



Bayside City Council

**Submission to the Social Housing Renewal
Standing Advisory Committee**

New Street, Brighton

October 2017

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1. Introduction

Bayside City Council appreciates the opportunity offered by the Department of Environment, Land, Water and Planning (DELWP) to make a submission regarding the proposed Planning Scheme Amendment C157 to the Bayside Planning Scheme.

Amendment C157, seeks to facilitate and guide the redevelopment of land at New Street, Brighton that is currently used for public housing.

The Amendment seeks to make the following planning control changes applying to the site:

- Rezone from a General Residential Zone – Schedule 1 (Future Moderate Residential Growth Areas: Southland, Elsternwick, Hampton East (Moorabbin) and Cheltenham Activity Centres (GRZ1) to a Mixed Use Zone – Schedule 2 (New Street, Brighton);
- Apply a Development Plan Overlay – Schedule 3 (New Street, Brighton, DPO3);
- Remove the Design and Development Overlay – Schedule 2 (Building Height Control – Inland Areas, DDO2);
- Apply a Parking Overlay – Schedule 1 (New Street, Brighton, PO1); and
- Add the Minister for Planning as Responsible Authority in the Schedule to Clause 61.01.

This submission to the Social Housing Renewal Standing Advisory Committee (the Standing Advisory Committee) responds to the Terms of Reference of the Standing Advisory Committee (May 2017).

Bayside City Council looks forward to presenting its case at a public hearing.

2. Background

In December 2016, the Victorian Government, as part of its commitments to increase the state's public housing stock, launched the \$185 million Public Housing Renewal Program (PHRP) to redevelop public housing at sites across Melbourne.

The redevelopment of the site at New Street, Brighton as a Stage One redevelopment is a welcome opportunity to provide an improved standard of living for existing and future public housing tenants that is fit for purpose, safe and accessible.

Council sees this opportunity as a catalyst project to demonstrate exemplary public and private residential redevelopment to facilitate a greater supply of social and affordable housing in Bayside, the Region and metropolitan Melbourne.

The PHRP is intended to grow and sustain the supply of public housing and improve the quality and sustainability of homes in public housing states. By building new, modern buildings on site, in partnership with the private sector, the PHRP will enable a 10% increase in the number of public housing properties on site.

The Department of Health and Human Services (DHHS) describes the New Street Renewal Project as follows:

The estate on New Street has older, rundown buildings that cost a lot to maintain.

The project will build new, modern buildings and increase the number of social housing properties on the estate by at least 10 per cent. The estate will include private housing, which will help fund the project.

The renewed estate will have:

- *More social housing*
- *A mix of social and private housing*
- *New accessible homes that suit older residents, people with disabilities, and families*
- *A range of housing sizes*
- *Better landscaping, outdoor facilities and community spaces.*

The new homes will be:

- *Built to modern standards*
- *Accessible for all*
- *Sustainable homes that are cheaper to cool, heat and maintain*
- *Better suited to the ongoing needs of Victorians.*

3. Response to the Advisory Committee Terms of Reference

3.1 Appropriateness of the proposal in light of key strategies including Homes for Victorians and Plan Melbourne 2017

Plan Melbourne 2017

Plan Melbourne 2017 emphasises the role of planning to facilitate and deliver social and affordable housing. This role is reiterated in the following policy directions:

Outcome 2 of Plan Melbourne: Melbourne provides housing choice in locations close to jobs and services. Of relevance to this submission are the following directions:

- 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.
 - 2.2.2 Focus on opportunities for new social and affordable housing on sites across Melbourne.
- 2.3 Increase the supply of social and affordable housing.
 - 2.3.1 Utilise government land to deliver additional social housing and regenerate existing public housing sites.
 - 2.3.4 Capture a proportion of the value uplift created through rezoning for broader public benefit such as social and affordable housing.
- 2.5 Provide greater choice and diversity of housing.
 - 2.5.1 Facilitate housing that offers choice and meets changing household needs.

Homes for Victorians

Homes for Victorians seeks to address many of the housing issues facing Victorians and provide particular emphasis on:

- Renters are struggling with high rents or living in unsuitable housing;
- Many Victorians, particularly young Victorians, are unable to break into the housing market;
- The number of Victorians who need public and community housing is growing, waiting lists are long and many properties are no longer fit for purpose.

In addressing the above issues the Strategy focuses on six actions:

- Buying a house in Victoria;
- Housing Supply and Planning;
- Renting;
- Social Housing;
- Housing Services; and
- The future

Bayside City Council welcomes the initiatives outlined in the Strategy for increasing and renewing housing stock. However, it submits that in its current form, the proposal does not demonstrate how it is responding to the future social housing needs of Victoria and the Region.

