

Submission to the Standing Committee on Legal and Social Issues “Inquiry into the Public Housing Renewal Program”

from Rita and Peter Fellows

Background

We are members of the Ashburton Residents Action Group (ARAG) Committee and have been closely involved in attempts to change the Government's proposed redevelopment of the Markham Estate public housing site in Ashburton since it was announced two years ago in September 2015. However this is our personal submission. ARAG will be submitting a separate one.

While this submission addresses one location it has applicability to the wider public housing renewal program. Our submission falls within points 1, 2, 6, 7, 8, 9 and 10 of the terms of reference.

We are sure that the Committee has details of the Markham Estate proposal but to briefly summarise:

- Prior to 2016 there were 56 2-storey “walk-up” public housing flats built in about 1950. (These were in very poor condition and were demolished in February 2016 as part of the preparation for redevelopment.)
- In September 2015 the Minister for Housing announced that these 56 flats would be replaced by 180 private and 62 public dwellings. This represented a 10% increase in public housing – although, as measured by bedrooms, public housing capacity fell slightly.
- Subsequent development of the proposal by Places Victoria, reporting to the Minister for Planning, resulted in the number of planned dwellings increasing to 252, with 70% of the site to be sold off on separate title exclusively for private dwellings. The height of accommodation blocks varied up to 7 storeys. Underground parking was to be constructed for 220 vehicles (plus 30 above ground parks). Public and private housing was to be completely segregated.
- Solely (repeat, solely) as a result of community and Council agitation and protest, the Government indicated recently (October 2017) that:
 - the number of dwellings would decrease to 225 (only 6% lower than the first announcement in 2015 - so the scale of the development is, for all intents and purposes unchanged);
 - the height of the tallest block of dwellings would decrease to 5 storeys (with other blocks increasing in height to partially offset the impact on the number of dwellings);
 - there would be increased set-backs on boundaries to adjoining residents and the adjoining sports ground; and
 - partial integration of public and private dwellings.
- This recent set of changes is welcomed but very far from adequate. Some of the on-going concerns will be apparent below. But our focus in this submission is on the funding structure which drives key development parameters and the inadequacy of the development process, particularly the way in which the Minister for Planning

has misused his significant planning powers.

Core redevelopment principles for public housing sites (addressing points 1, & 4)

The Government pretends that its key focus has been to improve and increase public housing. This is plainly nonsense as the site could hold many more than 6 extra public dwellings if it wasn't to be packed solid with private dwellings. Six extra is completely trivial in the context of a 35,000 waiting list for public housing. It is an insult.

So why has it come up with the proposal it has? It is because this is the outcome of the financial model it intends to apply. The Government has decided that the Markham Estate site must be self-funding.

The size and composition of the development is not governed by what is appropriate for this site – situated as it is in low density back-streets of Ashburton three-quarter of a kilometre from a major road. Instead, the scale is to be governed by the need for construction of enough private dwellings to ensure that profit from their sale is sufficient to fund reconstruction of public dwellings.

Indeed it is to be more than self-funding as the original proposal required the site to also return the land sale value of the private development land to the State (some tens of millions of dollars). It is understood that this model/process is sometimes referred to as “releasing the value of the land”.

This land is precious social infrastructure not a revenue-generating commercial development opportunity. Imagine this model being applied to other social infrastructure such as schools. A run-down school needs investment so the Government sells off the greater proportion of the school site, packs it with a massive private development and uses the profit to rebuild the small proportion of the school that remains. Such a proposal would be laughed off by the community. But shouldn't it be too for public housing?

The Government has steadfastly refused to defend this model and has not asked for wider community or Parliament endorsement in any form. It has remained completely silent on this for two years – not a single word written or said in its defence - despite reasonable, legitimate questions from the community. There has been no transparency.

Action required: The Inquiry should conclude that this funding model is fundamentally flawed for public housing infrastructure.

Action required: The Inquiry should recommend that public housing sites remain principally public housing sites in any site redevelopment.

Minister to assume planning authority for the site (addressing points 7 & 8)

The Minister assumed planning authority for the site in early October 2017. So the process which provides for planning objections countered by defence or plan amendments by proponents will not apply. This should be part of the normal democratic planning process.

The need to make this intervention in the planning process has never been explained by the Government throughout two years of requests. Again there has been zero transparency (from a Government which has professed to rank transparency very highly).

