

Moreland City Council

Submission to Public and Shared Housing Reforms - 14 July 2017

Submission in accordance with the Resolution of Council at the 12 July 2017 Council Meeting (DED61/17)

Note: This submission replaces the submission provided on the 19 June 2017

General Submission to the Public Housing Reforms

1. Moreland City Council acknowledges that much of the State's current public housing stock is in need of urgent renewal and renovation and that Victoria requires significantly more public housing to meet the long waiting list for these dwellings. A streamlined planning approval process for public housing projects that delivers meaningful public housing outcomes more efficiently given the extensive need for such housing is generally supported. However, this support is on the basis that:
 - Council has meaningful involvement in the approvals process and remains the Responsible Authority;
 - There is no ability for private developers to utilise the permit exemptions or fast track process;
 - Notice and review rights are retained; and
 - Council's local planning policy framework is considered and implemented in any approval.

Further detail on each of the four points above is provided below, along with a specific response to each of the proposed changes to the VPP's.

Support for the retention of Local Government as Responsible Authority

2. The **retention of Local Government as the Responsible Authority for these proposals is supported**. Local government is best placed to guide and support the design of new public housing developments in partnership with the Department of Health and Human Services and other government bodies.
3. As resolved at its meeting on the 14 June 2017 (DED49/17), **Council is concerned about several references in Plan Melbourne about new 'streamlined' planning processes and the potential for these new processes (such as currently employed for current public housing renewal projects in Victoria) to exclude Local Councils from having a decision making role** and thereby exclude meaningful community engagement and consultation.

Concern that exemptions would apply to private development

4. Further clarity is required in the provisions to **ensure that limiting the scope of permit assessment relates to public housing only and no private component** e.g. to ensure that the dwellings developed by or on behalf of the public authority are not sold to the private market.
5. Further detail should be included in the provisions to clarify exactly which bodies would qualify for being considered as 'a public authority' and under what circumstances developments would qualify for the exemptions on the basis that they are being undertaken 'on behalf of the public authority.' **Council has concerns that inclusion of the term 'on behalf of a public authority' may**

result in developments being undertaken by private developers, on public land, and then sold or rented to the private market. The provision of the adequate supply of public, affordable and social housing is the responsibility of the State Government and Council is concerned that the State Government is asking for planning scheme exemptions for private developers as part of these reforms.

Responsibility of State Government to provide Public, Affordable and Social Housing

6. The State Planning Policy Framework within the Moreland Planning Scheme at Clause 16.01-05 Housing Affordability contains the strategy: Increase the supply of well-located affordable housing by *Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites*. Council does not support this. **Council reiterates its position that the provision of the adequate supply of public, affordable and social housing is the responsibility of the State Government and is concerned that the State Government is asking for planning scheme exemptions for private developers as part of these reforms.**
7. Council welcomes the discussion on increasing the supply of social and affordable housing however is **concerned about the current models being employed by the State Government in public housing renewal projects where the majority of dwellings are being built for the private market with only a very limited increase of public and social housing.** (Resolution of Council - Council Report regarding Plan Melbourne 2017-2050, DED49/17)
8. Council would like to take this opportunity to reiterate its position on the renewal of the public housing estate at Gronn Place. Councillors resolved (NOM20/17) in March 2017 that:
 - The State Government replace all public housing currently at Gronn Place and add at least 50% more public housing on the site.
 - **The entire site remain for public housing only.**
 - Genuine consultation takes place with the residents of Gronn Place, the local community and Moreland City Council.
 - Any redevelopment of the site be sensitive to the residential zoning of the site.
 - All dwellings at Gronn Place have at least a 7.5 star energy rating.

Requirements to meet exemptions – Officer Response

9. This section provides a response for each of the proposed requirements for an application to be exempt from a full assessment in accordance with Clause 55 and car parking requirements of the scheme.

Requirement	Officer Response
Clause 52.41 Facilitation of Public Housing	
The land is greater than 300 square metres.	Supported
A condition opposite the land use Dwelling in the zone table of uses is met.	Supported
Not more than 10 dwellings are developed on the land.	Supported
The maximum building height specified in the zone or schedule to the zone is met.	Strongly supported
Must meet: B6 street setback B17 side and rear setbacks B18 walls on boundaries B19 daylight to existing windows B20 existing north facing windows B21 overshadowing existing open space B22 overlooking	Supported. The essential standards of Clause 55 that require amenity considerations have been retained and are mandatory. These standards along with conditions articulated in Overlays that apply to properties is considered to be satisfactory.
Clause 52.23 Rooming House	
A condition opposite the use in the applicable zone table of uses must be met.	Supported
The gross floor area of all buildings on the land is no more than 300 square metres.	Supported
No more than 12 persons are accommodated on the land.	Supported
No more than 8 bedrooms are provided.	Supported
52.22 Community Care Accommodation	
A condition opposite the use in the applicable zone table of uses must be met.	Supported
The use is funded or provided by or on behalf of a public authority including a public	Supported

Requirement	Officer Response
authority established for a public purpose under a Commonwealth Act.	
No more than 20 persons are accommodated on the land. This does not include staff.	Supported
No more than 10 persons who are not residents may access supported services provided on the land.	Supported

Notice and Review

10. Council **does not support the exemption from notice, review and third party appeal rights** proposed. Meaningful community engagement and consultation should not be removed from the planning permit process.