The projections for the amount of social housing required over the next two decades based on the Victoria in Future (VIF) report prepared by the Department of Environment Land Water and Planning (DELWP), shows that 1,700 more social housing homes are needed each year over the next 20 years to maintain social housing at its current share of the total homes in Victoria.

Social housing remains a scarce resource in Victoria and the Region with the volume of housing applicants exceeding the number of available dwellings. Based on the findings of the *Victoria's Social Housing Supply requirements to 2036 report*, over 30,000 additional dwellings need to be added in the next 20 years if Victoria is to maintain long-term social housing at the current rate of 3.5 percent.

The redevelopment of the site at New Street, Brighton is an opportunity to deliver fit for purpose and additional needed dwellings in a location that is well serviced and to provide housing choice and affordability in accordance with the Government's broader strategic aims. Bayside City Council submits this is a reasonable expectation to seek an increase in the number of public housing dwellings, considering the land value uplift that will be realised through rezoning of the land and sale of the site to a private developer in one of Melbourne's most highly sought suburbs in Victoria.

Providing housing diversity in the site at New Street, Brighton can contribute to a sustainable development that will balance social, economic and environmental benefits to the community. This cannot be achieved if the majority of dwelling stock is one and two bedroom dwellings. There are many families, women and children who seek long term accommodation and who will require three bedroom apartments to support their large families. The site at New Street, Brighton is located in an area that provides access to schools, open spaces and community facilities. Families living in

disadvantage will benefit from the use of this services and facilities that enable social integration.

3.2 The appropriateness of the proposal against the objectives of the Planning and Environment Act 1987 and any other relevant provisions of the planning scheme

- Zoning of the land

Bayside City Council does not support the rezoning of the land to a Mixed Use Zone (MUZ).

The site at New Street, Brighton is within the General Residential Zone (GRZ1). The purpose of the General Residential Zone is to:

- Encourage development that respects neighbourhood character;
- Encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport; and
- Allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A maximum building height of 11 metres and three storeys applies to this zone and a planning permit is required for the construction of two or more dwellings on a lot.

In addition a Design and Development Overlay (DDO2) Building Height Control Inland Areas and the Special Building Overlay (SBO) apply to the site.

The purpose of the MUZ is to enable new housing and jobs growth in mixed use areas. The 'Principles in applying zones' contained within *Planning Practice Note 79* (PPN79), state that the MUZ should be applied in areas encouraging a range of residential, commercial, industrial and other uses, and areas to provide for housing at higher densities and built form that responds to the existing and preferred neighbourhood character. There is no strategy whether at local or state level that suggests that this location is an area where jobs growth is to be encouraged or which suggests that it is a mixed use area.

The Land Use section of the Requirements for Development of Schedule 3 to the Development Plan Overlay (DPO3) outlines the provision for small scale retail, commercial or community uses to meet the needs of the local community. It includes for instance the following:

To provide retail, commercial or community uses to meet an **identified** local need or stimulate local activity and participation.

However, no planning economic assessment has been provided in the supporting documents which **identifies**, let alone explores, the implications of the proliferation of services into an out of centre location in the Bayside context. Consequently, there is no strategic support for this element of the proposal.

The material accompanying the amendment provides no justification to rezone the land to the Mixed Use Zone. The application of the Residential Zones in Bayside are

supported by a robust Strategic Planning Framework. The *Bayside Retail Commercial and Employment Strategy, 2016* found that the retail and commercial mix in Bayside is currently meeting the demands of the municipality and the region and that additional floorspace to meet any future demand could be accommodated within the existing hierarchy of centres.

The SBO identifies land that is liable for flooding by overland flows from the urban drainage systems and ensures that future development does not cause any significant rise of flood level or flow velocity. Amendment C153 to the Bayside Planning Scheme seeks to update the SBO to reflect Melbourne Water most updated flood model. The revised SBO increases the extent of the site covered by the overlay. Therefore it is imperative that the design of the site includes integrated water management strategies and not exacerbate flooding issues to surrounding properties. The Development Plan Overlay Schedule should be amended to provide for this.

- Development Plan Overlay (DPO)

Bayside City Council supports the use of a DPO and an appropriate schedule as the most appropriate mechanism to provide clarity and certainty to the community and prospective development partners about the future use and design response for the site at New Street, Brighton.

However, Bayside City Council has significant concerns regarding the form of the proposed DPO 3 schedule and the scale of development and design response that is anticipated by the proposed planning controls established in the exhibited DPO.

