

Terms of Reference

Social Housing Renewal Standing Advisory Committee

Version: March 2020

Standing Advisory Committee appointed pursuant to Part 7, Section 151 of the *Planning and Environment Act 1987* to report on the suitability of planning proposals to facilitate new social housing outcomes.

On 1 September 2019, the Premier issued a supplement to the general order, which expanded the legislative responsibilities of the Minister for Energy, Environment and Climate Change to include Parts 1A, 2, 3, 4, 6, 7, 8 and 9 of *Planning and Environment Act 1987* in so far as they relate to decisions relating to the activities or interests of the Director of Housing or the Minister for Housing (in so far as they relate to those matters, these provisions are jointly and severally administered with the Minister for Planning). As such, the Terms of Reference when referring to the Minister, reference the Minister for Energy, Environment and Climate Change.

Name

1. The Standing Advisory Committee is to be known as the 'Social Housing Renewal Standing Advisory Committee' (the Standing Advisory Committee).
2. The Standing Advisory Committee is to have members with the following skills:
 - a. Strategic and statutory land use planning;
 - b. Urban design;
 - c. Development economics; and
 - d. Transport planning.
3. The Standing Advisory Committee will include an appointed Chair and Deputy Chair.

Purpose

4. The purpose of the Standing Advisory Committee is to:
 - a. advise on the suitability of planning proposals endorsed by the Director of Housing that seek to increase the number of social housing dwellings; and
 - b. provide a timely, transparent and consultative process.

Definitions

5. Definitions of Affordable, Social, Public and Community Housing are provided in **Appendix B**.

Background

6. Rental affordability continues to decline in Victoria with one in ten renters paying more than 30 per cent of household income towards rent, a common indicator of rental stress. Declining housing affordability is also a factor for those experiencing homelessness, with a 19 per cent increase in demand for homelessness services since 2011.
7. Victoria has the lowest proportion of social housing dwellings per capita of all states in Australia and demand is increasing, particularly for people on statutory incomes.
8. Victoria's social housing stock currently faces several limitations:
 - a. The public housing portfolio is predominantly made up of three-bedroom dwellings which does not align with the majority of new applicants (80%) seeking a one or two-bedroom dwelling.
 - b. A significant proportion of the current public housing stock is of an era where it is not suitable for people with disabilities or who are ageing, who now comprise the majority of social housing demand.

- c. The age of the housing stock means that many homes are uncomfortable in very hot or cold weather, and it is expensive to heat and cool these homes.
 - d. More than 60 per cent of the public housing stock is over 30 years old which is resulting in growing maintenance and asset management obligations.
 - e. Estates built in the 1950's – 1970's are poorly designed, lack integration with the street and are out of character with their surrounds, making the estates clearly identifiable as public housing.
9. As part of *Homes for Victorians 2017*, the Department of Health and Human Services (DHHS) on behalf of the Director of Housing is seeking new approaches to redevelop sites where the existing homes are no longer fit for purpose. This requires a coordinated approach across various Government portfolios to get the best outcomes, to ensure that housing can be provided for the people that need it, in the locations they need it, at a price they can afford.
 10. The Director of Housing has substantial land and housing assets across the State that are suitable for varying scales of redevelopment.
 11. DHHS is proposing a range of planning responses to facilitate the increase of social housing stock in Victoria including planning scheme amendments on large strategically located sites suitable for greater density and diversity, and planning permits for developments permissible under the current planning controls.
 12. DHHS is pursuing different delivery models across Victoria, including sites developed solely for public housing, and the creation of mixed tenure communities.

Method

General

13. A proposal may be in the form of a planning scheme amendment, a planning permit application or any other referred planning proposal.
14. The Minister (or delegate) may refer proposals to the Standing Advisory Committee. The proposals may be referred individually or in groups.
15. The Minister (or delegate) may provide the Standing Advisory Committee with a letter of expectations that outlines:
 - a. any requirements for consultation;
 - b. the method for dealing with matters;
 - c. the specific outputs expected from the Standing Advisory Committee;
 - d. if any of the requirements outlined in this Terms of Reference are not applicable to the proposal being referred;
 - e. instructions or additional matters to be consider (as relevant).
16. The Standing Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two members, including at least the Chair or Deputy Chair.
17. The Standing Advisory Committee may apply to vary these Terms of Reference or inform itself in any way it sees fit.

Planning Scheme Amendments

18. A proposal that is in the form of a planning scheme amendment (s96a of the *Planning and Environment Act 1987*) may also include a combined planning permit.
19. Prior to making a referral, the Minister (or delegate) must be satisfied that any future planning provisions for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on *The Form and Content of Planning Schemes*.
20. The Standing Advisory Committee will pre-set the public hearing dates prior to the notice period commencing.
21. The Department of Environment, Land, Water and Planning (DELWP) will seek written submissions during a 30-business day (6 week) notice period.

