



Fitzroy Town Hall, Level 4
Access via courtyard at 126 Moor Street, Fitzroy

All mail to be delivered to:
PO Box 297
FITZROY. VIC. 3065
(DX no. 96611)

Phone: (03) 9419 3744
Fax: (03) 9416 1124
Email: enquiries@fitzroy-legal.org.au

A Community Legal Centre

30 August 2017

Social Housing Renewal Standing Advisory Committee
Planning Panels Victoria
Department of Environment, Land, Water and Planning

By email: planning.panels@delwp.vic.gov.au

Dear Standing Advisory Committee,

***Gronn Place Estate, Brunswick West
Bellbardia and Tarakan Estates, Heidelberg West
Walker Street Estate, Northcote***

We welcome the Committee's request for written submissions in relation to the above-named sites.

Fitzroy Legal Service is consulting with communities affected by the proposed changes. We make this preliminary submission and request to be heard by the Committee at the proposed public hearing.

We are guided by the Committee's terms of reference:

38. The Standing Advisory Committee must consider:

- a. All relevant submissions.
- b. The appropriateness of the proposal in light of key strategies including *Home for Victorians* and *Plan Melbourne 2017*.
- c. The appropriateness of the proposal against the objectives of the *Planning and Environment Act 1987* and any other relevant provisions of the planning schemes.
- d. Whether the Minister for Planning should act as Responsible Authority for the development site(s) and if this would expedite future planning approvals.
- e. Whether the proposed changes to the planning scheme and/or planning permits should be approved, subject to any recommended changes.

39. It is not the role of the Standing Advisory Committee to review or consider:

- a. the increasing demand for one and two bedroom social housing dwellings;
- b. the suitability of joint venture partnerships as a delivery model;
- c. leveraging under-utilised public land to deliver an increase in social housing;

- d. the dwelling yields needed to achieve an increase of at least 10 per cent in social housing;
- e. the appropriateness of community housing providers to administer the provision of social housing.

While noting that the exclusions in paragraph 39 are regrettable, we refer to the objectives of planning in Victoria, set out in s 4(1) of the *Planning and Environment Act 1987*:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) to balance the present and future interests of all Victorians.

We query the ability of the Committee to consider the appropriateness of the proposals by reference to the above objectives without addressing some of the excluded matters.

In considering whether the proposals pursue the objective of balancing the present and future interests of all Victorians (s 4(1)(g) *Planning and Environment Act 1987*), regard must necessarily be had to the suitability of joint venture partnerships as a delivery model. Selling off public housing land to private developers in a 'joint venture partnership' will be a near irreversible decision that drastically risks the future interests of all Victorians.

The Committee is precluded from reviewing or considering the increasing demand for one and two bedroom social housing dwellings. That said, it is open to the Committee to consider the fact that increasing demand for one and two bedroom dwellings does not imply any reduction in demand for larger dwellings. In that respect, we voice our concern that families who are currently public housing tenants will not be catered for. The proposed focus on building apartments with fewer bedrooms leaves these families in a precarious position.

We again note the Committee's exclusion from considering the appropriateness of community housing providers to administer the provision of social housing. This does not preclude consideration of how legislative protections that apply to public housing may be extended to community housing.

Additionally, we note that the Committee must consider the appropriateness of the proposals in light of key strategies including *Homes for Victorians*, which outlines the role community housing providers in items 4.3 and 4.4. That strategy notes that in transferring management of 4,000 dwellings from the Director of Housing to community housing providers, "tenants' rights to their home will not be affected" (at [4.4], 35). This assertion is not supported by the current legislative

arrangements. Submissions as to how tenants' rights to their homes can be protected in any transfer from public to community housing is therefore directly relevant to the Committee's mandate.

It is of paramount importance that tenants maintain the same rights if their homes transition from public management to community housing provider management.

A tenant's 'right to their home' encompasses many things, from security of tenure, to protection from unlawful eviction decisions by the Director of Housing.

Public housing is managed by public officers who have duties to afford procedural fairness in decision-making, make decisions according to law, and abide by the *Charter of Human Rights and Responsibilities*. This provides some slim protection for public housing tenants. The extent to which these tenants' rights will be protected if the proposals succeed is in doubt.

Fitzroy Legal Service is supportive of the great work that some community housing organisations do, but legal protections for tenants are paramount.

The rollout of the proposed changes has been rapid. The pace of change is of concern to some communities affected by the planning proposals. These communities have significant vulnerabilities and need time to consider their position. Fitzroy Legal Service is committed to assisting communities to engage in that process. We are continuing consultation and expect to have further submissions in the coming months.

In that respect, we wish to be heard at the public hearing commencing in early October.

Please do not hesitate to contact me with any questions regarding our submission.

Yours sincerely,

Meghan Fitzgerald
Manager of Social Action, Policy and Law Reform
Fitzroy Legal Service