In relation to the form of the exhibited DPO 3, Bayside City Council submits that the current form of the schedule is unlawful. We note the following inclusion:

“A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan.”

In purporting to enable a planning permit to be granted which is not in accordance with the approved Development Plan the DPO 3 schedule is inconsistent with the head clause which requires a permit to be generally in accordance with an approved development plan and therefore exceeds its authority. This is impermissible and results in an invalidity in the schedule or at least the invalidity of the offending text.

Furthermore certain of the language used in the exhibited DPO 3 lacks any common meaning and is not appropriate for a planning control. For example, references such as:

To balance issues of equity in the successful delivery of social and private housing that is ‘tenure blind’

is meaningless in a statutory planning context.

Bayside City Council also notes that the drafting of the DPO 3 schedule includes a Development Concept Plan (diagram) but the DPO 3 schedule does not make any reference to the Development Concept Plan. One would have thought that a development plan, for instance must be in accordance with the Development Concept Plan included within the schedule.

The exhibited DPO3 and supporting documents in its current form are cursory and unreasonably constrained by the design brief from DHHS and do not enable a proper assessment of the site context or the Design Principles developed to guide the redevelopment of the 9 sites within the PHRP, which include:

- To maximise the social, economic and environmental ‘return’ of public land assets and ensure the economic viability of the project.
- To deliver a sustainable and high quality development that contributes to the longevity of housing stock and reducing the cost of living.
- To create safe buildings and spaces throughout the site.
- To respond to the features of the site, such as context, aspect, topography, significant vegetation.
- To integrate with the surrounding area by responding to existing or preferred neighbourhood character, enhancing the public realm and existing networks and delivering ‘good neighbour’ outcomes.
- To balance issues of equity in the successful delivery of private and social housing that is ‘tenure blind’.
- To provide retail, commercial or community uses to meet an identified local need or stimulate local activity and participation.
- To prioritise pedestrian and bicycle access within the site.
- To establish legible access and address points for the site, buildings and spaces, including defining private, communal and public spaces.
- To foster social connections between residents and the wider community.
- To provide high levels of residential amenity and liveability.
- To provide landscaping and communal open space that is resilient and enhances the sense of place, sustainability and liveability of the site and local area.
- To deliver buildings and spaces that are accessible and practical for people of all abilities and readily adaptable to respond to the future needs of residents.

It is submitted that there is no material that explains the rationale for the proposed heights or the application of commonly applied urban design principles and rules of thumb in terms of site-lines diagrams to upper components of buildings. There has been no view shed analysis nor exploration of the impact on existing or preferred neighbourhood character of building mass and taller forms. Nor has there been a proper assessment that explores the broader implications of the removal of the existing DDO that applies to the land and broad areas beyond the land that has been in place for many years and which has been instrumental in protecting the character of Bayside.

It is suggested that the design framework and associated planning controls be redrafted to include a further level of detail that:

- Takes into account Bayside City Council adopted policies and strategies.

Provides built form envelopes with reduced heights that responds and contributes to the local context and existing and preferred neighbourhood character as identified in the Bayside Planning Scheme.

- Secures the retention of significant trees and define areas for deep soil planting to ensure tree replacement when necessary to remove.
- Identifies vehicle access points and introduces a network of pedestrian connections through the site.
- Mandates the provision of basement car parking to ensure high amenity within the site and interfaces along all streets.
- Secures the provision for community facilities and usable open space recreation areas for residents.
- Stipulates the number of social and affordable housing units to ensure a diverse range of housing types.
- Provides detailed analysis of how the proposed built form on the site at New Street, Brighton relates to the other side of the street and adjoining properties.
- Defines articulation zones through massing strategies to avoid interpretation through façade treatments that do not achieve the intended outcome.
- Defines how built form interfaces respond to open spaces and pedestrian connections.

The DPO3 schedule should require for instance that all open space and communal areas on the site should be publicly accessible with clear points of accessibility.

Parking Overlay

It is considered that the Traffic Engineer assessment was determined after car parking rates had been determined, retrospectively justifying parking rates. It is unclear how the original rates have been determined.

Responsible Authority

Council does not support the Minister for Planning as Responsible Authority in the Schedule to Clause 61.01. The change results in a lack of transparency in the application of the planning framework for the site and also results in a split of statutory responsibilities between two authorities with the Minister being responsible for administration of the scheme and Bayside City Council being responsible for the enforcement of the scheme. This is inefficient.

