



16 June 2017

The Hon Richard Wynne
Minister for Planning
c/o Planning Systems
Department of Environment, Land, Water and Planning
GPO Box 500, East Melbourne, VIC 8002
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Ask for: Kathleen McClusky
Phone: 9932 1004
Our Ref: A2626287

Dear Minister,

Public and Shared Housing Reforms

Thank you for providing Council with the opportunity to provide input into proposed changes to the Victoria Planning Provisions (VPP) to facilitate the development of dwellings by public authorities, including community care accommodation and rooming houses.

The provision of affordable housing is an issue of increasing concern to Hobsons Bay. Council's commitment to this issue has been clearly indicated within its Affordable Housing Policy Statement 2016 (the policy statement) and is a key priority area within Council's Advocacy Strategy 2014-18. The policy statement aims to ensure that all households in the municipality are able to live in affordable, secure and appropriate housing that meets their needs, particularly those with low and moderate incomes.

Council broadly supports the intent of the proposed reforms and initiatives that aim to increase the supply of social housing and affordable housing options. However there are a number of specific comments relating to the wording and the structure of the draft VPPs which are provided in the attached appendix.

Should you wish to discuss these comments further please contact Kathleen McClusky, Director Strategic Development on 9932 1004 or email kmclusky@hobsonsbay.vic.gov.au

Yours sincerely,

Chris Eddy
Chief Executive Officer



APPENDIX 1: COMMENTS ON PROPOSED VPP REFORMS

State Policy Context

The Victorian Government has previously indicated that a stronger focus would be placed on measures that support the provision of affordable housing during implementation of its metropolitan strategy. There are several commitments made by the Victorian Government in the Plan Melbourne Five-Year Implementation Plan that would greatly assist councils in using the planning system to provide affordable housing within their municipalities. These include inclusionary zoning and value sharing mechanisms, which have yet to be addressed. The Victorian Government is encouraged to support councils who are actively seeking to address this issue by continuing its work on these initiatives.

Clause 32.08 General Residential Zone and Clause 32.09 Neighbourhood Residential Zone

The proposed zone provisions have been adapted from an outdated previous version of the provision and has not taken into consideration the changes implemented to the zones under Amendment VC110, including the Garden Area requirements under clause 32.08-4 and 32.09-4.

Clause 52.06 Car Parking

The inclusion of a rate of one car parking space per four bedrooms for a rooming house is considered acceptable but there is no rationale provided which explains why this rate is considered to be the most appropriate rate for the use.

There is also no parking requirement for community care accommodation. While this is understandable given that this kind of accommodation may be more temporary in nature than a rooming house, the rationale for this difference in approach has not been provided.

The exemptions for community care accommodation allow for more people than those relating to rooming houses and also the proposed definition of community care accommodation makes it clear that this kind of accommodation can be permanent as well as temporary. Therefore it is considered that the same rate of car parking provision should be allocated to both these uses.

Clause 52.22 Community Care Accommodation

This proposed provision replaces the existing Clauses 52.22 Crisis Accommodation and 52.24 Community Care Unit. The existing provisions state the following:

Clause	Existing provisions
52.22 Crisis Accommodation	<p>A permit is not required to use a building, including outbuildings normal to a dwelling, to house people and any dependants at times of personal emergency or crisis if the building meets all of the following requirements:</p> <ul style="list-style-type: none"> • is in an area or zone which is used mainly for housing • provides self-contained accommodation • does not have more than 10 habitable rooms

Clause	Existing provisions
52.24 Community Care Unit	<p>A permit is not required to use a building for services funded by the Department of Health and Human Services which provide self-contained accommodation for its clients if all of the following requirements are met:</p> <ul style="list-style-type: none"> • the building or buildings are in an area or zone which is used mainly for housing • no more than 20 clients plus supervisory staff are accommodated on the site

The proposed provision seeks to build on the existing permit exemptions and improve the operation of the provision by providing more explicit exemption criteria that avoid vague terms such as 'self-contained' and 'mostly used for housing'. The proposed provision also explicitly seeks to avoid notice of these uses to support the confidentiality of these facilities. This maintains the intent of the existing provisions and is therefore supported.

The proposed exemption for the use is also generally supported, however the manner in which these operational limitations will be established is unclear. Without a planning permit existing for the use, the responsible public authority will need to maintain operational guidelines which enforce the 20 person limit on accommodation and 10 person limit on support services. It should be noted that, if for example the accommodation ceased to be funded by or provided by a public authority, the use of the land for this purpose would then require a retrospective permit to be granted.

