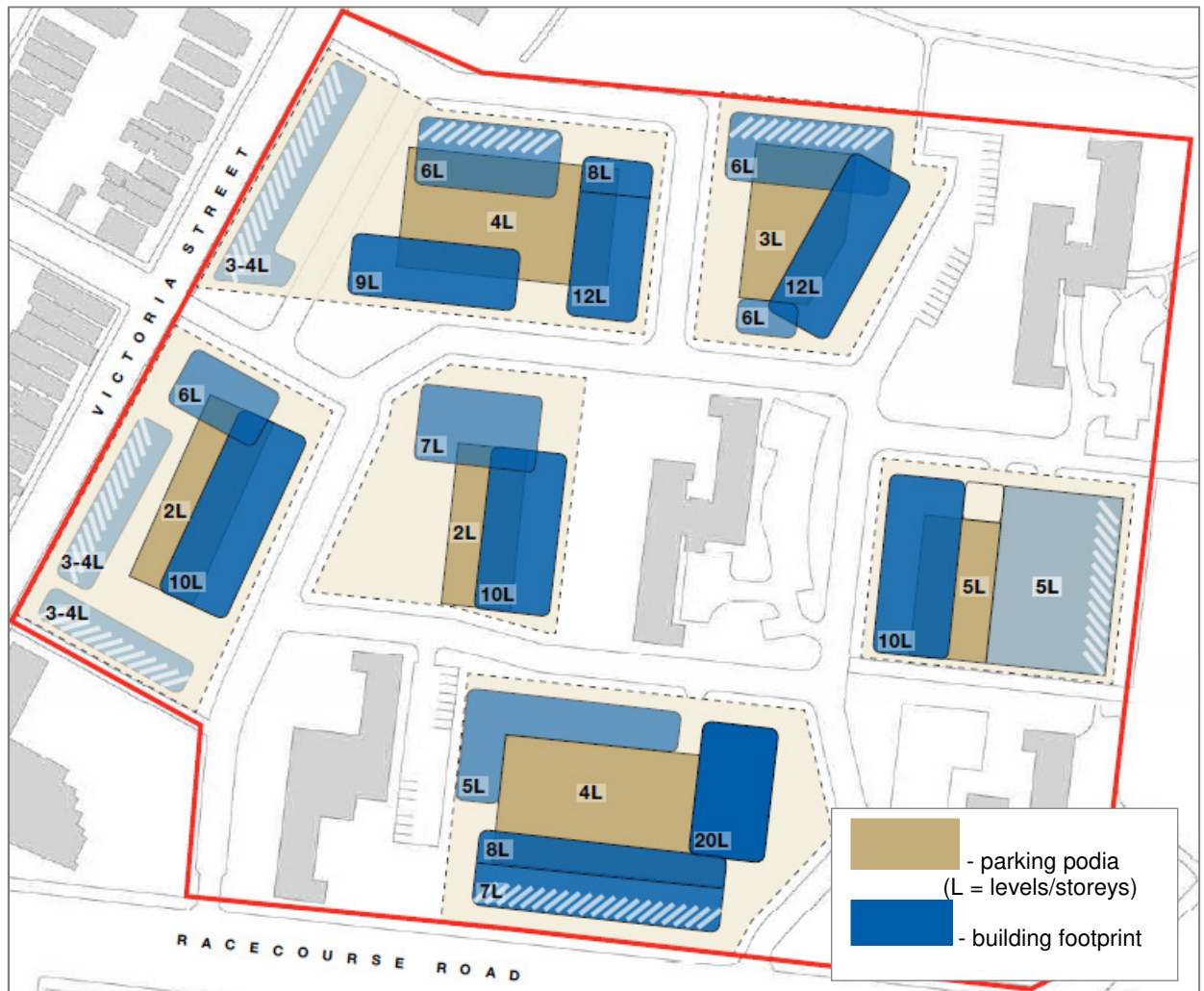


Figure 4 Indicative building footprints and heights (source: Design Framework, p. 20)

Residential Dwellings	Proposed	Parking Rate	Parking Demands
Public Dwellings			
High Rise	718	0.6 spaces/dwelling	431 spaces
Walk Ups	218	0.6 spaces/dwelling	131 spaces
Sub-Total	936	-	562 spaces
Private Dwellings			
1 bedroom	425	0.7 spaces/dwelling	297 spaces
2 bedroom	400	0.9 spaces/dwelling	360 spaces
Sub-Total	825	-	657 spaces
Total Residential	1,761	-	1,219 spaces
Visitors			
Day	1,761	0.06 spaces/dwelling	106 spaces
Evening		0.1 spaces/dwelling	176 spaces
Total Parking		Day Evening	1,325 spaces 1,395 spaces

Figure 5 Indicative anticipate quantum of car parking (source: Traffic and Transport Assessment, Beveridge Williams, 29 April 2017, p. 29)

Indicative project delivery

- 30 DHHS is undertaking a two stage procurement process involving a Registration of Capability (**ROC**) and Request for Proposal (**RFP**).
- 31 The ROC process closed on 22 June 2017. The RFP is currently being finalised.
- 32 The exact delivery arrangements for the project are subject to confirmation and may change. However, as indicated in the ROC, the anticipated arrangements are generally as follows:
- (1) Once a DPO is finalised, DHHS will enter into an agreement with a private developer who will construct the new buildings.
 - (2) DHHS proposes to undertake the required demolition and any site remediation works itself.
 - (3) Once the development agreement is entered into, DHHS and the appointed developer will jointly prepare a development plan for approval by the responsible authority.
 - (4) The deliverables for the project in terms of dwelling mix and the number of social and private housing units will be agreed between DHHS and the appointed developer and are subject to the form of approved development plan.
 - (5) The Developer will be responsible for obtaining planning permits and carrying out the required subdivisions to obtain titles for the redevelopments after a development plan is approved.
 - (6) DHHS will pay the costs of the design and construction for the social housing dwellings to the appointed developer. DHHS will retain title to the land associated with social housing units at all times.
 - (7) For private housing, it is anticipated that DHHS will retain ownership of land during construction and title will be transferred directly to purchasers of private houses and commercial developments upon settlement.
 - (8) In exchange for constructing the private building components (housing and retail and commercial uses), the developer will receive a return on sale proceeds.