It is an explanation which it is completely reasonable for the community to seek. To behave in the dictatorial fashion it has is a clear misuse of power. Wearing down opposition through silence has been the Government's cunning strategy for two years.

We understand that to assume planning authority the Minister must claim the issue to be of "State significance". The redevelopment of, for example, the heritage Windsor Hotel in Spring Street is clearly of State significance but surely not the case for the Markham Estate in Ashburton. This is quite ridiculous.

Councils (in this case Boroondara) have the skills and experience to oversee the approval process.

Action required: The Inquiry must recommend a "checks and balances" approach to the application by the Minister for Planning's of his/her very significant powers in this area. As a very minimum, when planning ministers intend to assume planning authority they must be required to document their case to the community.

Negative effects from the proposed development (addressing points 6 & 7)

Very briefly some of the consequences of the current proposal include:

- There will be significant local traffic congestion in local streets – entirely ignored in the traffic report which was produced. Markham Avenue was not designed as a major thoroughfare. There is no narrower road in Ashburton. Location of the heavily-used Gardiners Creek walk/bike track along Markham Avenue a few years ago reduced its width to one car at a time when a vehicle is parked on one side of it.
- Parking provision on the site does not meet Boroondara Council rules so that significant long term parking around local streets can be expected.
- The site borders a sensitive biodiversity site along Gardiners Creek. 76 of 82 trees on the site are planned for removal, including a number of old, mature trees.
- The development is of such a scale that it will stick out "like a sore thumb" from the suburb which surrounds it and is in no way consistent with neighbourhood character. The heights proposed for the Markham Redevelopment (previously up to 7 storeys but recently reduced to 5) exceed the new mandatory height limit only recently announced by Minister Wynne himself for GRZ4 zoning (which is effectively 3 storeys)!

These negative consequences can all be traced back to the insane demands of the funding model. The need for increases in in-fill residential density is acknowledged¹. Although residents expect that the site will contain more dwellings than previously, the size of the development must keep local impacts to reasonable levels. But there have been none of the checks and balances in place to ensure this will happen at this site.

Action required: Redevelopment of these sites must have an effective process in place to reasonably minimise a wide range of significant negative impacts.

Consultation (addressing point 9)

We have found that "consultation" is a very misused word. There has been virtually no

¹ For example, in Ashburn Grove, which Markham Avenue runs into, nearly two-thirds of dwellings are now on multi-dwelling blocks.

consultation. The main “consultation” sessions were really information sessions. They were conducted by the project implementer (Places Victoria) not the proponent (the Government) which should be available to defend the proposal. For example, the key critical issue of development scale was specifically (in writing) excluded from discussion! We compare this with some of the things that have been said/undertaken, for example:

- In his media release on 7th September 2015 Minister Foley said that “ *The local community, the City of Boroondara and stakeholders will be consulted as plans progress.*”
- Similarly Places Victoria, now Development Victoria, also stated in their media release in September 2016 that “ *We engage with communities and stakeholders to ensure that our projects are informed by community input and believe that local knowledge adds value to our projects*”
- There was no meaningful consultation or discussion with residents prior to the draft plans being produced for viewing by residents at the “consultation” sessions on the 16th and 19th November 2016.

The Government's claim to have conducted sufficient community consultation has been a joke. Consultation requires that you take the views of others into consideration - this didn't happen.

The whole “consultation” process was marred by the following issues:

- Despite saying there would be 3 weeks notification prior to consultation taking place there was barely 2 weeks from the time the announcement was made till the first session on 16th November 2016.
- The announcement was made on page 18 of the Progress Leader newspaper on Melbourne cup day, 1st November 2016. Hardly high profile and likely to be seen by residents.
- The notification to residents was piecemeal and inadequate. Too few homes were included in the letter box drop and some houses didn't receive any notification, despite being in the letter box drop zone.
- Having promised community workshops, the consultation sessions turned out to be information sessions at best, where the full scope of the project was not open for comment, namely the size and bulk of the development were not for discussion.
- There was no panel to present the plans and no facility for in depth discussion of the proposal. This was left to ARAG who held its own forum to inform residents about the proposal.

Nowhere is the Government's real intention to “consult” more clearly exposed as a sham than the complete refusal over 2 years to answer reasonable community requests to provide a defence to aspects of its approach to this development.

Required Action: Any future consultation needs to be ongoing, from the announcement of the project, so that residents can have meaningful input into the plans and proposals. There also needs to be better notification and communication between the government, developers and residents

Rita & Peter Fellows