22. DELWP, in consultation with the relevant Council, will provide direct notice (by letter) to:
 - a. the relevant Council;
 - b. relevant Government agencies or servicing authorities; and
 - c. neighbouring properties.
23. DELWP will place a notice in a local newspaper (where available) in the first two-weeks of the notice period.
24. DHHS will provide direct notice to any public housing tenants that are affected by the proposal.
25. Information about relevant proposals will be provided on the Engage Victoria website including details on how to make a submission.
26. All submissions are to be collected by the office of Planning Panels Victoria (PPV) in accordance with the *'Guide to Privacy at PPV'*.
27. Electronic copies of submissions will be provided to each relevant Council, DHHS, DELWP and the proponent (where relevant). Electronic copies of the submissions will be provided to other submitters on request.
28. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the first page of the submission will receive correspondence in relation to Standing Advisory Committee matters.

Planning Permit Applications

29. Where a planning permit application for social housing has been made with the relevant responsible authority, the Minister may call-in the application under section 97B(1) of the *Planning and Environment Act 1987*, or schedule 1, clause 8 of the *Victorian Civil and Administrative Tribunal Act 1998*.
30. If DHHS is not the permit applicant, the Minister will seek endorsement from the Director of Housing before deciding to call-in a permit application.
31. Permit applications that have been called-in will be administered by DELWP.
32. If public notice of the permit application and referral to referral authorities has not been undertaken prior to the call-in, DELWP will undertake the required notice and referral in consultation with the relevant Council.
33. The application and any objections or referral comments received will be referred to the Standing Advisory Committee.
34. The Standing Advisory Committee will write to all parties who made submissions inviting them to present at the public hearing.
35. The Standing Advisory Committee is not expected to carry out additional public notification or referral.

Other types of referred matters

36. The Minister may refer other matters (i.e. consideration of a Development Plan) to the Standing Advisory Committee for advice.
37. The method for assessment will be outlined in the letter of expectations.

Public hearing

38. The Standing Advisory Committee is expected to carry out a directions hearing ahead of any public hearing.
39. The Standing Advisory Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.
40. Prior to the directions hearing, DHHS will endeavour to establish a 'statement of agreed facts' with the relevant Council.
41. The Standing Advisory Committee will provide any party that has made a written submission with the opportunity to be heard.

42. The Standing Advisory Committee may limit the time allocated to parties appearing before it.
43. The Standing Advisory Committee may prohibit or regulate cross-examination.

Submissions are public documents

44. The Standing Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
45. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.

Matters to be considered

46. The Standing Advisory Committee must consider (as applicable):
 - a. All relevant submissions.
 - b. The appropriateness of the proposal in light of key strategies including *Home for Victorians 2017* and *Plan Melbourne 2017*.
 - c. The appropriateness of the proposal against the objectives of the *Planning and Environment Act 1987* and the provisions of the relevant planning scheme.
 - d. Whether the Minister should act as responsible authority for the proposal and if this would expedite future planning approvals.
 - e. Whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on *The Form and Content of Planning Schemes*.
 - f. Whether the proposal should be approved, subject to any recommended changes.
47. It is not the role of the Standing Advisory Committee to make recommendations relating to:
 - a. Matters not covered by the *Planning and Environment Act 1987*.
 - b. Matters covered by the *Housing Act 1983*.
 - c. The amount, or percentage of social housing to be provided.
 - d. The feasibility and delivery model.
 - e. The tenant relocation process.
 - f. The appropriateness of community housing providers to manage social housing.

Outcomes

48. The Standing Advisory Committee must produce a brief written report for each proposal referred to it for the Minister providing:
 - a. Consideration of the matters as outlined in these Terms of Reference.
 - b. An assessment of the relevant planning matters raised in the course of the hearing process.
 - c. Planning scheme ordinance that reflect the recommendations (if applicable).
 - d. A draft planning permit that reflect the recommendations including relevant conditions from referral authorities (if applicable).
 - e. A list of persons who made submissions to the Standing Advisory Committee.
 - f. A list of persons consulted or heard.

Timing

Planning scheme amendments

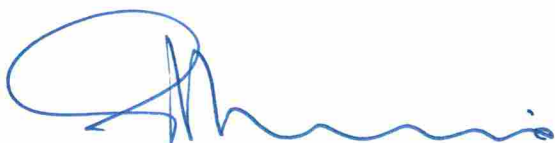
49. The Standing Advisory Committee is required to hold a directions hearing no later than 20 business days from close of the notice period.
50. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings.

Planning permits and other matters

51. The Standing Advisory Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the completion of its hearings.
52. If no public hearing is required to be held, the timeframe will be outlined in the letter of expectations.

Fee

53. The fee for the Standing Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
54. The costs of the Standing Advisory Committee will be met by the DHHS or the applicable proponent.



Hon. Lily D'Ambrosio
Minister for Energy, Environment and Climate Change

Date: 24/3/20