SECTION 2 – WHAT IS THE NEED FOR THE PROJECT?

The need for social housing renewal

33 Victoria's need for increased supply and upgrades to social housing stock is explained in the Committee's Terms of Reference⁴ and the Planning Report prepared by Message Consultants⁵ that supports the Proposed Amendment.

34 As explained in the Planning Report (p. 4):

"The demand for public housing has grown significantly in recent years, with the largest increase being for high needs single persons. In Victoria, as of March 2016, there were almost 40,000 applicants for public housing, with 10,000 being the most vulnerable people. Potential waiting times are two years.

There are currently 74,000 dwellings in the current public housing stock, which comprises a range of dwelling types and sizes. The current housing supply, however, does not match the increasing demand for smaller (one and two bedroom) dwellings. This mismatch is contributing to the underutilisation of stock. This issue is expected to continue as the population grows and household composition changes.

Ongoing replacement and renewal of public housing stock is critical, particularly as the existing stock has an average age of 35 years and it is estimated that 60% of public housing stock is over 30 years old [citation in original - Managing Victoria's Public Housing' [Victorian Auditor-General's Office; June 2017)]."

35 The walk-up apartments at Flemington are in poor condition and in need of replacement.

36 Those apartments were constructed in the 1960s without lifts, making them inaccessible to people with mobility issues, difficult for families with small children and older Victorians.

37 In addition, compared with newer stock, the walk-up apartments have poor thermal performance, high running costs and are costly to maintain.

Government policies and commitments to increase the supply of and standard of Victorian social housing

38 The opportunity to renew the Flemington Estate by partnering with the private sector to deliver a mix of new social and private dwellings has been

⁴ Social Housing Renewal Standing Advisory Committee, 30 May 2017, paragraphs [6]-[14], available at the following webpage: <https://www.planning.vic.gov.au/panels-and-committees/current-panels/social-housing-renewal-standing-advisory-committee>

⁵ Message Consultants, June 2017, section 2, available at: <https://engage.vic.gov.au/social-housing-renewal-standing-advisory-committee/flemington>

recognised by the DHHS and stakeholders including Moonee Valley City Council for several years.

39 In 2016, the Government committed \$30 million in funding for the project.

40 The proposal for the Flemington Estate sits within a suite of related Government housing initiatives.

41 The Flemington Project sits alongside the Government's 'Public Housing Renewal Program' which was announced in 2017.

42 The Government has committed \$185 million in funding to the Public Housing Renewal Program which involves the renewal of the following 8 public housing estates via partnerships with the private sector to deliver a mix of social and private dwellings:

- (1) Bills Street, Hawthorn
- (2) Gronn Place, Brunswick West
- (3) BellBardia and Tarakan estates, Heidelberg West
- (4) Walker Street, Northcote
- (5) Ascot Vale estate, Ascot Vale
- (6) Abbotsford Street, North Melbourne
- (7) Noone Street, Clifton Hill
- (8) New Street, Brighton

43 The above sites are also being referred by the Minister to the Social Housing Renewal Standing Advisory Committee.

Homes for Victorians, 2017

44 The Government's social housing renewal projects sit within a broader framework of government policy aimed at addressing housing affordability and access issues in Victoria.

45 *Homes for Victorians* (2017)⁶ is the Government's overarching strategy relating to those issues.

46 *Homes for Victorians* directs a \$2.6 billion program of investment into the following 5 action 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

⁶ Available at: <http://www.premier.vic.gov.au/homes-for-victorians/>

- (4) Increasing and renewing social housing stock
 - (5) Improving housing services for Victorians in need.
- 47 Actions 2 and 4 provide background to the approach being taken at Flemington and demonstrate a new approach being taken to deliver social and private housing objectives via partnerships with the private sector.
- 48 Action 2.4 relates to the use of ‘inclusionary’ housing and includes the following initiatives:
- (1) *Inclusionary Housing Pilot Program* – aimed at providing up to 100 new social housing units on surplus government land, delivered by the private sector, in exchange for a discount on land purchase price;
 - (2) *Inclusionary Housing in Major Developments* - \$4.7 million funding to develop legal tools to support voluntary inclusion of affordable and social housing in major development projects; and
 - (3) *Fast Tracking of Social Housing Redevelopments* – \$500,000 funding to streamline planning approvals processes for redevelopment of housing estates - the appointment of the Committee is part of the implementation of that program.
- 49 Initiatives in response to Action 4 include the Social Housing Growth Fund. This program involves \$1 billion in funding to increase the supply of social and affordable housing by investing in new housing developments on non-Victorian Government land and through a rental subsidy program of leasing properties from the private market. This is anticipated to support around 2,200 households.
- 50 In relation to the Social Housing Growth Fund, *Homes for Victorians* explains (at p. 33):

“The Social Housing Growth Fund’s key aim is to underpin new approaches to deliver social housing – either by funding new partnership developments on non-government land or providing rental subsidies for properties in the private market.

By unlocking private investment, with the right incentives and support for community housing agencies, we will deliver new social housing and major new construction activity and jobs for Victorians.”