The proposed exemption from building and works permit requirements under the relevant zones are also supported, however the proposed wording of this exemption is confusing. It is understood that the provision is seeking to exempt works for the purposes of community care accommodation from a permit requirement under the zone provided that the development both meets the definition of 'community care accommodation' provided within Clause 74 and complies with a maximum building height limit provided under the zone.

For clarity of intent it is suggested that the exemption text be reworded to reflect the structure used in the use exemptions. A suggestion is provided below:

Clause	Suggested provision rewording
52.22-1 Exemption from zone requirements	<p>A requirement, including a requirement for a permit, to develop community care accommodation under the provisions of the General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone and Township Zone does not apply if the following requirements are met:</p> <ul style="list-style-type: none"> • the development is by or on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act • the development complies with any maximum building height requirement under the relevant zone

In rewording this provision it is also worth considering whether the definition of the term 'community care accommodation', that is being on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act, needs to be restated here given that this definition will exist independently within Clause 74.

Clause 52.23 Rooming House

The proposed provisions are supported although, as per the proposed use exemptions for Clause 52.22, there are concerns over the operation of the proposed use exemptions for rooming houses.

Regarding the proposed definition within Clause 74 for a rooming house to satisfy the requirements of the *Residential Tenancies Act 1997*, local government's regulatory responsibilities for this aspect of the Act will allow for the compliance of these premises to be verified by councils. However, if a rooming house operator ceases to comply with the requirements of that Act then a retrospective planning permit for the use of the land would be required.

The proposed exemptions from building and works permit requirements under the relevant zones are supported. However, like the proposed requirements under Clause 52.22 the proposed wording of this exemption is likewise considered confusing. For the sake of clarity of intent it is suggested that the exemption text be reworded to reflect the structure used in the use exemptions, as indicated below:

Clause	Suggested provision rewording
52.23-1 Exemption from zone requirements	<p>A requirement, including a requirement for a permit, to develop a rooming house under the provisions of the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone and Township Zone does not apply if all of the following requirements are met:</p> <ul style="list-style-type: none"> • no more than 8 bedrooms are developed on the land • the gross floor area of all buildings on the land is not more than 300 square metres • the development is by or on behalf of a public authority including a public authority established for a public purpose under a Commonwealth Act • the development complies with any maximum building height requirement under the relevant zone

Clause 52.41 Facilitation of Public Housing

The proposed exemption of public housing development from car parking requirements of the scheme can be supported by Council within the context of Council's Affordable Housing Policy Statement, provided that the dwellings are located close to public transport. . However there has been no explanation provided as to why public housing residents do not need off street car parking and there is no guarantee that these sites will be located in areas that are well serviced by public transport services. If these sites are not appropriately located an increase in local on street car parking will result.

The proposed exemption from Clause 55 requirements are supported given that a number of the more significant standards relating to amenity impacts from new development under Clause 55 will be treated as mandatory requirements for works under this Clause. Of note is that the proposed exemptions under this Clause do not include exemption from the Garden Area requirements specified under the current versions of the Neighbourhood Residential Zone and General Residential Zone.

With regard to on site amenity, it would be preferable if the standards that govern private open space (B28) and solar access to open space (B29) were also included to ensure that there is an adequate amount of usable outside area for residents of public housing developments. The proposed exemptions could hypothetically provide for a development of up to 10 dwellings on a small lot of only 300sqm or more. For such a development to not provide any private open space would be unacceptable.

Clause 74 Land Use Terms

The inclusion of definitions for community care accommodation and rooming house is supported, although it is noted that the ability of councils to differentiate between rooming houses that comply with the requirements of the *Residential Tenancies Act 1997* and those that do not is uncertain.

A VPP definition of 'public housing' has not been provided. This is considered appropriate given the intent of the reforms to provide a reasonable degree of confidentiality around the development of dwellings for public housing and to not explicitly differentiate between these kinds of dwellings and others. These changes also propose to remove the definitions for backpackers' lodge, boarding house, nurses' home and residential college and to remove these terms from the broader description of Residential Building. Objection is not raised with regard to this aspect, although no explanation has been provided for these amendments. However, it is noted that 'backpackers lodge' has not been removed from the nesting diagram within the proposed Clause 75.01.

It is considered that a definition of 'Affordable Housing' still needs to be provided within the VPPs, so that planning policies seeking to support the provision of affordable housing, especially social or community housing provided by non-government agencies, are able to be drafted with consistency of terminology. This reform is something which Council has previously advocated for and the government committed to within the Plan Melbourne Implementation Plan.