Value capture in response to the value uplift created through rezoning of the land

The proposed Planning Scheme Amendment will create value by facilitating greater densities and built form outcomes than what is currently permitted under the Bayside

Planning Scheme. The proposed DPO3 appears to capture all improvements in value for the State Office of Housing. However, there is no indication in the DPO3 schedule of what contribution this significant redevelopment will make in relation to the upgrading of infrastructure **external** to the site such as road and drainage infrastructure within the area. The DPO3 schedule should explicitly contemplate the need to undertake works external to the site to augment any infrastructure which requires augmentation.

Furthermore, there is no social impact assessment which identifies the likely population and the additional demand that will be created for social services leaving Bayside City Council blind as to the need to plan for the additional demand. The number of dwellings proposed is uncertain with a range of between 140 and 350 dwellings but no information is provided in relation to the likely composition of the residents.

3.3 Whether the Minister for Planning should Act as Responsible Authority for the development site(s) and if this would expedite the future planning approvals.

Bayside City Council is open to work with the Victorian Government to deliver a process and project that can be a demonstration of a collaborative approach and best practice design that provides much needed public housing and the best outcome for our community.

It is submitted that Bayside City Council should remain as the Responsible Authority for the site at New Street, Brighton. Established close connections with the community, understating of community aspirations reflected in the *Council Plan*, the *Community Plan*, *Bayside's Municipal Strategic Planning Framework*, *Bayside's Housing Strategy* and *Bayside's Retail Commercial and Employment Strategy* in relation to housing and neighbourhoods is likely to deliver social integration through an inclusive development that is sustainable and remains this way for future generations.

The proposed changes present potential damaging implications to the liveability of Bayside if the design response does not satisfactorily address the site and context.

Council can appreciate that DHHS is seeking to expedite the redevelopment of this site, however Council submits that a redevelopment of this scale and nature is a rare opportunity that if not well thought and considered could have detrimental implications not just for Bayside residents but potentially constrain the future viability of the Public Housing Renewal Program.

3.4 Whether the proposed changes to the planning scheme and/or planning permits should be approved, subject to any recommended changes.

The approval of Amendment C157 to the Bayside Planning Scheme in its current form is premature. Bayside City Council does not support the proposed planning scheme amendment in its current form.

Bayside City Council supports the renewal of the site at New Street, Brighton and a minimum increase of ten percent in public housing dwellings.

However, whilst we understand that the delivery of high quality and additional social housing is a high priority, we are concerned with the limited timeframes allocated for consulting with the local community and for the formulation of the proposed Planning Scheme Amendment. Bayside City Council received multiple complaints from residents, including public housing tenants in relation to the uncertainty provided by the proposed DPO. Meaningful engagement is essential to inform the design framework for the site and DPO.

The redevelopment of the New Street, Brighton site is a unique opportunity. It is considered that if the DPO3 schedule and the planning scheme provisions were revised to address the issues discussed above it will enable high quality outcomes by ensuring the design quality expectation is ready for inclusion in the procurement documentation required as part of the Public Private Partnership Process (PPP) intended for the site.

Bayside City Council submits that the Office of the Victorian Government Architect's Design Review Panel is involved throughout the next stages of this process to ensure that the design quality is maintained, delivered and retained following completion of the project.

Bayside City Council would like to be kept actively involved in the next stages of this process to support DHHS in the delivery of a high quality and sustainable outcome that enhances the liveability of Bayside residents.

4. Conclusions and Recommendations

Bayside City Council welcomes the opportunity to participate in the Social Housing Renewal Standing Advisory Committee process in relation to the planning proposal for New Street, Brighton.

Council is open to work with the Victorian Government to deliver a process and project that can be a demonstration of a collaborative approach and best practice design that provides much needed public housing and the best outcome for our community.

Based on the reasons outlined in this submission it is considered that the Planning Scheme Amendment documents presented for comment require substantial revision. Further work is required to demonstrate that the proposed changes are justified and to provide certainty to the community and Council in relation to the expected outcomes to be delivered on site.

The approval of Planning Scheme Amendment C157 to the Bayside Planning Scheme in its current form is premature. Bayside City Council does not support the proposed planning scheme amendment in its current form. It lacks any sound strategic basis for the changes that it is making.

Further consultation needs to be undertaken as this process progresses. It is important that any recommended changes that seek to facilitate the redevelopment of the site at New Street, Brighton are tested with Council, the community and other key stake holders to ensure that they respond to the State and Local Planning Policy Framework and address the needs and liveability expectations of Bayside residents.

Bayside City Council can appreciate that DHHS is seeking to expedite the redevelopment of the site at New Street, Brighton, however Council submits that a redevelopment of this scale and nature is a rare opportunity that if not well thought and considered could have detrimental implications not just for Bayside residents but potentially limit the future viability of the Public Housing Renewal Program.