Chronology of key events

- 51 The following provides a chronology of the key events that have led to the proposal:
- (1) 6 September 2017 - the Minister for Housing announced the \$30M Flemington project
 - (2) October 2016 – March 2017 – Business case preparation and consideration

- (3) October 2016 - DHHS led Phase 1 Resident, Community and Stakeholder Engagement undertaken
 - (4) November 2016 - Background investigations and renewal design commences with the appointment of architecture, planning and urban design, arboriculture, traffic and service infrastructure consultants.
 - (5) December 2016 - Memorandum of Understanding between Director of Housing and Moonee Valley City Council to develop a Structure Plan for the wider Debneys Precinct (including Flemington Estate and Debneys Park)
 - (6) February 2017 - DHHS led Phase 2 Resident, Community and Stakeholder Engagement undertaken
 - (7) February 2017 – 19 March 2017 - Minister for Planning establishes the Social Housing Renewal Standing Advisory Committee (SHRSAC) and refers Holland Court, Flemington for advice on the suitability of the renewal proposal.
 - (8) 11 April – 24 May 2017 - DHHS Project Overview briefings with the SHRSAC outlining design framework proposal and hearing arrangements
 - (9) April 2017 – May 2017 - Preparation of Debneys Precinct Structure Plan with Moonee Valley City Council
 - (10) May 2017 – June 2017 - Registration of Capability (RoC) open for the redevelopment of eight existing public housing sites, including Flemington.
 - (11) 26 June 2017 – 28 July 2017 - DHHS led Phase 3 Resident, Community and Stakeholder Engagement undertaken.
 - (12) 26 June – 28 July 2017 - Formal public exhibition of proposed planning scheme amendment.
- 52 A summary of the community consultation undertaken in relation to the project will be provided as part of DHHS's Part B Submissions to be presented at the hearing in accordance with the Advisory Committee's Directions.

SECTION 3 – PLANNING POLICY FRAMEWORK

Planning policy

- 53 The strategic planning context for the Proposed Amendment is explained in the Planning Report.⁷
- 54 The key policy considerations are explained below.

Plan Melbourne 2017-2050

- 55 *Plan Melbourne 2017-2050*⁸ is the Government's overarching planning strategy for managing Victoria's growth to 2050.
- 56 Plan Melbourne sets 7 outcomes sought to be achieved. Underneath each outcome are directions and associated policies.
- 57 The proposed amendment aligns with several outcomes, directions and policies of Plan Melbourne, as summarised in Table 1 below.

⁷ Message Consultants, June 2017, available at: <https://engage.vic.gov.au/social-housing-renewal-standing-advisory-committee/flemington>

⁸ Available at: <http://www.planmelbourne.vic.gov.au/>

Table 1 Plan Melbourne

Direction	Policy	How does the proposal support this?
Outcome 2: “Melbourne provides housing choice in locations close to jobs and services”		
Direction 2.1: “Manage the supply of new housing in the right locations to meet population growth and create a sustainable city”	Policy 2.1.2: “Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport”.	The Site is very well located with respect to services, jobs and public transport with trams on Racecourse Road and Mt Alexander Road and proximity to Flemington Bridge Railway Station.
Direction 2.2: “Deliver more housing closer to jobs and public transport”	Policy 2.2.3: “Support new housing in activity centres and other places that offer good access to jobs, services and public transport”	‘Flemington-Racecourse Road’ is designated as a Major Activity Centre in Plan Melbourne and accordingly new housing is encouraged on the site by this policy.

Direction	Policy	How does the proposal support this?
<p>Direction 2.3: “Increase the supply of social and affordable housing”</p>	<p>Policy 2.3.1: “Utilise government land to deliver additional social housing”.</p> <p>Plan Melbourne explains further (p. 55):</p> <p><i>“The Victorian Government holds valuable land assets that can contribute to the delivery of additional social and affordable housing.</i></p> <p><i>The Victorian Government will increase the supply of social and affordable housing through identifying surplus government land suitable for housing. Sites identified as being surplus to government requirements need to be re-used in ways that deliver broad community benefits—such as boosting the supply and spread of social and affordable housing. Opportunities to increase overall supply through the regeneration of existing public housing also need to be identified.”</i></p>	<p>The proposal provides a direct response to this direction and policy. The proposal aims to provide a 10% increase in renewed social housing dwellings within the Flemington Estate. The proposal will also contribute to the provision of affordable housing by delivering approximately 825 private dwellings, anticipated to be smaller 1 and 2 bedroom dwellings.</p>

Direction	Policy	How does the proposal support this?
Direction 2.5: “Provide greater choice and diversity of housing”	Policy 2.5.1: “Facilitate housing that offers choice and meets changing household needs”	The proposal is intended to support housing choice and changing demographic profile by providing medium and high density housing in an area where larger detached and semi-detached homes predominate. The Council’s proposed submission to the Committee (included as Item 9.3, Appendix A. in Council Ordinary Meeting for 22 August 2017), which states that the DPO8 should be amended to introduce requirements relating to dwelling mix and adaptable housing is noted. DHHS will explore appropriate amendments to the DPO8 objectives for an approved development plan relating to dwelling mix through its Part B submission and evidence. It is noted, however, that diversity and adaptability of housing are matters already dealt with in the State and Local provisions of the Planning Scheme and therefore already need to be considered when decisions are made concerning a development plan and planning permits.
Outcome 5: “Melbourne is a city of inclusive, vibrant and healthy neighbourhoods”		
Direction 5.1: “Create a city of 20-minute neighbourhoods”	Policy 5.1.1: “Create mixed-use neighbourhoods at varying densities”	<p>Response: Rezoning the land to a Mixed Use Zone (MUZ) will support this policy to achieve a higher density, mixed used neighbourhood.</p> <p>In addition, the proposed DPO8 requires an approved development plan to provide retail, commercial or community uses to meet the needs of the local community, in appropriate locations such as fronting Racecourse Road, Debneys Park and new open space areas.</p>

State Planning Policy Framework

58 Many of *Plan Melbourne*'s outcomes, directions and policies are reflected in the State Planning Policy Framework. Policies that are relevant to the Proposed Amendment include the following:

- (1) **Clause 11 Settlement:** requires that planning contributes to “diversity of choice”, “a high standard of urban design and amenity” and “accessibility”, as well as encouraging opportunities for consolidation, redevelopment and intensification.
- (2) **Clause 15 Built Environment and Heritage:** seeks to create safe, functional, good quality urban environments.
- (3) **Clause 16 Housing:** supports increasing development density and diversity in well serviced locations such as around activity centres, close to public transport and employment opportunities.