Draft Victorian Planning Provision Changes – suggested improvements

11. Moreland submits the following improvements should be made to the draft provisions.

Clause	Suggestion/Clarification
16.02-2 Community care accommodation and rooming houses	New strategy in second point is unclear. Clarification regarding what the strategy seeks to support and what is confidential is required.
Moreland 37.08 schedule 1 Clause 3.0 Table of Uses	Add the following conditions to Accommodation – ‘Any application for Community care accommodation must meet permit exemptions for use at Clause 52.22-1’ and ‘Any application for Rooming House must meet permit exemptions for use at Clause 52.23-1’
52.06-5 Table 1: Car parking requirement	The car parking rates proposed are adequate for areas well serviced by public transport in Brunswick and Coburg. However, further consideration to variable rates for areas deficient in public transport.
52.41-2 Exemption from zone and car parking requirements	Further clarification is sought regarding the procedure if any of the mandatory Clause 55 requirements are not met. Our interpretation of the draft provision is that if the mandatory requirements are not met, the application must then comply with all of the requirements of Clause 55 but that the application is still exempt from notice and review. It is our view that if an application does not meet the mandatory requirements set out in this clause that it should not be exempt from notice. We do

Clause	Suggestion/Clarification
	not consider that any application should be exempt from Notice and Review requirements.
52.41-4 Application requirements	Further information and evidence is required to determine the authenticity of construction of a dwelling on behalf of a public authority. In our experience, proving the legitimacy of construction undertaken on behalf of a public authority has been difficult to ascertain and has required additional evidence and documentation. This has been required to prevent unlawful construction by persons posing on behalf of a public authority.
74 Land use terms	The introduction of a new term ‘Public Housing’ into the planning scheme requires a new definition.
74 Land use terms – Rooming House	The definition for Rooming House should not reference other legislation for its inherent land use purpose. To ensure clarity, the definition from the <i>Residential Tenancies Act 1997</i> should be included in the definition. References to other legislation should only be used to provide additional information about the materials, activities or services provided on the land.

Additional Housing Reforms for Consideration

12. Council previously articulated the need for additional reforms as part of the submission to the Plan Melbourne Refresh Discussion Paper. Council believes that **mechanisms such as inclusionary zoning and density bonus schemes need to be urgently considered.** Such mechanisms need to have flexible targets because of the potential for below-market housing delivery between different sites can vary significantly, and therefore affect financial viability. In Council’s view, the provision of public housing must be state led. It is not a core local government responsibility. Inclusionary zoning necessitates a comprehensive administrative program behind it (to collect monetary contributions, manage stock, construct stock etc), which should not fall to councils. A process of independent assessment of development potential should support incentive schemes.
13. The term ‘affordable housing’ has come to be a major national conversation in the past year. **Recognition of the term ‘affordable housing’ in a land use planning structure and inclusion of the term in all Planning Schemes in Victoria should be considered.** Council’s Affordable Housing Policy aligns with the most commonly–used and understood definition, which is housing costing no more than 30% of gross income for a household in the lower 40% of income range. Similarly, Plan Melbourne 2017-2050 defines affordable housing in general terms as housing that is appropriate for the needs of a range of very low to moderate income households. However, a development with a mixture of different housing types, which is generally recommended, can

include factors such as location, proximity to services and 'lifecycle costs' such as heating and cooling as significant considerations as to what is affordable. Infrastructure Victoria's definition of affordable housing recognises the need for qualitative measures and context to be considered but does present challenges with regard to implementing policy based on a quantitative analysis of need in local areas. It is considered that an amalgam of these definitions be incorporated into all Planning Schemes in Victoria.

14. Moreland Council is committed to exploring ways to increase the provision of public and affordable housing options in the municipality. The Moreland Affordable Housing Strategy 2014-18 (MAHS), supported by specific provisions in the Moreland Planning Scheme, aims to maximise the supply of affordable housing in the municipality. In adopting the MAHS, Council identified increasing the supply of housing on Council-owned land as a priority. Establishment of a Moreland Land Trust, known as Moreland Affordable Housing Ltd is being scoped. Further information on the scope of projects and the purpose of Council's involvement in affordable housing development within the current context of local, State and Federal government policy settings and community settings is currently being investigated.