59 State level policies that are of particular relevance to the redevelopment of the Debneys Park Precinct and Flemington Estate include the following:

“11.02-1 Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

...

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.”*

60 The Proposed Amendment seeks to facilitate an intensive redevelopment of well serviced and currently underutilised land.

“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.

...

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

- 61 The Proposed Amendment provides a unique opportunity to meet several aspects of the above strategies by providing additional private and public housing units on currently underutilised land.

“16.01-2 Location of residential development

Objective

To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.

Strategies

Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

Identify opportunities for increased residential densities to help consolidate urban areas.”

- 62 The Proposed Amendment strongly supports the above objectives and strategies. The site is within a Major Activity Centre and has good access to jobs, services and sustainable transport. The amendment would support a large increase in dwelling numbers on the land which will contribute to reducing development pressure on the urban fringe.

“16.01-5 Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- *Ensuring land supply continues to be sufficient to meet demand.*
- *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
- *Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.*
- *Encouraging a significant proportion of new development to be affordable for households on low to moderate incomes. Increase the supply of well-located affordable housing by:*
- *Facilitating a mix of private, affordable and social housing in activity centres and urban renewal precincts.*
- *Ensuring the redevelopment and renewal of public housing stock better meets community needs.”*

- 63 The Proposed Amendment supports the above objective and strategies by seeking to facilitate a 10% increase in renewed social housing dwellings within the Flemington Estate to replace poor quality and thermally inefficient housing stock. The proposal will contribute to provision of affordable housing by delivering new private dwelling stock, anticipated to be smaller 1 and 2 bedroom dwellings and within a well serviced location, with the potential to reduce commuting costs for residents.

Local Planning Policy Framework

- 64 Moonee Valley’s Strategic planning vision at clause 21.03-2 provides:

“21.03-2 Strategic planning vision

Moonee Valley is a City in transition.

As such we need to ensure that planning for the future takes into account:

- *Significant population growth and demographic change*
- *Linking transport to employment, housing and education*
- *Climate change, environmental sustainability and liveability*
- *Equity and access for all members of the community”.*

- 65 The Strategic Framework Plan at clause 21.03-2 (extracted in part below) illustrates the strategic advantages of the Debneys Precinct for increased housing, being located between the Mount Alexander and Racecourse Road employment nodes and proximate to the Racecourse Course Road Major Activity Centre.

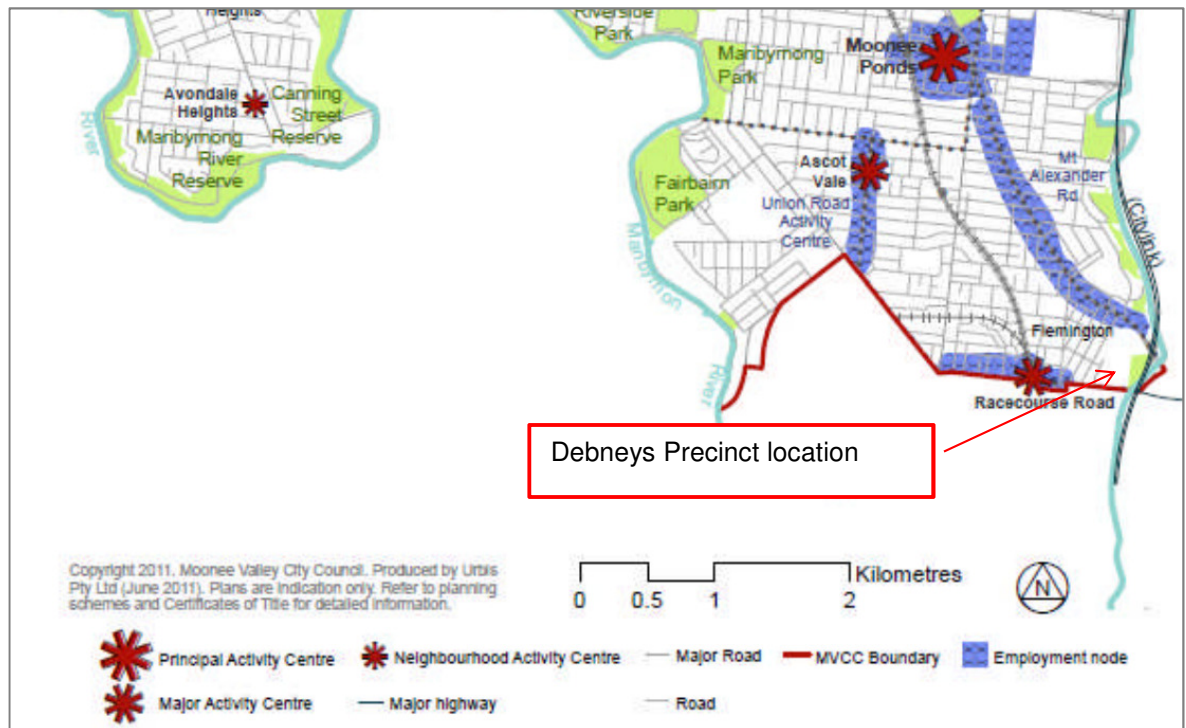


Figure 6 Clause 21.03-2, Strategic Framework Plan, part extract

- 66 As noted in the Planning Report (Message, 2017):⁹

“Victoria in Future 2016 (VIF) forecasts that the population of the municipality will increase by 34,200 residents from an estimated 112,200 in 2011 to around 146,400 by 2031.”

- 67 The Planning Report notes that this projection is higher than that provided in clause 21.01, which suggests an increase of 19,000 residents between 2013 and 2031.
- 68 Nonetheless, there is a demonstrated need for a significant increase in dwelling numbers in Moonee Valley over the coming decade.
- 69 Clause 21.05-1 ‘Housing Growth’, establishes the following hierarchy of intensification for meeting the municipalities future housing needs:
- (1) *High to Substantial Housing Intensification*
 - (2) *Moderate to High Housing Intensification*
 - (3) *Slight to Moderate Housing Intensification*

⁹ Message Consultants, June 2017, section 5, p. 15, available at: <https://engage.vic.gov.au/social-housing-renewal-standing-advisory-committee/flemington>

- 70 The Debneys Precinct falls within the ‘High to Substantial Housing Intensification’ category defined in clause 21.05-1 as below, as the Precinct is within a Major Activity Centre identified in Plan Melbourne:

“Consider the majority of housing growth and higher density development to occur within Activity Centres identified in Plan Melbourne, provided that the height, scale and massing of new development is in accordance with the requirements and recommendations of adopted structure plans or strategies for those centres, and that development respects the surrounding built form context.”

Background strategic planning work

Draft Racecourse Road Major Activities Area Structure Plan

- 71 Detailed planning for the Racecourse Road Activity Centre has not yet been completed.
- 72 In 2012, Council prepared the *Draft Racecourse Road Major Activities Area Structure Plan (Draft Structure Plan)*.
- 73 The Draft Structure Plan was exhibited as Amendment C118 on 31 January 2013,¹⁰ however it was later abandoned.
- 74 Nonetheless, the planning analysis as set out in the Draft Structure Plan provides an indication of the opportunities for the site.
- 75 The preferred ‘Built Form Plan’ provided in the Draft Structure Plan is extracted in Figure 7 below and shows the Debneys Precinct identified as appropriate for the highest built form within the Activity Centre, at 10 storeys.
- 76 Having regard to the existing 21 storey built form on the Estate, and the significant upper storey setbacks proposed in the DPO for buildings fronting Victoria Street (i.e., interface treatment A in the exhibited DPO8) it is considered that infill development of 10-12 storeys in precincts 1-5 and up to 20 storeys in precinct 6 between existing 21 storey towers is generally consistent with the directions in the Draft Structure Plan.

¹⁰ The C118 exhibited amendment documentation, including the ... is available from the following webpage:
<http://planning-schemes.delwp.vic.gov.au/updates-and-amendments/amendment?id=C53C4DB005A01354CA257B01007EC2D0>

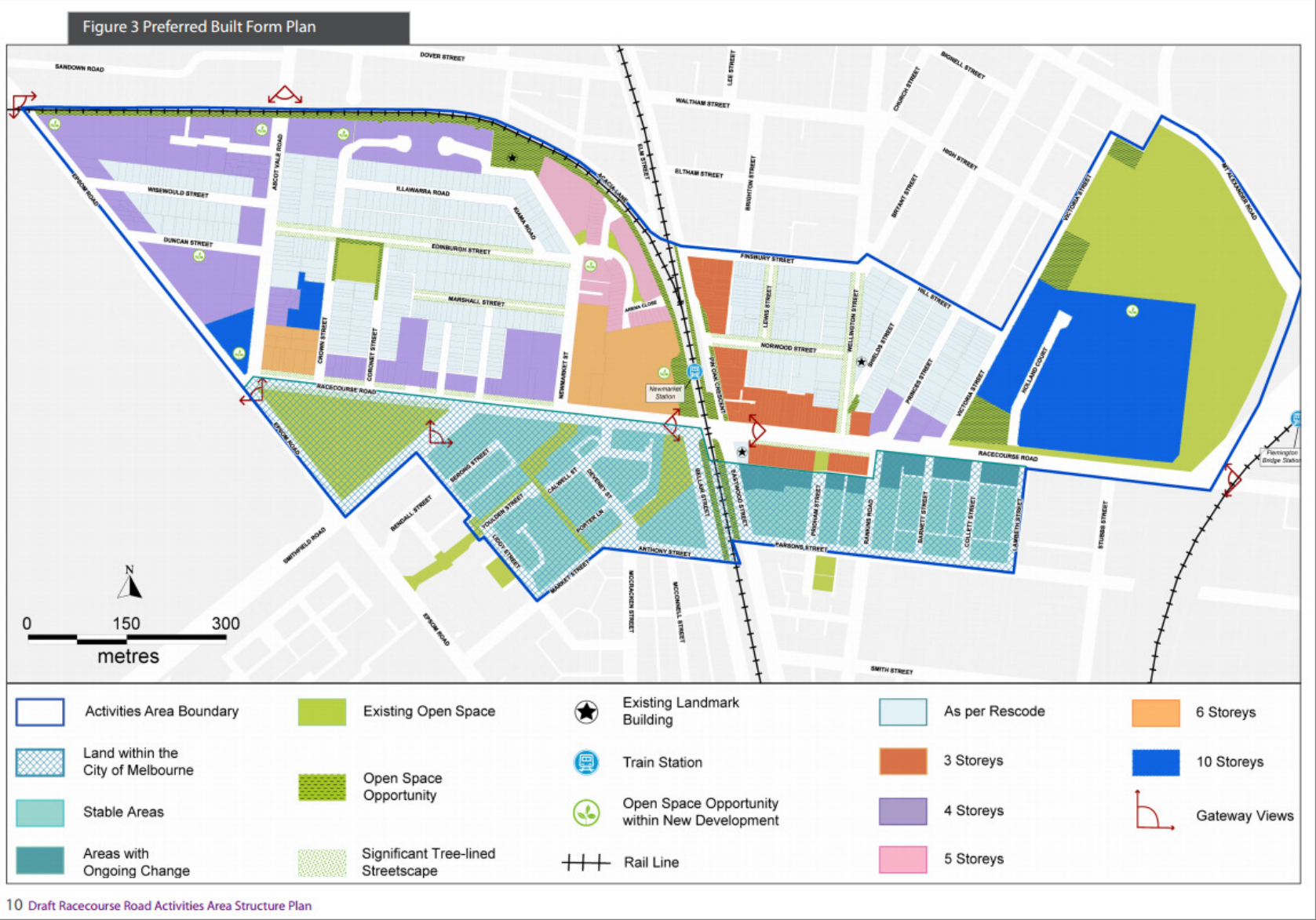


Figure 7 Extract from the Draft Racecourse Road Activities Area Structure Plan, p. 10

- 77 The Vision for Debneys Precinct provided in the Draft Structure Plan is as follows:

“In the year 2030, the Debney Precinct will contain a world-class model of public housing, with a high-quality public/private development in the current location of the Flemington Estate. The relatively large population of this precinct will be serviced by a number of community uses within the area, including a landmark community hub on the corner of Victoria Street and Racecourse Road. The precinct will be well-connected to the remainder of the activities area to the east, the new tram superstop to the south and the Flemington Bridge Rail Station to the west.”

- 78 The “key initiatives” in the Draft Structure Plan for the Debneys Precinct include the following:

“1. Work with the Department of Human Services to redevelop and reconfigure the Flemington Public Housing Estate. This would be undertaken in a staged approach, with the redevelopment of the four storey component in the short term and the residential towers in the long term. Any redevelopment of this site would require coordination between Council, DHS and the community. Any outcome for the site should:

- Include a public/private housing mix with no-net loss of public housing . This should include new medium to low rise housing models.*
- Reduce and consolidate the ground level carparking currently provided on site for residents, and ensure that carparking facilities do not detract from the amenity of the area.*
- Provide additional public open space and improved community facilities for the residents and wider community of Flemington.*
- Improve the interface between the residents of the estate and surrounding residential areas through innovative urban design treatments.*
- Provide an active and attractive frontage with built form located closer to Racecourse Road and Victoria Street.”*

- 79 The current proposal is highly consistent with the above initiatives.

Arden-Macaulay Structure Plan and Melbourne Planning Scheme Amendment C190

- 80 Land on the south side of Racecourse Road is in the municipality of the City of Melbourne and located within the Arden-Macaulay urban renewal area.

- 81 The Arden Macaulay urban renewal area is shown enclosed by a red line in Figure 8.

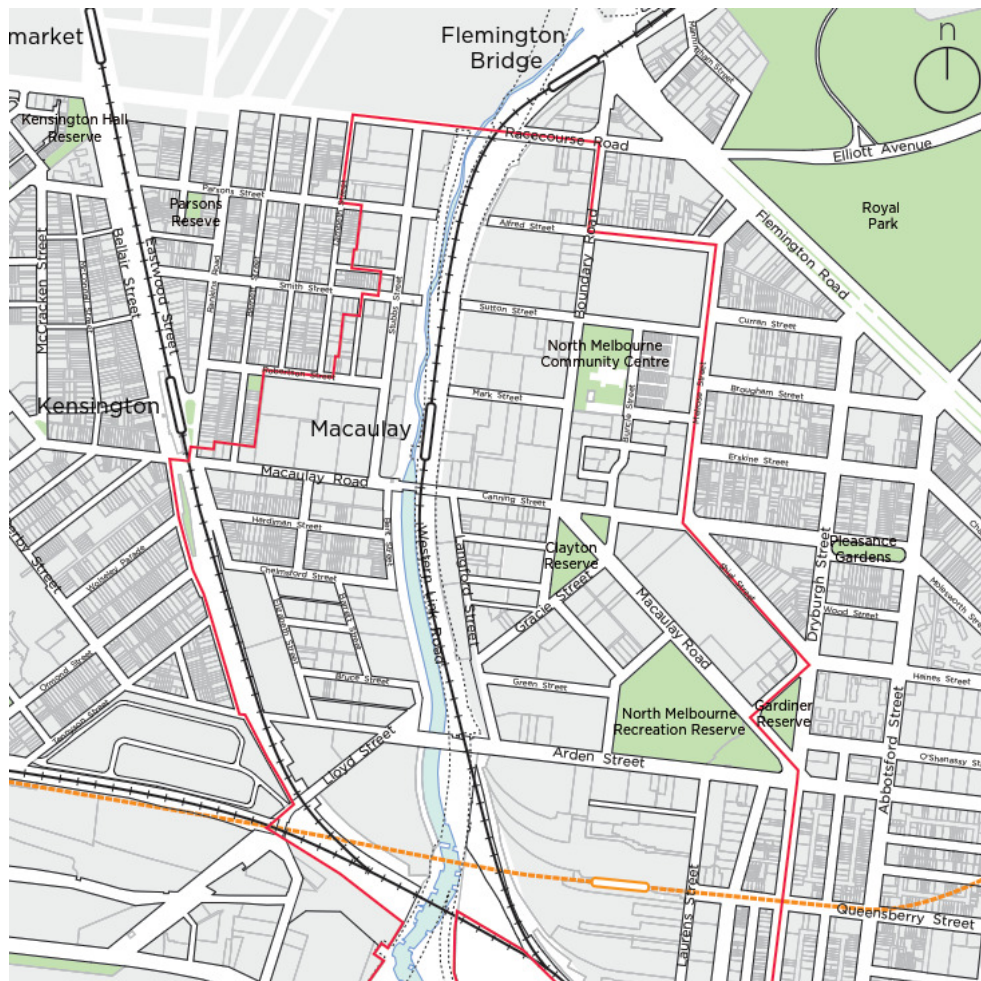


Figure 8 Arden-Macaulay urban renewal area boundary enclosed in red
(source: Arden-Macaulay Structure Plan, 2012, p. 11)

- 82 In 2010, the City of Melbourne commenced work to prepare a structure plan for Arden-Macaulay.
- 83 Broadly, the structure plan is intended to guide the urban renewal of the precinct to accommodate a significant increase in residential and employment land uses.
- 84 Council completed the *Arden-Macaulay Structure Plan* in 2012¹¹ and proceeded to prepare Amendment C190 to the Melbourne Planning Scheme to give effect to the Structure Plan.
- 85 Amendment C190 was placed on public exhibition in November 2012.¹²

¹¹ The Structure Plan and information concerning its preparation and current status is available on City of Melbourne's website at the following webpage: <http://www.melbourne.vic.gov.au/building-and-development/urban-planning/local-area-planning/Pages/arden-macaulay-structure-plan-2012.aspx>

¹² Amendment C190 documentation is available from the following webpage: <http://planning-schemes.delwp.vic.gov.au/updates-and-amendments/amendment?id=8D2E6136EAD237ABCA257D4A0003D59C>

- 86 A Panel was appointed and public hearings carried out in 2013 and 2015.
- 87 The Panel finalised its report and recommendations in October 2015.
- 88 Council adopted Amendment C190 in 2016 and submitted this to the Minister for approval in September 2016.
- 89 The adopted version of the Amendment proposes that a Design and Development Overlay, Schedule 63 (**DDO63**) be applied to the Arden-Macaulay precinct.
- 90 The land to the south of the Flemington Estate is within Area 8 for the purposes of the adopted version of DDO63. For Area 8, DDO63 sets a preferred building height of 9 storeys and a mandatory maximum height of 12 storeys.
- 91 The preferred building heights and setback controls in Council's adopted DDO63 are shown in Figure 9 below.

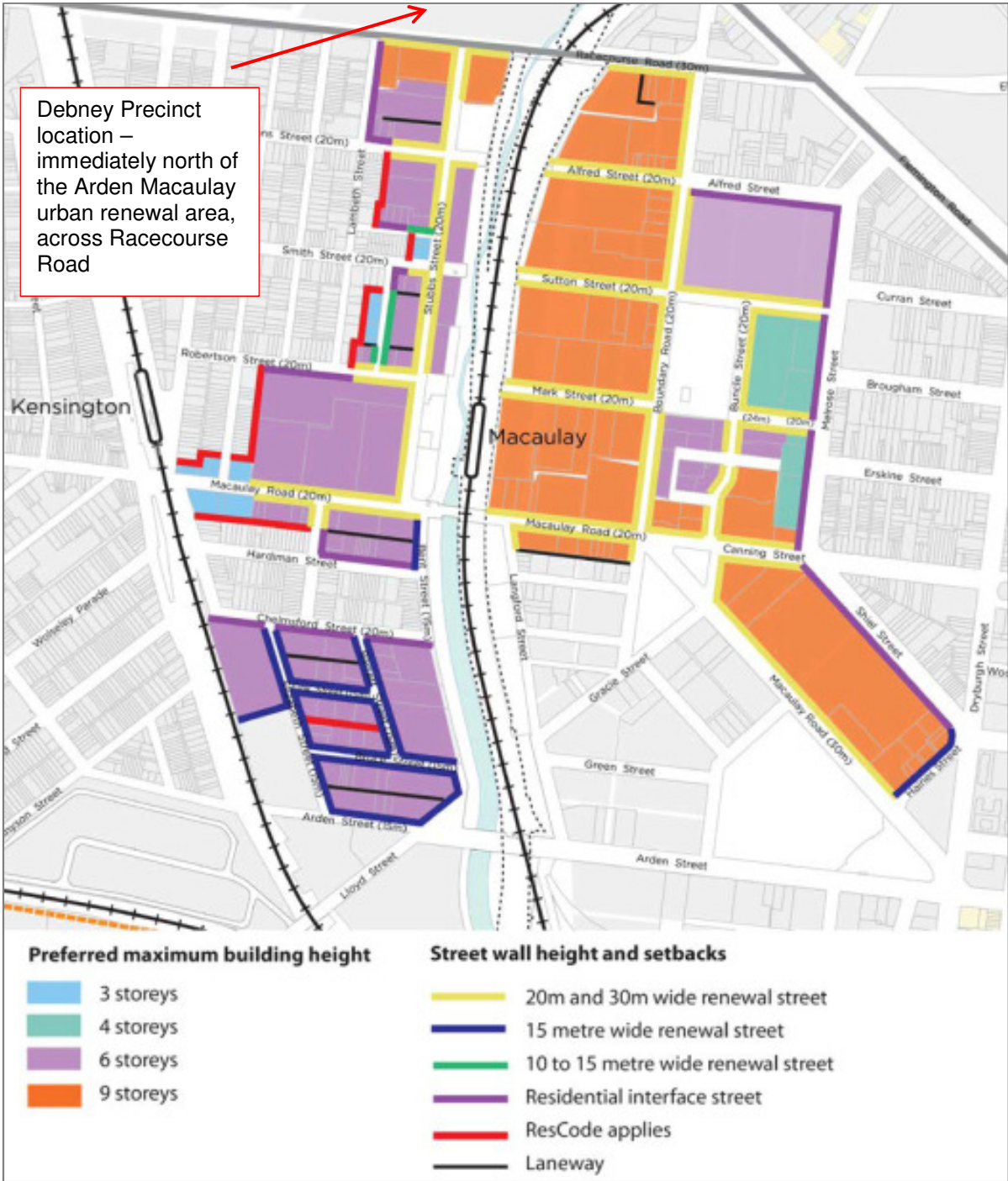


Figure 9 Council adopted version of DDO63, preferred building heights and setbacks

SECTION 4 – OTHER MATTERS

Rationale for use of the Development Plan Overlay in comparison with other planning tools

- 92 A Development Plan Overlay (**DPO**) is proposed over the Flemington Estate, but not the remainder of the Debneys Precinct, as shown in the proposed planning scheme map in Figure 10.

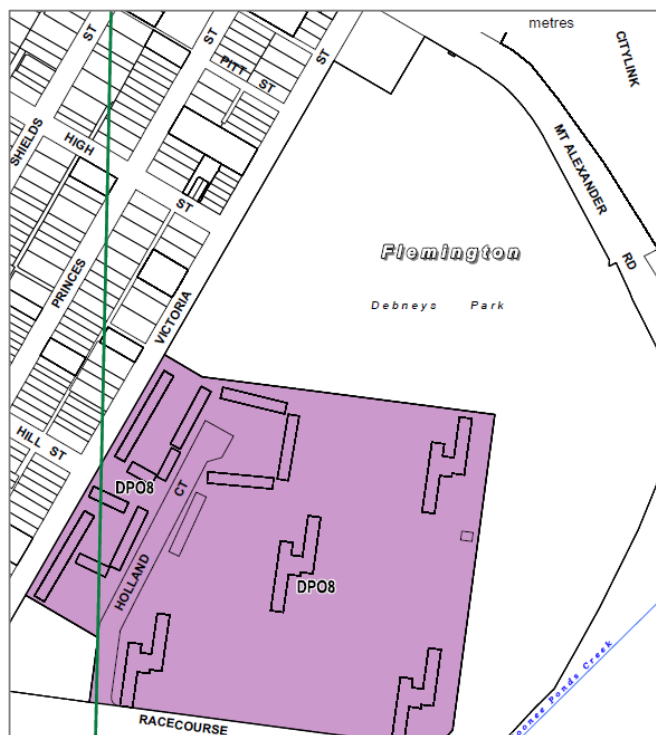


Figure 10 Proposed planning scheme map showing extent of land to be covered by the DPO

- 93 Planning Practice Note 23, 'Applying the Incorporated Plan and Development Plan Overlays' (August 2015) (**PN23**),¹³ explains the purposes and operation of the DPO and Incorporated Plan Overlay.
- 94 PN23 explains:

"The overlays have two purposes:

- to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted*

¹³ Planning Practice Note 23, is available from the following webpage:
<https://www.planning.vic.gov.au/publications/planning-practice-notes>

- *to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.”*

- 95 The housing renewal project that the Proposed Amendment seeks to facilitate will involve a partnership between the public and private sector and involve an evolution of planning and design.
- 96 Broadly, delivery of the project is anticipated to involve the following steps:
- (1) First, the broad building envelope parameters and design objectives for the site will be established in the Planning Scheme. This will enable DHHS to engage with private developers who are willing to deliver the project on the ground.
 - (2) Second, with the broad development parameters set, DHHS and the appointed private developer will proceed to develop a more detailed development plan for the site which will show the actual placement of buildings, streets, land uses, landscaping etc. on the land.
 - (3) Third, the developer is expected to be responsible, under its development agreement with the DHHS, for submitting and obtaining planning permits for the project. According to clause 43.04-1 of the Planning Scheme, any planning permit granted must be generally in accordance with the approved development plan.

Comparison with use of a Design and Development Overlay

- 97 There are alternative planning tools that could be applied to the Flemington Estate to set equivalent planning requirements and objectives for the site.
- 98 One example is the Design and Development Overlay (**DDO**). A DDO can set built form requirements in either mandatory or discretionary terms.
- 99 However, a DDO would not support the type of design and planning evolution that is considered to be necessary for delivering this project in partnership between the public and private sector.
- 100 A DDO does not provide for an interim step between the setting of broad built form and land use objectives for the site in the Planning Scheme, providing initial certainty and direction for stakeholders, and permit decisions. The need for such an interim step is one of the reasons why a DPO is considered to be preferable for the Flemington Estate.

Integration and master planning

- 101 A DPO also supports the development of large and complex sites in an integrated manner.
- 102 The redevelopment of the Flemington Estate is a major project and of state significance. A broad range of matters need to be considered in determining the ultimate outcomes for the Estate. Those matters include consideration

of land uses, dwelling mix, parking provision, detailed built form relationships between new and retained buildings, landscaping, sustainability and potentially site remediation issues.

- 103 As a planning tool, the DPO is uniquely placed to allow a broad range of land use and development factors, specific to a particular site and urban context, to be taken into account in setting the statutory framework for permit applications.

How much detail is appropriate for the DPO?

- 104 Another issue concerns the level of detail that is appropriate in the Development Concept Plan included in the DPO.
- 105 More detailed building envelopes are shown in the Design Framework by Hayball Architects (July 2017). That more developed building envelope information could conceivably be included in the DPO.
- 106 The Design Framework has not, however, been sufficiently developed to justify 'locking in' the future development of this significant redevelopment opportunity. The Design Framework illustrates more developed built form within the parameters set by the DPO, but does not necessarily reflect the preferred form of development that will enable DHHS, in partnership with the private sector, to deliver a vibrant new community that is financially viable.
- 107 For the above reasons, it is submitted that the DPO, generally in its current form, is the most appropriate planning tool to apply to the Flemington Estate.
- 108 The outcomes of the Stage 2 investigation can be added to the DPO, where appropriate.

Recommended changes to the exhibited amendment documents

- 109 Expert witnesses for DHHS have made a number of recommended changes to the DPO8 in response to matters of opinion and having regard to issues raised in submissions. Those recommendations have been consolidated and included in a revised version of the DPO Schedule, attached to this Part A submission as Annexure "A".

Conclusion

- 110 DHHS will expand further on these matters in its Part B Submission and looks forward to assisting the Advisory Committee in the hearing of the matter commencing on Monday, 11 September.

Norton Rose Fulbright

Solicitors for the Department of Health and Human Services
